

Licensing Sub-Committee

Thursday 27 May 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 Jane Salmon
Councillor Ian Wingfield

Reserves

Councillor Sunil Chopra

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.

Babysitting/Carers allowances

If you are a resident of the borough and have paid someone to look after your children, an elderly dependant or a dependant with disabilities so that you could attend this meeting, you may claim an allowance from the council. Please collect a claim form at the meeting.

Access

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Contact

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

Members of the committee are summoned to attend this meeting

Eleanor Kelly
Chief Executive
Date: 19 May 2021



Licensing Sub-Committee

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Order of Business

| Item No. | Title | Page No. |
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| | 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: VICTORY SPORTS BAR, 1ST FLOOR, 516 OLD KENT ROAD, LONDON SE1 5BA | 1 - 142 |
| 6. | LICENSING ACT 2003: GALA FESTIVAL, PECKHAM RYE PARK, PECKHAM RYE, LONDON SE15 3JA | 143 - 229 |

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: 19 May 2021

| | | | |
|-------------------------------------|--------------------------------|--|---|
| Item No. 5. | Classification: Open | Date: 27 May 2021 | Meeting Name: Licensing Sub-Committee |
| Report Title | | Licensing Act 2003: Victory Sports Bar, 1st Floor, 516 Old Kent Road, London SE1 5BA | |
| Ward(s) of group(s) affected | | Old Kent Road | |
| From | | Strategic Director of Environment and Leisure | |

RECOMMENDATION

1. That the licensing sub-committee considers whether an application made by N1 Bar Limited for a premises licence be granted under the Licensing Act 2003 in respect of the premises known as Victory Sports Bar, 1st Floor, 516 Old Kent Road, London SE1 5BA.
2. Notes:
 - a) This application is submitted under Section 17 of the Licensing Act 2003. The application is subject to representations submitted by responsible authorities and 'other persons' and is therefore referred to the licensing sub-committee for determination.
 - b) Paragraphs 8 to 12 of this report provide a summary of the application. Copies of the full application, and the application plan, are attached as Appendix A.
 - c) Paragraphs 13 to 26 of this report deal with the representations submitted in respect of the application. Copies of the representations submitted by responsible authorities are attached to this report as Appendix B. Copies of the representations submitted by 'other persons', are attached to this report as appendix C. A map showing the location of the premises 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 premises licence application process involves the provision of all relevant information required under the Act to the licensing authority with copies provided by the applicant to the relevant responsible bodies under the Act. The application must also be advertised at the premises and in the local press. The responsible authorities and other persons within the local community may make representations on any part of the application where relevant to the four licensing objectives.

KEY ISSUES FOR CONSIDERATION

The premises licence application

8. On 4 March 2021 N1 Bar Limited applied to this council for the grant of a premises licence in respect of Victory Sports Bar, 1st Floor, 516 Old Kent Road, London, SE1 5BA.
9. The application is summarised as follows:
 - The provision of indoor sports, live music, recorded music, performance of dance, anything similar to live music, recorded music or performances of dance:
 - Sunday to Wednesday: 12:00 to 03:00
 - Thursday to Saturday: 12:00 to 05:00

- The sale of alcohol for consumption on the premises
 - Sunday to Wednesday: 12:00 to 03:00
 - Thursday to Saturday: 12:00 to 05:00
 - The provision of late night refreshment
 - Sunday to Wednesday: 23:00 to 03:00
 - Thursday to Saturday: 23:00 to 05:00
 - Proposed opening hours of the premises
 - Sunday to Wednesday: 12:00 to 03:30
 - Thursday to Saturday: 12:00 to 05:30.
10. The premises and the intended style of operation of the premises are described in the application as follows:

“Sports Bar located on the first floor of commercial premises on Old Kent Road above a nightclub with entrance and external area at ground level. The premises will provide regulated entertainment, late night refreshment and sale of alcohol.”

11. The premises licence application form includes an ‘operating schedule’. Parts C, E, F, G, H, I, J, K, L and M of the operating schedule set out the proposed licensable activities, operating hours and operational control measures in full with reference to the four licensing objectives. Should a premises licence be issued in respect of the application then the information provided in part M of the operating schedule will form the basis of conditions that will be attached to any licence granted subsequent to the application. Copies of the application and application plan are attached to this report as Appendix A.

Designated premises supervisor

12. The proposed designated premises supervisor (DPS) is Mr Orlando Victoria Ortiz.

Representations from responsible authorities

13. This council’s environmental protection team, the Metropolitan Police Service and this council’s licensing responsible authority submitted representations objecting to the application.
14. The environmental protection team note that according to this council’s statement of licensing policy the premises are located in a residential area. They also note that the closing time recommended for licensed premises in residential areas is 23:00 hours daily and also that night clubs are not deemed suitable to be located in residential areas.
15. The environmental protection team states that the premises have a prior history of complaints relating to noise nuisance, anti-social behavior and

crime and disorder. The environmental protection team notes that there is a residential block directly opposite the premises and further note that it is likely that more residential dwellings will be built in the vicinity of the premises.

16. The environmental protection team contend that should similar problems arise as those described above, subsequent to a new premises licence being granted in respect of the premises, it will be difficult for the premises' management to directly alleviate such problems and that these problems will have a significant negative impact on the local community at the hours proposed.
17. The Metropolitan Police Service note that the previous premises licence held in respect of the premises was revoked due to a serious violent incident at the premises, in addition to a history of violence and public nuisance associated with the premises. The Metropolitan Police Service further note that the applicant regarding this application, N1 Bar Limited, also holds a premises licence in respect of a premises known as No. 1 Bar, 1 Duke Street Hill, SE1 2SW (which is located in this borough).
18. The Metropolitan Police Service contend that No. 1 Bar is also described as a sports bar, but is in fact operated as a night club. The Metropolitan Police Service state that No. 1 Bar is associated with excessive alcohol consumption by its customers and with frequent serious violence. The Metropolitan Police Service notes that according to this council's statement of licensing policy the premises relating to this application are located in a residential area, that the closing times recommended for licensed premises in residential areas are 23:00 hours daily, and also that night clubs are not deemed suitable to be located in residential areas.
19. The licensing responsible authority notes that according to this council's statement of licensing policy the premises are located in a residential area, that the closing time recommended for licensed premises in residential areas is 23:00 hours daily, and also that night clubs are not deemed suitable to be located in residential areas.
20. The licensing responsible authority further notes that previous licensed operation of the premises impacted negatively on the prevention of crime and disorder and the prevention of public nuisance licensing objectives and that the previous premises licence held in respect of the premises was subsequently revoked at a licensing sub-committee premises licence review hearing.
21. The licensing responsible authority recommends that the closing times of the premises be amended to 23:00 hours daily, that an accommodation limit (i.e. the maximum number of customers to be permitted on the premises at any one time) is provided and that a dispersal policy is provided.
22. Copies of the representation submitted by responsible authorities are attached as Appendix B.

Representations from other persons

23. Seventeen representations objecting to the application were submitted on behalf of 18 'other persons'. The other persons all being local residents residing in the same residential block across the road from and directly opposite the premises. The other persons are referred to as parties 1 to 18.
24. The representations submitted by the other persons are concerned with a number of issues. They advise that the previous operation of the premises led to significant noise nuisance, anti-social behavior and crime and disorder in the locale, leading to severe distress for local residents. They advise that these problems were occurring for up to twelve years, that severe intoxication of customers at the premises had caused customers to be put in danger when trying to navigate the Old Kent Road and that these problems will be repeated if this application is granted.
25. The other persons also note that the applicant regarding this application (N1 Bar Limited) also holds a premises licence in respect of a premises known as No. 1 Bar, 1 Duke Street Hill, SE1 2SW (which is located in this borough) and that No. 1 Bar has been associated with similar problems as those caused by the previous operation of the premises to which this application relates. The other persons recommend that the application be refused.
26. **NB** – Party 8 has provided their name and address, but the representation that they submitted had party 4's name provided at the bottom of the representation. Please note that party 16's representation includes a licensing sub-committee hearing report pertaining to the Ground Floor, 516 Old Kent Road, which has been operated as a separate premises since 2008.
27. Copies of the representations submitted by the other persons are attached as Appendix C.

Conciliation

28. The applicant was sent copies of all the representations. The applicant was advised to contact the responsible authorities directly. The applicant was also advised that they could respond, via the Licensing Unit, to the representations submitted by the other persons.
29. At the time of the writing of this report all of the representations submitted remain outstanding and so must be considered by the licensing sub-committee. At the hearing to determine this application the licensing sub-committee will be apprised as to any conciliation, partial or full, of any of the responsible authorities or other persons.

Premises history

30. Prior to 2005 a Justice's licence, issued under the Licensing Act 1964, was held in respect of the premises. There are no council records available to show when the Justice's licence was originally issued, but it is known anecdotally that the premises have been licensed for the sale of alcohol and

the provision of entertainment for at least 30 years. The Justice's licence applied to both the ground floor and the first floor of the premises.

31. In 2005 the Justice's on licence was converted to a premises licence under the Licensing Act 2003. The premises licence was subsequently held by different parties until 2008 when a new premises licence application was submitted in respect of the first floor of the premises to have the effect of splitting the premises into two distinct licensed premises, one on the ground floor and one on the first floor, each operating under a separate premises licence.
32. The premises licence in respect of the first floor was surrendered and a new premises licence was applied for, and subsequently issued, in respect of the first floor of the premises, to The K-Che Club Limited on 17 February 2016.
33. Since 2016 the premises were operated as a nightclub known as 'K-CHE VIP Latin Club'. The last premises licence held in respect of the premises allowed for the following licensable activities:
 - The provision of live music and recorded music:
 - Sunday to Tuesday: 11:00 to 01:30
 - Wednesday to Thursday: 11:00 to 02:30
 - Friday and Saturday: 11:00 to 04:30
 - The sale of alcohol for consumption on the premises:
 - Sunday to Tuesday: 11:00 to 01:30
 - Wednesday to Thursday: 11:00 to 02:30
 - Friday and Saturday: 11:00 to 04:30
 - The provision of late night refreshment:
 - Sunday to Tuesday: 23:00 to 01:30
 - Wednesday to Thursday: 23:00 to 02:30
 - Friday and Saturday: 23:00 to 04:30
 - Opening hours of the premises
 - Sunday to Tuesday: 11:00 to 02:00
 - Wednesday to Thursday: 11:00 to 03:00
 - Friday and Saturday: 11:00 to 05:00.
34. On 3 December 2019 the Metropolitan Police Service applied to this licensing authority for the summary review of the premises licence issued in respect of the premises. In the review application the Metropolitan Police Service suggested that, as an interim step prior to the full review hearing to take place on 2 January 2020, the premises licence issued in respect of the premises should be suspended until the full review hearing of 2 January 2020.

35. An expedited licensing sub-committee hearing was held on 5 December 2019 to decide whether to implement the interim step suggested by the Metropolitan Police Service in their summary review application of 3 December 2019. The licensing sub-committee did not suspend the licence as was suggested by the Metropolitan Police Service, but determined that it was necessary to modify the premises licence to include additional conditions until the full review hearing was held on 2 January 2020.
36. At the full review hearing of 2 January 2020 the licensing sub-committee permanently imposed, on the premises licence issued in respect of the licence, the conditions that had been added to the same licence as an interim step on 5 December 2020. A copy of the notice of decision pertaining to the hearing of 2 January 2020 is attached in Appendix D.
37. On 3 March 2020 the Metropolitan Police Service applied to this licensing authority for the summary review of the premises licence issued in respect of the premises. In the review application the Metropolitan Police Service recommended that, as an interim step, the premises licence issued in respect of the premises should be suspended until the full review hearing scheduled to take place on 26 March 2020 was held.
38. An expedited licensing sub-committee hearing was held on 5 March 2020 to decide whether to implement the interim step suggested by the Metropolitan Police Service in their summary review application of 3 March 2020. The licensing sub-committee agreed that it was appropriate and proportionate to suspend the premises licence issued in respect of the premises with immediate effect until the full review hearing due to take place on 26 March 2020 was held.
39. Due to the restrictions put in place by the Government in respect of the Coronavirus outbreak it was not possible to proceed with the hearing scheduled to take place on 26 March 2020. With the agreement of the Metropolitan Police Service and the licensee the hearing that was postponed until 30 April 2020.
40. Because it was not possible for the review application (as per paragraph 32 above) to be determined within the mandated 28 days (pursuant to section 53 (A) (2) (b) of the Licensing Act 2003) the review application became invalidated. As a result, the Metropolitan Police submitted a further summary review application on 15 April 2020. In the review application the Metropolitan Police Service recommended that, as an interim step, the premises licence issued in respect of the premises should be suspended until the full review hearing scheduled to take place on 12 May 2020 is held.
41. An expedited licensing sub-committee hearing was held on 16 April 2020 to decide whether to implement the interim step suggested by the Metropolitan Police Service in their summary review application of 15 April 2020. The licensing sub-committee agreed that it was appropriate and proportionate to suspend the premises licence issued in respect of the premises with immediate effect until the full review hearing is held on 12 May 2020.

42. At the full review hearing of 12 May 2020 the licensing sub-committee permanently revoked the premises licence issued in respect of the premises. A copy of the notice of decision pertaining to the hearing of 12 May 2020 is attached in Appendix D.
43. On 4 March 2021 N1 Bar Limited applied to this council for the grant of a new premises licence in respect of Victory Sports Bar, 1st Floor, 516 Old Kent Road, London SE1 5BA.
44. **NB** – there is no suggestion that the previous licence holders, The K-Che Club Limited, have any connection to the applicants regarding this application (N1 Bar Limited). The above operating history is to provide context as to issues that have arisen when the premises have been operated as a late night venue in recent years.

Deregulation of entertainment

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

Business and Planning Act

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

Map

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

Club 701, Basement and Ground Floors, 516 Old Kent Road, London, SE1 5BA licensed for:

- The provision of plays, films, live music, recorded music, performances of dance, anything similar to live music, recorded music and performances of dance, and the sale of alcohol to be consumed on the premises:
 - Wednesday: 22:00 to 02:00
 - Thursday to Saturday: 22:00 to 04:00
 - Sunday: 22:00 to 01:00
- The provision of late night refreshment:
 - Wednesday: 23:00 to 02:00
 - Thursday to Saturday: 23:00 to 04:00
 - Sunday: 23:00 to 01:00.

McDonald's Restaurants, 518 Old Kent Road, London, SE1 5BA licensed for:

- The provision of late night refreshment:
 - Monday to Sunday: 23:00 to 05:00.

Southwark council statement of licensing policy

44. 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.
45. 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.
45. The statement of licensing policy states that the premises are located in a residential area. Below are closing times for various types of premises in residential areas in Southwark as suggested in the statement of licensing policy:
- Restaurants, cafes and takeaway establishments:
 - Monday to Sunday: 23:00
 - Public houses, wine bars or other drinking establishments:
 - Monday to Sunday: 23:00
 - Event premises/spaces where sale of alcohol is included in, and ancillary to, range of activities including meals:
 - Monday to Sunday: 23:00
 - Night clubs:
 - Not considered suitable for residential areas

Resource implications

46. A fee of £315.00 has been paid by the applicant in respect of this application, that fee being the statutory fee payable for premises within non-domestic rateable value band 'C'.

Consultation

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

Community impact statement

47. 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

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

Principles for making the determination

50. The sub-committee is asked to determine the application for a premises licence under section 17 of the Licensing Act 2003.
51. The principles which sub-committee members must apply are set out below.
52. The general principle is that applications for premises licence applications must be granted unless relevant representations are received. This is subject to the proviso that the applicant has complied with regulations in advertising and submitting the application.
53. Relevant representations are those which:
- Are about the likely effect of the granting of the application on the promotion of the licensing objectives
 - Are made by an interested party or responsible authority
 - Have not been withdrawn
 - Are not, in the opinion of the relevant licensing authority, frivolous or vexatious.

54. If relevant representations are received then the sub-committee must have regard to them, in determining whether it is necessary for the promotion of the licensing objectives to:
- To grant the licence subject to:
 - The conditions mentioned in section 18 (2)(a) modified to such extent as the licensing authority considers necessary for the promotion of the licensing objectives
 - Any condition which must under section 19, 20 or 21 be included in the licence.
 - To exclude from the scope of the licence any of the licensable activities to which the application relates.
 - To refuse to specify a person in the licence as the premises supervisor.
 - To reject the application.

Conditions

55. The sub-committee's discretion is thus limited. It can only modify the conditions put forward by the applicant, or refuse the application, if it is necessary to do so. Conditions must be necessary and proportionate for the promotion of one of the four licensing objectives, and not for any other reason. Conditions must also be within the control of the licensee, and should be worded in a way which is clear, certain, consistent and enforceable.
56. The four licensing objectives are:
- The prevention of crime and disorder
 - Public safety
 - The prevention of nuisance
 - The protection of children from harm.
57. Members should note that each objective is of equal importance. There are no other licensing objectives, and the four objectives are paramount considerations at all times.
58. Conditions will not be necessary if they duplicate a statutory position. Conditions relating to night café and take away aspect of the license must relate to the night time operation of the premises and must not be used to impose conditions which could not be imposed on day time operators.
59. Members are also referred to the Home Office Revised Guidance issued under section 182 of the Licensing Act 2003 on conditions, specifically section 10.

Reasons

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

Hearing procedures

61. 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.

62. 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

63. 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.

64. 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.
65. 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.
66. 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.
67. 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.
68. The sub-committee can only consider matters within the application that have been raised through representations from other persons and responsible authorities. Interested parties must live in the vicinity of the premises. This will be decided on a case to case basis.
69. 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.

70. 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

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

Strategic Director of Finance and Governance

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

BACKGROUND DOCUMENTS

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

APPENDICES

| Name | Title |
|------------|--|
| Appendix A | Copies of the application and application plan |
| Appendix B | Copies of the representations submitted by responsible authorities |
| Appendix C | Copies of the representations submitted by 'other persons' |
| Appendix D | Copies of Notices Of Decision relating to licensing sub-committee hearings of 2 January 2020 & 12 May 2020 |
| Appendix E | Map showing the location of the premises |

AUDIT TRAIL

| | | |
|---|---|--------------------------|
| Lead Officer | Caroline Bruce, Strategic Director of Environment and Leisure | |
| Report Author | Wesley McArthur, Principal Licensing Officer | |
| Version | Final | |
| Dated | 17 May 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 | | 17 May 2021 |

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We N1BAR LTD

(Insert name(s) of applicant)

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

Part 1 – Premises details

| | | | |
|--|--------|-----------------|----------------|
| Postal address of premises or, if none, ordnance survey map reference or description Victory Sports Bar 1st Floor 516 Old Kent Road | | | |
| Post town | London | Postcode | SE1 5BA |
| Telephone number at premises (if any) | | | |
| Non-domestic rateable value of premises | | £37000 | |

Part 2 - Applicant details

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

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

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

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

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 statutory function or
 a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

SECOND INDIVIDUAL APPLICANT (if applicable)

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

(B) OTHER APPLICANTS

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

| |
|--|
| Name N1BAR LTD |
| Address 1 DUKE STREET HILL LONDON SE1 2SW |
| Registered number (where applicable) 09193175 |
| Description of applicant (for example, partnership, company, unincorporated association etc.) LIMITED COMPANY |

| |
|---------------------------|
| Telephone number (if any) |
| E-mail address (optional) |

Part 3 Operating Schedule

When do you want the premises licence to start?

| | | |
|-----|-----|---------|
| DD | MM | YYYY |
| 0 9 | 0 4 | 2 0 2 1 |

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

| | | |
|----|----|------|
| DD | MM | YYYY |
| | | |

Please give a general description of the premises (please read guidance note 1)
Sports Bar located on the first floor of commercial premises on Old Kent Road above a nightclub with entrance and external area at ground level. The premises will provide regulated entertainment late night refreshment and sale of alcohol.

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

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

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

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

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

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



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



In all cases complete boxes K, L and M

C

| Indoor sporting events Standard days and timings (please read guidance note 7) | | | <u>Please give further details</u> (please read guidance note 4) Possible pool tournaments or table tennis matches or similar |
|--|-------|--------|---|
| Day | Start | Finish | |
| Mon | 12.00 | 03.00 | |
| | | | |
| Tue | 12.00 | 03.00 | <u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5) |
| | | | |
| Wed | 12.00 | 03.00 | |
| | | | |
| Thur | 12.00 | 05.00 | <u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6) |
| | | | |
| Fri | 12.00 | 05.00 | |
| | | | |
| Sat | 12.00 | 05.00 | |
| | | | |
| Sun | 12.00 | 03.00 | |
| | | | |

E

| Live music Standard days and timings (please read guidance note 7) | | | <u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 3) | Indoors | <input checked="" type="checkbox"/> |
|--|-------|--------|--|----------|-------------------------------------|
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | | | |
| Mon | 12.00 | 03.00 | <u>Please give further details here</u> (please read guidance note 4) occasional live music by bands or solo acts | | |
| | | | | | |
| Tue | 12.00 | 03.00 | | | |
| | | | | | |
| Wed | 12.00 | 03.00 | <u>State any seasonal variations for the performance of live music</u> (please read guidance note 5) | | |
| | | | | | |
| Thur | 12.00 | 05.00 | | | |
| | | | | | |
| Fri | 12.00 | 05.00 | <u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 6) | | |
| | | | | | |
| Sat | 12.00 | 05.00 | | | |
| | | | | | |
| Sun | 12.00 | 03.00 | | | |
| | | | | | |
| | | | | | |

F

| Recorded music Standard days and timings (please read guidance note 7) | | | <u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 3) | Indoors | <input checked="" type="checkbox"/> |
|--|-------|--------|--|----------|-------------------------------------|
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | | | |
| Mon | 12.00 | 03.00 | <u>Please give further details here</u> (please read guidance note 4) recorded music both background and by way of dj | | |
| | | | | | |
| Tue | 12.00 | 03.00 | | | |
| | | | | | |
| Wed | 12.00 | 03.00 | <u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5) | | |
| | | | | | |
| Thur | 12.00 | 05.00 | | | |
| | | | | | |
| Fri | 12.00 | 05.00 | <u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 6) | | |
| | | | | | |
| Sat | 12.00 | 05.00 | | | |
| | | | | | |
| Sun | 12.00 | 03.00 | | | |
| | | | | | |
| | | | | | |

G

| Performances of dance Standard days and timings (please read guidance note 7) | | | <u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3) | Indoors | <input checked="" type="checkbox"/> |
|--|-------|--------|--|--|-------------------------------------|
| | | | | Outdoors | <input type="checkbox"/> |
| Day | Start | Finish | | Both | <input type="checkbox"/> |
| Mon | 12.00 | 03.00 | | <u>Please give further details here</u> (please read guidance note 4) possible dancing during performance of live music | |
| | | | | | |
| Tue | 12.00 | 03.00 | | | |
| | | | | | |
| Wed | 12.00 | 03.00 | <u>State any seasonal variations for the performance of dance</u> (please read guidance note 5) | | |
| | | | | | |
| Thur | 12.00 | 05.00 | | | |
| | | | | | |
| Fri | 12.00 | 05.00 | <u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 6) | | |
| | | | | | |
| Sat | 12.00 | 05.00 | | | |
| | | | | | |
| Sun | 12.00 | 03.00 | | | |
| | | | | | |

H

| | | | | | |
|--|-------|--------|--|----------|-------------------------------------|
| Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7) | | | Please give a description of the type of entertainment you will be providing possible other entertainment such as spoken word | | |
| Day | Start | Finish | <u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3) | Indoors | <input checked="" type="checkbox"/> |
| Mon | 12.00 | 03.00 | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Tue | 12.00 | 03.00 | <u>Please give further details here</u> (please read guidance note 4) | | |
| | | | | | |
| Wed | 12.00 | 03.00 | | | |
| Thur | 12.00 | 05.00 | <u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5) | | |
| | | | | | |
| Fri | 12.00 | 05.00 | | | |
| Sat | 12.00 | 05.00 | <u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6) | | |
| | | | | | |
| Sun | 12.00 | 03.00 | | | |

I

| Late night refreshment Standard days and timings (please read guidance note 7) | | | Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3) | Indoors | <input checked="" type="checkbox"/> |
|---|-------|--------|---|----------|-------------------------------------|
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | | | |
| Mon | 23.00 | 03.00 | <u>Please give further details here</u> (please read guidance note 4) hot food and drink available in the premises for consumption on site | | |
| | | | | | |
| Tue | 23.00 | 03.00 | | | |
| | | | | | |
| Wed | 23.00 | 03.00 | <u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5) | | |
| | | | | | |
| Thur | 23.00 | 05.00 | | | |
| | | | | | |
| Fri | 23.00 | 05.00 | <u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6) | | |
| | | | | | |
| Sat | 23.00 | 05.00 | | | |
| | | | | | |
| Sun | 23.00 | 03.00 | | | |
| | | | | | |

J

| | | | | | |
|---|-------|--------|--|------------------|-------------------------------------|
| Supply of alcohol Standard days and timings (please read guidance note 7) | | | Will the supply of alcohol be for consumption – please tick (please read guidance note 8) | On the premises | <input checked="" type="checkbox"/> |
| | | | | Off the premises | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | State any seasonal variations for the supply of alcohol (please read guidance note 5) | | |
| Mon | 12.00 | 03.00 | | | |
| | | | | | |
| Tue | 12.00 | 03.00 | | | |
| | | | | | |
| Wed | 12.00 | 03.00 | | | |
| | | | | | |
| Thur | 12.00 | 05.00 | | | |
| | | | | | |
| Fri | 12.00 | 05.00 | | | |
| | | | | | |
| Sat | 12.00 | 05.00 | | | |
| | | | | | |
| Sun | 12.00 | 03.00 | | | |
| | | | | | |

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

| | |
|--|------------|
| Name MR ORLANDO VICTORIA ORTIZ | |
| Date of birth [REDACTED] | |
| Address [REDACTED] [REDACTED] | |
| Postcode | [REDACTED] |
| Personal licence number (if known) [REDACTED] | |
| Issuing licensing authority (if known) [REDACTED] | |

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

NONE

L

| Hours premises are open to the public Standard days and timings (please read guidance note 7) | | | <u>State any seasonal variations</u> (please read guidance note 5) |
|---|-------|--------|--|
| Day | Start | Finish | |
| Mon | 12.00 | 03.30 | <u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 6) |
| | | | |
| Tue | 12.00 | 03.30 | |
| | | | |
| Wed | 12.00 | 03.30 | |
| | | | |
| Thur | 12.00 | 05.30 | |
| | | | |
| Fri | 12.00 | 05.30 | |
| | | | |
| Sat | 12.00 | 05.30 | |
| | | | |
| Sun | 12.00 | 03.30 | |
| | | | |

M

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

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

At least one Personal Licence Holder shall be on duty at the premises at all times that intoxicating liquor is sold and supplied

After 22.00 the premises management will operate a minimum age policy of 21 years for all customers admitted to the venue. Any person who is unable to provide satisfactory identification evidence that they are at least 21 years of age or over will be refused admission with no exceptions. Any marketing materials including online and website information relating to the Club must include reference to the strict 21+ age policy.

36. After 22.00 and during the showing of any major sporting events all drinks will be dispensed or decanted into plastic or polycarbonate vessels and no glass bottles or receptacles will be provided to customers.

38. There shall be no external promoters and all music events and activities held at the premises will be in-house productions.

40. Substantial food shall be available to customers at all times the premises is open for licensable activities – last orders for food being taken 1 hour before closing

41. Free drinking water shall be made available to customers at all times the premises is open.

46. A direct telephone number for the premises management of the premises shall be publicly available at all times that the premises is open. The number is to be made available to residents and businesses in the vicinity. Any complaints shall be recorded in the Incident book including the action taken by the manager in relation to the complaint.

b) The prevention of crime and disorder

Door Staff

That a minimum of 2 SIA registered door supervisors shall be employed at all times after 22:00 hours and the terminal hour that the premises is in use under this licence. The door supervisors shall undertake searches of all admissions to the premises whether members of the public or performers and their assistants. Hand held metal detectors shall be used during the searches of all admissions to the premises. The door supervisors shall use counting devices to ensure that the maximum accommodation limit of the premises is not exceeded.

If the premises wishes to admit more than 200 customers to the premises on any occasion an additional door supervisor will be employed and if the capacity exceeds 300 a further door supervisor will be employed (4 in total)

2. Mechanical counting devices will be used to ensure that the maximum accommodation limit of the premises is not exceeded and that at any time the occupancy level of the venue is known and can be supplied to the authorities upon request.

3. The premises licence holder shall install a CCTV system and maintain this system in good working order. The system will be of evidential quality and should be able to capture a clear facial image of all persons that enter the venue. The CCTV system shall provide full coverage of all public areas, to include all parts of the upstairs including seating areas and a CCTV camera shall be placed so that it gives a clear facial image of all customers leaving the premises. All CCTV footage shall be kept for a minimum of thirty one (31) days and shall, upon request, be made immediately available for inspection to Police or Council officers.

4. There shall be at least one member of staff on duty at all times the premises are in operation under its licence trained and proficient in the operation of the CCTV system capable of operating and retrieving footage on request of the Police or other authorised officer

ID scanning system to the reasonable satisfaction of the Police shall be installed and maintained at the premises. The system should be capable of sharing information about banned customers with other venues, identify the hologram of an ID and read both passports and ID cards, able to identify fake or forged ID documents to a reasonable standard. The system shall be in operation at all times after 22.00 when the premises are in operation under the premises licence and will be used to record the details of all persons entering the premises including staff, members of the public, performers and their assistants. Entry to the premises will not be permitted without the production of the relevant ID document and/or the person's details are already stored on the system and they are identified using a biometric identification system. One member of staff shall be designated to ensure that all persons are entered on the ID scanning system when entering through the front gate and that there is no re-entry except for staff.

At all times the premises is in operation under the premises licence there shall be at least one member of staff trained to a satisfactory standard able to operate the ID scan system and able to retrieve data from the system on the request of the Police or other authorised officer.

7. After 22.00 a no search no entry policy shall be maintained.

8. Signs shall be displayed to state "Drugs Free Zone"

An incident log shall be kept at the premises, and made available on request to the Police or an authorised officer of the Council. It must be completed within 24 hours of the incident and will record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received concerning crime and disorder
- (d) any incidents of disorder
- (e) all seizures of drugs or offensive weapons
- (f) any faults in the CCTV system, searching equipment or scanning equipment
- (g) any refusal of the sale of alcohol including date, time and name of staff member
- (h) any visit by a relevant authority or emergency service

c) Public safety

The Fire Exit door to the north of the roof terrace (door from bar leading out into external roof terrace) shall not be used by patrons for access and egress, unless in case of emergency.

20. The fire escape staircase, leading from the first floor roof terrace to the ground floor courtyard, shall have suitable barriers erected to prevent use by patrons during normal operation of the business. The use of the fire escape staircase is only permitted for use in case of emergency.

d) The prevention of public nuisance

No persons shall be permitted to take and consume any beverages outside the premises boundary as marked on the deposited plan

15. Any queue to enter the premises must be contained within suitable barriers and supervised at all times by door supervisors.

16. A sound limiting device shall be installed, set and maintained to ensure the maximum levels of volume and bass of music, song or speech from licensed entertainment permitted by the amplification system does not cause a public nuisance in the vicinity of the premises or intrude inside the nearest or most exposed noise sensitive premises.

17. All audio and musical equipment used in the premises shall be played through the installed sound limiting device.

18. A device shall be installed to the Fire Exit doors (x1 from bar area to external roof terrace, x1 from Club area) so that a warning light or alarm activates when a door is opened and is clearly visible/audible to staff and premises management. Acoustic seals and brushes and self-closers (in accordance with BS 6459 Pt.1 1984) shall be installed to all doors and fire doors leading out into external areas so as to minimise sound escape from the premises.

22. During any licensed entertainment at the premises all doors and windows leading out to external areas shall remain closed.

23. Sound insulation shall be installed to baffle any vents or air extraction systems to prevent sound escape from the premises

24. The premises shall be adequately ventilated to allow doors and windows to remain closed during licensed entertainment.

25. All external plant required for the operation of the premises (air handling plant, condensers, kitchen extraction systems, etc) shall be designed, installed and maintained to ensure that noise output from the external plant does not cause a public nuisance or intrude inside the nearest, or most exposed, noise sensitive premises.

26. Amplified music, song or speech shall not be broadcast in external areas at any time.

27. External waste handling and cleaning of external areas (in all areas apart from the enclosed rear courtyard), collections or deliveries shall only occur between the hours of 08.00 and 23.00.

28. There shall be no movement of musical or amplification equipment to and from the premises between the hours of 23.00 and 08.00.

A comprehensive Dispersal Policy shall be produced and implemented at the Premises with all staff trained on the most up to date policy. A record of staff training on the Dispersal Policy shall be kept at the premises and a copy of the policy and training records shall be made available to the Council or Police on request.

31. Staff shall ensure that all patrons leaving the premises disperse in an orderly fashion and shall inform management of any issues they observe within the vicinity of the premises.

32. Licensable activities shall cease as a minimum 30 minutes before the premises closing hours

e) The protection of children from harm

All staff concerned in the sale or supply of intoxicating liquor shall undergo a recognised training scheme for such duties. Records of such training should be kept and made available for inspection on request by the Police or other authorised officer.

11. The premises shall operate a "Challenge 25" Policy whereby customers purchasing alcohol who appear to be under 25 years of age will be asked for an approved form of proof of age to verify their age. Approved forms of proof of age shall comprise a photographic driving licence, passport, photographic UK armed services ID card or a Proof of Age Standards Scheme (PASS) approved proof of age card.

12. Age check "Challenge 25" signage shall be displayed at areas where alcohol is displayed for sale and at points of sale to inform customers that an age check "Challenge 25" policy applies and proof of age may be required.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.

- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).

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

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

Part 4 – Signatures (please read guidance note 11)

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

| | |
|--------------------|---|
| Declaration | <ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15) |
| Signature | |
| Date | 5/3/21 |

| | |
|----------|---|
| Capacity | SOLICITOR AUTHORISED TO SIGN BY APPLICANT |
|----------|---|

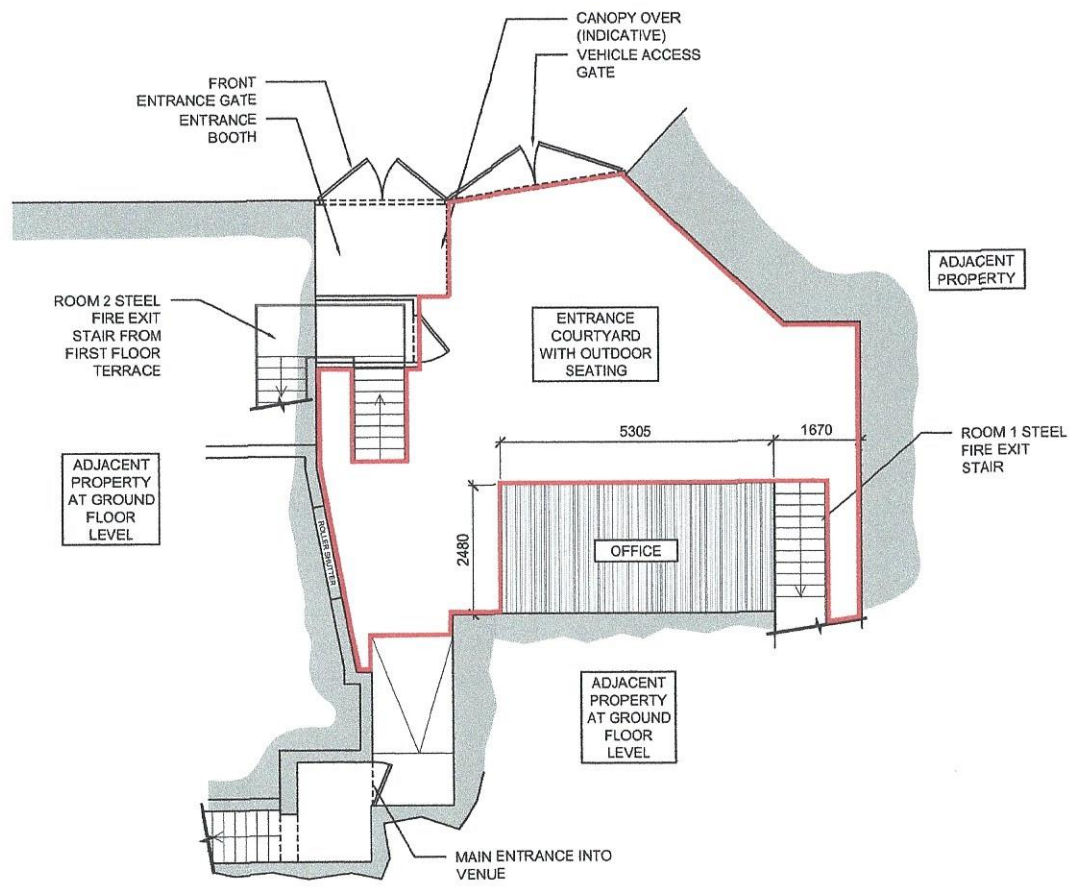
For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

| | |
|-----------|--|
| Signature | |
| Date | |
| Capacity | |

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

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:



| LEGEND | |
|--------|--|
| | FIRE EXTINGUISHER |
| | EMERGENCY LIGHTING |
| | SMOKE DETECTOR |
| | FIRE ALARM BREAK GLASS PANEL |
| | EXTERNAL AREA FOR SALE AND CONSUMPTION OF ALCOHOL UNTIL 10PM |

PROPOSED GROUND FLOOR LAYOUT

Contract
516 OLD KENT ROAD, LONDON, SE1 5BA

Title
PROPOSED GROUND FLOOR LAYOUT

| | | | | | |
|------------------------------|--------------|---------------|----------------|----------------|--|
| Drawing No. XX-GF-DR-0001 | | | | Revision 03 | |
| Date 19/01/21 | Drawn MSS | Checked JM | Scale 1:100 | Size A3 | |

From: Earis, Richard <Richard.Earis@southwark.gov.uk>
Sent: Tuesday, March 30, 2021 11:43 AM
To: Regen, Licensing <Licensing.Regen@southwark.gov.uk>
Cc:
Subject: RE: Consultation - New premises licence application - First Floor, 516 Old Kent Road

RE: New premises application - First Floor, 516 Old Kent Road

I have considered this application on behalf of the Environmental Protection Team (Prevention of Public Nuisance Responsible Authority).

The application lists proposed opening hours as 12.00-03.30 Sunday to Wednesday and 12.00-05.30 Thursday to Saturday.

The Licensing Policy for this area states:

- Closing time for Public Houses Wine bars or other drinking establishments is 23:00 hours
- Night Clubs (with sui generis planning classification) are not considered appropriate for this area

Previous premises in this location have a history of complaints of noise and antisocial behaviour, mainly relating to people externally, night time food stalls attracted by the premises, and noise and nuisance from patron's vehicles and parking. These issues are difficult for the premises to directly control but have a significant impact on the local community at the hours proposed. This is one reason the Licensing Policy recommends restrictions on locations suitable for this type of premises.

There are residential housing blocks directly opposite the site. The nature of the wider area is changing rapidly with many more residential properties likely to be constructed in the area in the coming years.

In light of the history of complaints against similar premises at this site and the very large gap between the current Licensing Policy recommended hours and the application hours, I object to this application.

Kind Regards,

Richard

Richard Earis
Principal Environmental Protection Officer
Environmental Protection Team
020 7525 2469



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

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

Tel: 020 7232 6756

Email:

SouthwarkLicensing@met.police.uk

Graham.S.White@met.police.uk

Our MD21/077/21
reference:

Date: 31st March 2021

Dear Sir/Madam

Re:- Victory Sports Bar, 516 Old Kent Road, London

Police are in possession of an application from the above for a new premises licence. The previous licence was revoked from a different licence holder after the police submitted a section 53a Review due to a serious violent incident, along with a history of violence and public nuisance associated with the premises.

This application is in the name of a company that lists its address as N1 Bar, 1 Duke street hill and that premises currently hold a premises licence and a director on this application is one of the licence holders for that premises.

N1 Bar, 1 Duke Street Hill has had considerable problems with violence associated to alcohol consumption. In the 18 Months prior to the Lockdown in March 2020, Sixty-one crimes were recorded either inside or immediately outside the venue, nineteen of those where violent crimes. This included 4 serious assaults recorded as Grievous Bodily harm (GBH), 8 assaults recorded as Actual Bodily Harm (ABH) and 1 Sexual assault inside. Prior to this in October 2017 police were called to 20 people fighting outside three of which were stabbed. The licence holder was given the opportunity prior to a section 53a Review being submitted to add a number of conditions to the licence and a meeting was held with the management.

No1 Bar has been constantly monitored by the licensing unit and Night time economy team with consideration to reviewing the licence as the number of violent incidents and intoxicated customers continued. Even during the pandemic an Assault was recorded as GBH on the 7th September 2020 at 00.15hrs at the premises.

The application is for a sports bar which 1 Duke street hill is promoted as but operates a late night operation in line with a typical nightclub music, drinking and dancing and most of the crime reports the victims describe it as a club.

The premises at 516 Old Kent Road is in a designated residential area under the Southwark statement of licensing policy. The policy clearly indicates that nightclubs are not suitable for a residential area. There are a number of large residential blocks nearby which have recently been built subsequent to the previous licences being granted. A number of residents have complained about the premises and submitted representations for the previous review. Opposite there is accommodation for the elderly who I would consider vulnerable residents and may not be aware of the new application or feel concerned at submitting a representation.

The hours are considerably outside what is recommended as 23.00hrs is the latest that a licence should be granted for a bar at this location with all licensable activities stopping at 22.30hrs.

We object in full to the application being granted as I see no material change in the style of operation previously operated and revoked or any meaningful reduction in hours which caused serious public nuisance to residents.

I see no way that a nightclub or late night operation including sports bar can operate again without causing serious disruption to local residents including anti-social behaviour, noise nuisance and disturbance to children living close by even by a responsible operator as the local area has gone through considerable change to a majority residential area over the last few years.

Submitted for your consideration,

Yours Sincerely

PC Graham White 2288AS
Southwark Police Licensing Unit
Tel: 0207 232 6756
Graham.S.White@met.police.uk

MEMO: Licensing Unit

To Licensing Unit Date 2 April 2021
From Jayne Tear
Email jayne.tear@southwark.gov.uk

Subject Re: Victory Sports Bar, First Floor, 516 Old Kent Road, London, SE1 5BA
 - Application for a premises licence

I write with regards to the above application for a premises licence submitted by N1BAR Limited which seeks the following licensable activities:

- Indoor sporting events on Sunday to Wednesday from 12:00 to 03:00 the following day and on Thursday to Saturday from 12:00 to 05:00 the following day
- Live music (indoors) on Sunday to Wednesday from 12:00 to 03:00 the following day and on Thursday to Saturday from 12:00 to 05:00 the following day
- Recorded music (indoors) on Sunday to Wednesday from 12:00 to 03:00 the following day and on Thursday to Saturday from 12:00 to 05:00 the following day
- Performance of dance (indoors) on Sunday to Wednesday from 12:00 to 03:00 the following day and on Thursday to Saturday from 12:00 to 05:00 the following day
- Anything of a similar description to live music, recorded music and performance of dance on Sunday to Wednesday from 12:00 to 03:00 the following day and on Thursday to Saturday from 12:00 to 05:00 the following day
- Late night refreshment (indoors) on Sunday to Wednesday from 23:00 to 03:00 the following day and on Thursday to Saturday from 23:00 to 05:00 the following day
- Supply of alcohol (on the premises) on Sunday to Wednesday from 12:00 to 03:00 the following day and on Thursday to Saturday from 12:00 to 05:00 the following day
- The opening hours will be on Sunday to Wednesday from 12:00 to 03:30 the following day and on Thursday to Saturday from 12:00 to 05:30 the following day

The premises is described with in the application as a '*Sports Bar located on the first floor of commercial premises on Old Kent Road above a nightclub with entrance and external area at ground level. The premises will provide regulated entertainment late night refreshment and sale of alcohol*'

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

This premises was previously known as K-Che and operated as a night club with similar hours and licensable activities being requested within this application. When the premises operated as K-Che the premises impacted on the crime and disorder and public nuisance licensing objectives and was subject to several reviews the most recent was an expedited review which resulted in the premises licence being revoked by the licensing sub-committee in 2020.

The premises is situated in a residential area and under the Southwark Statement of Licensing policy 2021 - 2026 the appropriate closing times in this area for public houses, wine bars or other drinking establishments is 23:00 daily and night clubs (with sui generis planning classification) are not considered appropriate for this area.

This application is seeking opening hours in excess of that which is recommended for a bar/drinking establishment within the policy in this area and the application does not provide any reasons to convince the Licensing sub-committee to divert from the opening hours recommended in the licensing policy.

I recommend to the applicant that the closing times are brought back in line with that which is recommended in the policy for a bar and as such the other licensing activities, allowing half an hour for drinking up time and also that late night refreshment is removed from the operating schedule (as not required if closing times brought back to 23:00) as follows:

- Indoor sporting events on Monday to Sunday from 12:00 to 23:00
- Live music (indoors) on Monday to Sunday from 12:00 to 23:00
- Recorded music (indoors) on Monday to Sunday from 12:00 to 23:00
- Performance of dance (indoors) on Monday to Sunday from 12:00 to 23:00
- Late night refreshment (indoors) to be removed (as not required after 23:00)
- Supply of alcohol (on the premises) on Monday to Sunday from 12:00 to 22:30
- The opening hours will be on Monday to Sunday from 12:00 to 23:00

Furthermore, due to the limited information provided with the application and to promote the licensing objectives I ask the applicant to provide the following information:

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

I may submit further comments once all of the information is received.

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

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 Licensing Authority as a Responsible Authority

Party 129th March 2021

Licensing ('licensing@southwark.gov.uk')
Health & Safety
3rd Floor 160 Tooley Street
SE1 2QH

Dear Sir / Madam,

I am writing to you to make representation to refuse a new licence being granted to Victory Sports Bar at 516 First Floor Old Kent Road (licence number 874320) as the surrounding area is heavily residential (*including the building opposite my residence; 'John Penry House', an over 55's single occupancy residential property*).

My representation is based on three of the licencing objectives under the 2003 Licensing Act:

- Prevention of crime and disorder
- Prevention of public nuisance
- Public safety

I am a local resident, having lived in Howson Court for four and a half years, and have been plagued by the disturbances caused by late night venues at the same address. As you can see from my neighbour [REDACTED] supporting documentation, these problems are not venue specific, as late-night venues at these addresses have been causing disruption in our neighbourhood for the last 12 years. It simply does not mean anything for the name to change as the same problems will persist.

These numerous disturbances cause serious distress to myself and to my neighbours, and we feel ignored when the council persists in granting new licences at the same venue.

Since the venues at these premises have been closes due to lockdown which is now over a year there have been no instances of violence, drug taking, urinating in the street, littering and all other anti-social behaviour that the late-night venues at these addresses attract and this is how we want things to be when we all return to normality.

Please see photos below of the anti-social behaviour that occurred both at and around the venues when they were allowed to open. As a woman coming home alone on the bus in the evening, I found this behaviour particularly distressing, especially as I usually had to walk thorough or around groups of people loitering on Malborough Grove before entering the premises. In light of recent events in London, the prospect of having to do this again is even more worrying.

A quick google search on the venue ran by the same company in Duke St Hill and a review of comments from patrons around lack of enforcement of COVID rules, violence and other anti-social behaviour just re-enforces why a late-night licence should not be granted.

In closing please allow us to continue to have a happy and healthy community by rejecting this new licence.

Your Sincerely,

Figure 1:



Figure 2:



Figure 3:**Figure 4:**

Figure 5:**Figure 6:**

Figure 7:



Figure 8:

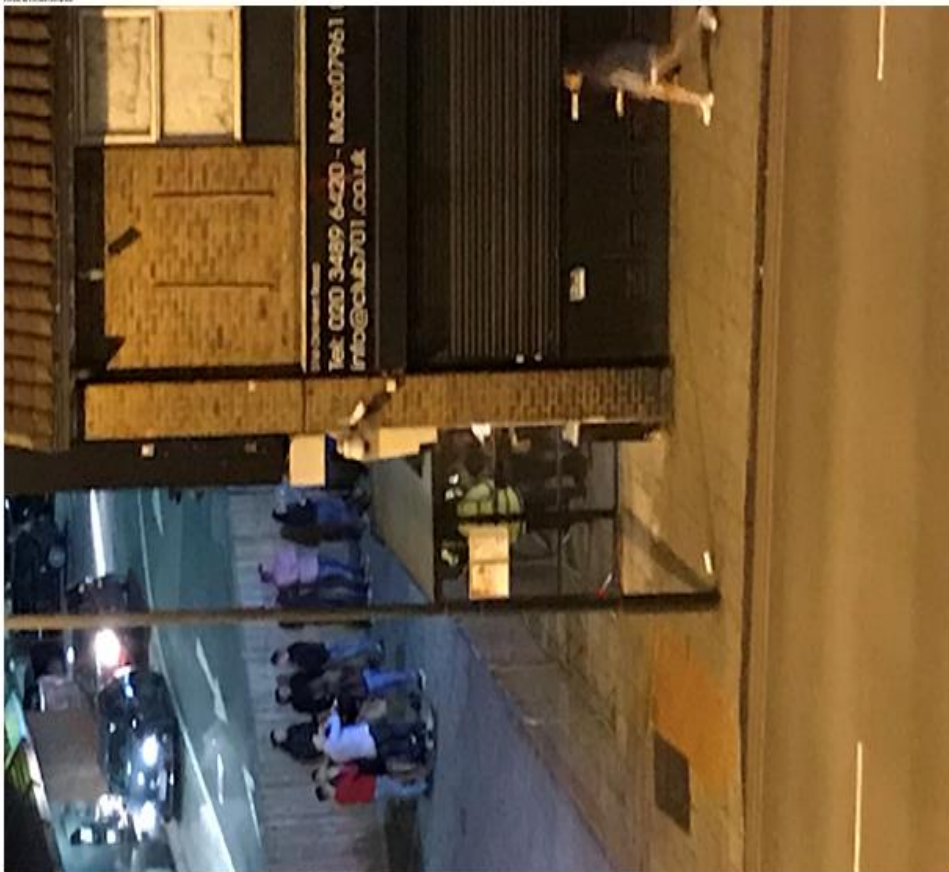


Figure 9:

Parties 2 & 329th March 2021

Licensing ('licensing@southwark.gov.uk)
Health & Safety
3rd Floor 160 Tooley Street
SE1 2QH

Dear Sir / Madam,

We are writing to you to make representation to refuse a new licence being granted to Victory Sports Bar at 516 First Floor Old Kent Road (licence number 874320) as the surrounding area is heavily residential (*including the building opposite where we reside 'John Penry House' being an over 55's single occupancy residential property*).

Our representation is based on three of the licencing objectives under the 2003 Licensing Act:

- Prevention of crime and disorder
- Prevention of public nuisance
- Public safety

We are local residents and have lived in Howson Court for four and a half years and have been plagued by the disturbances caused by late night venues at the same address. This evidences a systemic issue with late night venues in general and we are certain it will persist despite a change in the name of the venue. These disruptions include:

- Blaring music from their vehicles as patrons have pre and post venue parties.
- Illegal parking.
- Fighting / assaults of others.
- Allowing BBQs outside their venues.
- Large gatherings of people on Marlborough Grove drinking alcohol, taking drugs and inhaling gas canisters in the street using our building and the surrounding buildings as trash bins.
- The litter from these activities such as broken glass and drug paraphernalia is frequently left in the street.

All these disruptions cause serious distress to us and to our neighbours and we feel repeatedly ignored when the council persists in granting new licences at the same venue. In particular the late night disturbances from the loud music and when walking out the next day with our two year old and new-born baby and having to avoid broken glass. We are aware that some of our neighbours having been verbally threatened when challenging this behaviour.

Since the venue has been closed for over a year due to lockdown there have been no instances of violence, drug taking, urinating in the street and all the other anti-social behaviour that the late-night venues at the address attract. This is how we want things to be when we all return to normality.

A Google search on the venue run by the same company in Duke St Hill and a review of comments from patrons around lack of enforcement of COVID rules, violence and other anti-social behaviour reinforces our argument as to why a late-night licence should not be granted.

In closing, given these issues that have an ongoing impact on the street and local community please allow us to continue to have a happy and healthy community by rejecting this new licence.

Your Sincerely

and

Party 429th March 2021

Licensing ('licensing@southwark.gov.uk)
Health & Safety
3rd Floor 160 Tooley Street
SE1 2QH

Dear Sir / Madam,

I am writing to you to make representation to refuse a new licence being granted to Victory Sports Bar at 516 First Floor Old Kent Road (licence number 874320) as the surrounding area is heavily residential (*including the building opposite where I reside 'John Penry House' is an over 55's single occupancy residential property*).

My representation is based on three of licencing objectives under the 2003 Licensing Act:

- Prevention of crime and disorder
- Prevention of public nuisance
- Public safety

I am a local resident and have lived in Howson Court for 4 years and have been plagued by the disturbances caused by late night venues at the same address and you will see this is not venue specific as late-night venues at these addresses have been causing havoc in our neighbourhood for the last 12 years which you can see in the supporting PDF's in my email, it simply does not mean anything for the name to change the same problems persist.

All these disturbances cause serious distress to myself and to my neighbours and we feel repeatedly ignored when the council persists in granting new licences at the same venue.

Since the venues at these premises have been closes due to lockdown which is now over a year there have been no instances of violence, drug taking, urinating in the street and all the other anti-social behaviour that the late-night venues at these addresses attract and this is how we want things to be when we all return to normality.

I have attached photos from over the last few years from these venues and the same thing is going to happen again which I am sure other residents were saying 5 years and 10 years ago when these venues were previously changing hands when they were overruled and then we had the same problems all over again and enough is enough now.

A quick google search on the venue ran by the same company in Duke St Hill and a review of comments from patrons around lack of enforcement of COVID rules, violence and other anti-social behaviour just re-enforces why a late-night licence should not be granted.

In closing please allow us to continue to have a happy and healthy community by rejecting this new licence.

Your Sincerely,

Figure 1:



Figure 2:

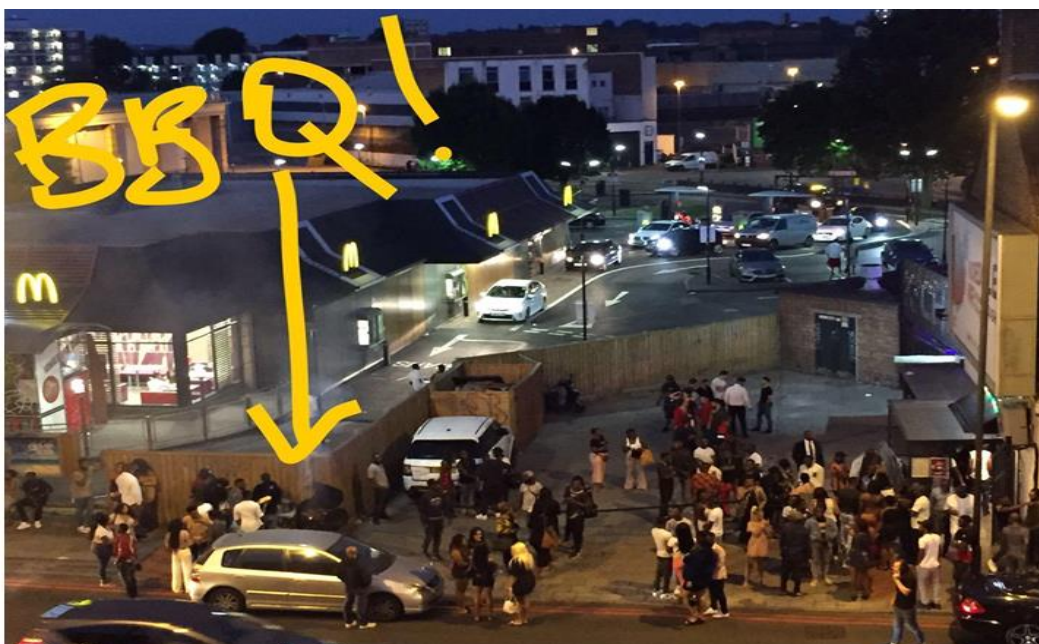


Figure 3:

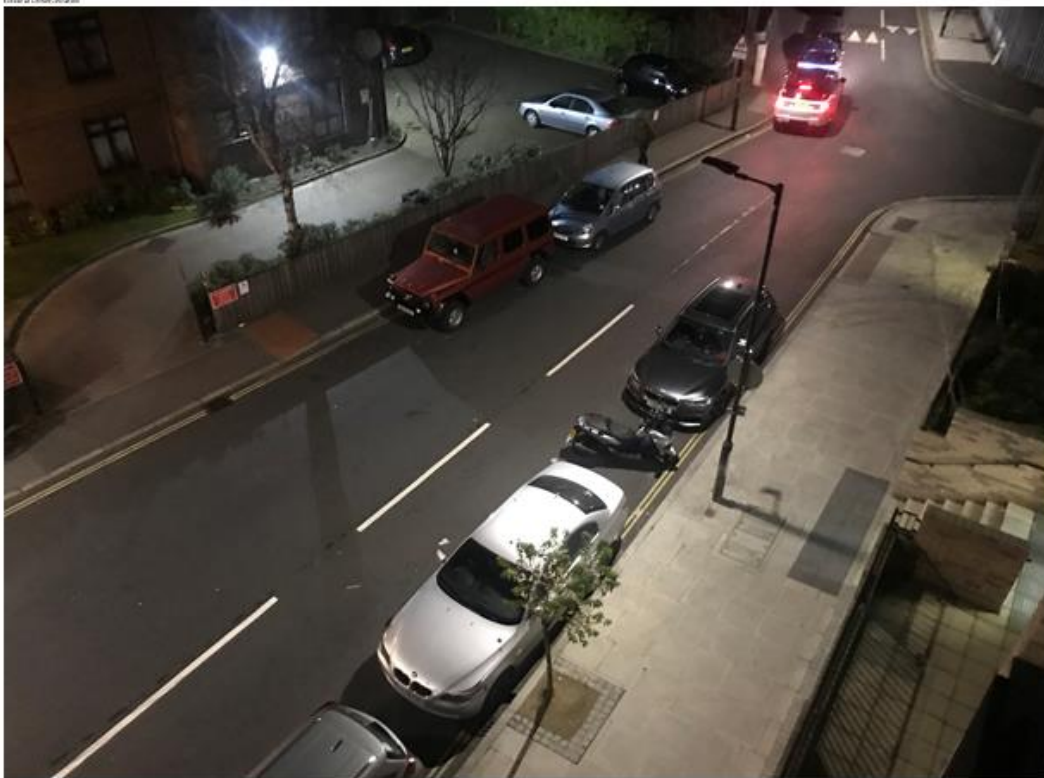


Figure 4:



Figure 5:**Figure 6:**

Figure 7:



Figure 8:



Figure 9:



**This is a transcript of the same Email sent by 28 Local residents
-see list attached.**

To: Southwark Council licensing service, C/O Southwark Environmental health and Trading standards, The Chaplin Centre, Thurlow Street, SE17 2DG.

please find attached a copy of my objection sent on my behalf

I am writing to object to a premises variation to license 830446, Xeus Nightclub, 512-516 ground floor Old Kent Road SE1 5BA applicant Megamusic entertainment Ltd.

The Grounds for objection are:

The prevention of nuisance:

There is a severe nuisance caused to myself and neighbours by noise escape from the club premises. I am repeatedly disturbed loud music (particuly the thud thud of the base). The proposed variation will increase and extend the time the level of nuisance making the life of myself intolerable.

This problem is made worse by the failure to comply with condition 310 of the application The management routinely allow the violation of this condition by using the fire exits facing the Old Kent road to be used for exit and entry to the club when entertainment is provided. The proposed change to the licence is likely to increase this particular problem to an intolerable level particularly as the club management when challenged on this issue claim the right to use these doors for entry and exit to the club for artistes, staff and guests. Currently this means these doors are used in violation of the licence conditions every time the club is open and most frequently in the early hours of the morning. It is highly likely the proposed variation will make this issue even more intolerable.

In addition the main entrance to the club has two doors designed as an 'airlock' in that when one door is open the other should be closed to prevent noise escape from the premises. These doors are routinely opened at the same time and this misuse of the airlock increases substantially the later it gets into opening hours I can only see this problem getting worse under the terms of the proposed variation.

The general level of volume of the music played in the club is far too high for the level of sound proofing in the club. Music can always be heard outside on the street, in my garden and in my flat and my neighbours flat when the club is open. In addition the resonance and vibration from the volume levels and base levels of the music are quite intolerable .This proposed licence variation if granted without conditions for major sound and vibration reduction is likely to greatly increase the level of nuisance caused particularly as the volume of the music played is not properly supervised and is routinely raised at

aproximately 1am and gets progressively worse the later it gets and the proposed changes are likely to make this even worse.

The general supervision of the club is poor. The club actively encourages the driving of vehicles over the public pavement and parking on the pavement between the club premises and Mcdonalds restaurant and in front of the electricity substation. (I understand this land may not belong to the club though the club has partialy fenced and taken occupation of it) This area was paved by the local authority and is pedestranised yet the club encourages vehicle parking, loading and unloading of equipment and of passengers in this area. This late night activity causes noise and disturbance including tooting of car horns, furious revving of engines, loud shouting and noise nuisance to myself and my neighbours. The manner in which this land is being used not only has no planning permission but actively negates against the conditions of the licence which require the club to attempt to reduce nuisance to neighbours. This club by the manner in which it allows vehicles and dozens of patrons to congregate outside in this area demonstrates a disregard for the responsibilities of the licence holder and an appalling level of nuisance to myself and my neighbours. I believe that the granting of the variation will of itself {and certainly without strenous conditions to stop this area being used by the club in the manner in which they currently use it) cause considerable and unacceptable increase in the the level of nuisance caused.

Public urination and public vomiting by male and female patrons of the club in the front of the club, by the fire exits, on the pavement outside the front and sides of the club, in the Old Kent Road, Marlborough Grove, the front of John Penry House and the vacant lot opposite John Penry House occurs very frequently every time the club is open. There is no attempt to control this by door supervisors even when it occurs in the alcoves by the fire doors and immediately in front of the club entrance. In addition the garden and public areas of **John Penry House - a sheltered housing scheme for elderly people** - are often used for public defecation and urination and vomiting as well as a rubbish tip by club patrons. It is inevitable this level of public nuisance will increase if the variation is granted.

The other area of public nuisance is the parking of cars by club patrons in Marlborough grove particularly outside John Penry House. This leads to a constant disturbance most of the night and early hours of the morning when the club is open; with car horns being blown, doors slamming, engine revving, squealing of brakes, loud voices, shouting and frequent altercations right outside my and my neighbours windows. No consideration at all to the elderly residents in the sheltered housing scheme is shown by the stream of rowdy, often drunken or stoned club patrons that leave (or go to) this club, congregate outside John Penry House and then leave by car in such a rowdy manner. It seems this will only get worse if the variation to the license is granted. Certainly it is likely the length of time this awful disturbance and nuisance has to be endured will increase.

The Prevention of crime and disorder.

I object to the granting of this variation to the licence as I believe it will greatly increase crime and disorder. This club is acting as a catalyst for crime in our area. Every time the club is open drug dealers and club patrons can be observed buying and selling illegal drugs in the vicinity of the club particularly in Malt st.

I and neighbours have watched club patrons buy drugs and go into the club and also come out the club go and buy drugs then go back in the club. This Problem was non existent in our area prior to these premises becoming a night club. The issue is getting steadily worse. There have been stabbings in the club, many fights and disturbances on the street, patrons of the club armed with guns requiring the presence of both plain clothes armed police officers and of uniformed armed police officers to park outside my home, in our street and by the club all night every night for several weeks. It is scary and terrifying to have this club attracting this level of crime and disorder to our door step. I believe the manner in which this club is run and its complete disregard for its neighbours contributes to this crime level and is currently the prime cause of crime and disorder at night in our area. If the variation is granted I believe the crime level will increase directly as a consequence.

The door staff of this club do not seem able to control entry and egress from the club effectively to date response from complaints do not appear to have any effect, I believe the granting of the variation will only contribute to more aggression and disorder.

Ensuring public safety

There is a continuous problem with Drunken drivers coming out the club. Drivers drive over the pavement and park in the pedestrian area. There are frequent fights in the street, Knives and even a fake firearm have been stashed in our garden. Abuse from club patrons, threats and aggressive behavior are routine There is vomit, urine and faeces in the street and the garden. The door staff are unhelpful, sometimes aggressive. The management do not respond appropriately and at best carry on merrily at worst do not seem to take their responsibilities seriously.

I can only see these problems getting worse if the variation is approved; and perversly I think that (given my opinion on how this club is run) I believe to grant the variaton would in the mind of the club management act as a stamp of approval on their activities.

Protection of children from harm

If this variation to the license is granted the changes will mean children going past this club will be exposed to the detrimental effects of this club. The club is located in the vicinity of the main bus stops, the main shopping facilities,

close to at least one mosque and four churches and several schools as well as housing estates. It would be inevitable that the risk of danger to children would be increased as the operation of the club spills ever later into the morning both in the immediate vicinity of the club and from club patrons misbehaving in the area. As a result children are more likely to be put at risk. The granting of the variation would be detrimental to our children.

Summary

This club is located immediately opposite a sheltered housing scheme for elderly people. The club premises used to be a public house and any disturbance or other nuisance was confined to a 11pm finish with the neighbourhood cleared by 11.30pm.

Since the conversion to a night club there has been crime and nuisance creep and disturbance as the club operates later and later and longer and longer hours.

Alterations to the fabric and sound proofing of the building have never adequately reflected its new use as a night club or the gradual extension of operating hours.

The manner in which it has been run shows no consideration for neighbours and the noise nuisance it generates is particularly unfair to the elderly people living opposite.

This Club is the cause of an unremitting and unconscionable intrusion and disturbance to the residents of John Penry House which have resulted in unfair disturbance and noise nuisance most of the night, four nights every week. Christmas and bank holidays have become a nightmare because of the noise and nuisance. This application proposes to extend this even further. Enough is enough. Is it not time that some limit was set and the local elderly people and other neighbours given some consideration and respite from this torture which has been imposed on us?

In an Ideal world this club would be told the music should only be heard **inside** the club. Not on the street. Not in neighbours gardens, Not in neighbours houses or flats, Full stop. Other boroughs manage this why not Southwark? Why are we at the whim of a subjective decision by who ever from the licensing department? Why is the resonance and vibration emanating from the club not given due weight .This failure to regulate the basics properly and fairly is leading to all the problems referred to above.

I understand that at this stage the committee can only deal with the issue of the variation and I wish to object to the granting of this application in the strongest possible terms.

Party 5

On Wed, 31 Mar 2021 at 10:43,

wrote:

Hello

I am writing to make representation to refuse a new licence (number 874320) being granted to Victory Sports Bar at 516 First Floor Old Kent Road as the surrounding area is heavily residential.

My representation is based on:

- Prevention of crime and disorder
- Prevention of public nuisance
- Public safety

I am a local resident and have lived in Howson Court since 2017 and have been disturbed by the late night venues formerly operating at the same address.

Since the venues at these premises have been closed due to lockdown there have been no instances of violence, drug taking, urinating in the street and all the other anti-social behaviour that the late-night venues at these addresses attract and this is how we want things to be when we all return to normality.

A quick google search on the venue ran by the same company in Duke St Hill and a review of comments from patrons around lack of enforcement of COVID rules, violence and other anti-social behaviour just re-enforces why a late-night licence should not be granted.

In closing please allow us to continue to have a happy and healthy community by rejecting this new licence.

Kind Regards

From:

Sent: Wednesday, March 31, 2021 10:46 AM

To: Regen, Licensing <Licensing.Regen@southwark.gov.uk>

Subject: Re: Licence 874320 objection

I should have added my details sorry

owner of

Party 6

Ms
Flat Howson Court
525 Old Kent Road
London
SE1 5XQ

30th March 2021

Licensing (licensing@southwark.gov.uk)
Health & Safety
3rd Floor 160 Tooley Street
SE1 2QH

Dear Sir / Madam,

I am writing to you to make representation to refuse a new licence being granted to Victory Sports Bar at 516 First Floor Old Kent Road (licence number 874320) as the surrounding area is heavily residential (*including the building opposite where I reside 'John Penry House' is an over 55's single occupancy residential property*).

My representation is based on three of licencing objectives under the 2003 Licensing Act:

- Prevention of crime and disorder
- Prevention of public nuisance
- Public safety

I am a local resident and mother of a young son. For the past 4 years I have lived in Howson Court and been distressed by the violence, drug paraphernalia, noise and unacceptable behaviour of clientele at the clubs at that address. My young son has picked up drug paraphernalia that has been left on our steps by people going to these establishments. It is dangerous and unacceptable in an area which is so close to schools. It does not mean anything to change the name of these clubs this problem continues to persist and it feels like the council does not care about its residents to allow this. How would you feel if your young children had to step over puke, broken glass and drug paraphernalia to leave your home at the weekends?

All these disturbances cause serious distress to myself and to my neighbours and we feel repeatedly ignored when the council persists in granting new licences at the same venue.

Since the venues at these premises have been closed due to lockdown which is now over a year there have been no instances of violence, drug taking, urinating in the street and all the other anti-social behaviour that the late-night venues at these addresses attract and this is how we want things to be when we all return to normality.

In closing please allow us to continue to have a happy and healthy community by rejecting this new licence.

Your Sincerely,
Ms

Party 7

31 March 2021

Licensing | licensing@southwark.gov.uk
Health & Safety
3rd Floor 160 Tooley Street
SE1 2QH

Dear Madam/Sir,

I'm writing to make representation to refuse a new license being granted to Victory Sports Bar at 516 First Floor Old Kent Road, license number 874320.

I live directly opposite the premises in question, and have been plagued by noise, litter, and anti-social behaviour from nightclubs since I moved here in 2016. After numerous complaints, sleepless nights, police call-outs, and immense effort on the part of myself and my neighbours, the previous nightclubs finally had their licenses revoked. We're all extremely disappointed to see another application for a nightclub being put through.

This area is simply not appropriate for a late-night venue due to its residential nature. More new local residences are currently being constructed, and more still are set to appear in the coming years, as specified in Southwark council's Old Kent Road Area Action Plan (referenced below). I believe it's even more important that we prohibit more such risk, damage and nuisance to the community.

Old Kent Road AAP: <https://www.southwark.gov.uk/planning-and-building-control/planning-policy-and-transport-policy/development-plan/area-action-plans-section/old-kent-road-aap>

Having a late-night venue in this area affects local lifestyles on a daily basis. It's unacceptable for us to have our sleep regularly disturbed by loud music, shouting, and people using our entryways for drinking, smoking and drugs. Not even the most conscientious venue would be able to control the noise problems - this area just doesn't work for a nightclub.

We shouldn't have to wade through laughing gas canisters, empty drinks bottles, mounds of cigarette ends and smelly takeaway cartons when we step outside of our homes. The broken glass in particular is a problem as I literally have to sweep it out of the way to walk my dog to the park. I know my neighbours with small children worry about dangerous litter such as drug paraphernalia too. On weekend mornings after a busy night for the clubs, the whole area smells like a urinal, particularly the area in front of the over-55s retirement home across the road, which makes me very sad.

Safety is my main area of concern. As a single woman, I feel extremely unsafe about the violent crime brought to my doorstep by late night venues. I don't deserve to be harassed or threatened by men or large groups of people on my way to and from my front door. I've

witnessed numerous fights including a domestic abuse incident, where people have been injured (quite seriously, in some cases), which is stressful and upsetting.

Due to the proximity of the premises to the A2 (Old Kent Road), I've also witnessed some gut-wrenching near misses between drunk people and passing traffic. Considering that the front door is perhaps 5-10 paces from this 40mph A-road, I'd suggest that it would be irresponsible to have a drinking venue here.

With inclusivity in mind, I believe a sports bar is the last thing this community needs. A sports centre, for example, would attract a more varied demographic of ages, races, and genders, and would support the health of the community, rather than act to its detriment.

Since the previous nightclubs had their licenses revoked, life here has been much safer & more pleasant. For the health, peace, and sanity of myself and my neighbours, please reject this license application!

Sincerely,

Party 831th March 2021

Licensing ('licensing@southwark.gov.uk')
Health & Safety
3rd Floor 160 Tooley Street
SE1 2QH

Dear Sir / Madam,

I am writing to you to make representation to refuse a new licence being granted to Victory Sports Bar at 516 First Floor Old Kent Road (licence number 874320) as the surrounding area is heavily residential (*including the building opposite where I reside 'John Penry House' is an over 55's single occupancy residential property*).

My representation is based on three of licencing objectives under the 2003 Licensing Act:

- Prevention of crime and disorder
- Prevention of public nuisance
- Public safety

I am a local resident and have lived in Howson Court for 4 years and have been plagued by the disturbances caused by late night venues at the same address and you will see this is not venue specific as late-night venues at these addresses have been causing havoc in our neighbourhood for the last 12 years which you can see in the supporting PDF's in my email, it simply does not mean anything for the name to change the same problems persist.

All these disturbances cause serious distress to myself and to my neighbours and we feel repeatedly ignored when the council persists in granting new licences at the same venue.

Since the venues at these premises have been closes due to lockdown which is now over a year there have been no instances of violence, drug taking, urinating in the street and all the other anti-social behaviour that the late-night venues at these addresses attract and this is how we want things to be when we all return to normality.

I have attached photos from over the last few years from these venues and the same thing is going to happen again which I am sure other residents were saying 5 years and 10 years ago when these venues were previously changing hands when they were overruled and then we had the same problems all over again and enough is enough now.

A quick google search on the venue ran by the same company in Duke St Hill and a review of comments from patrons around lack of enforcement of COVID rules, violence

and other anti-social behaviour just re-enforces why a late-night licence should not be granted.

In closing please allow us to continue to have a happy and healthy community by rejecting this new licence.

Your Sincerely,
[Same name given as party 4]

Figure 1:



Figure 2:



Figure 3:



Figure 4:



Figure 5:**Figure 6:**

Figure 7:



Figure 8:

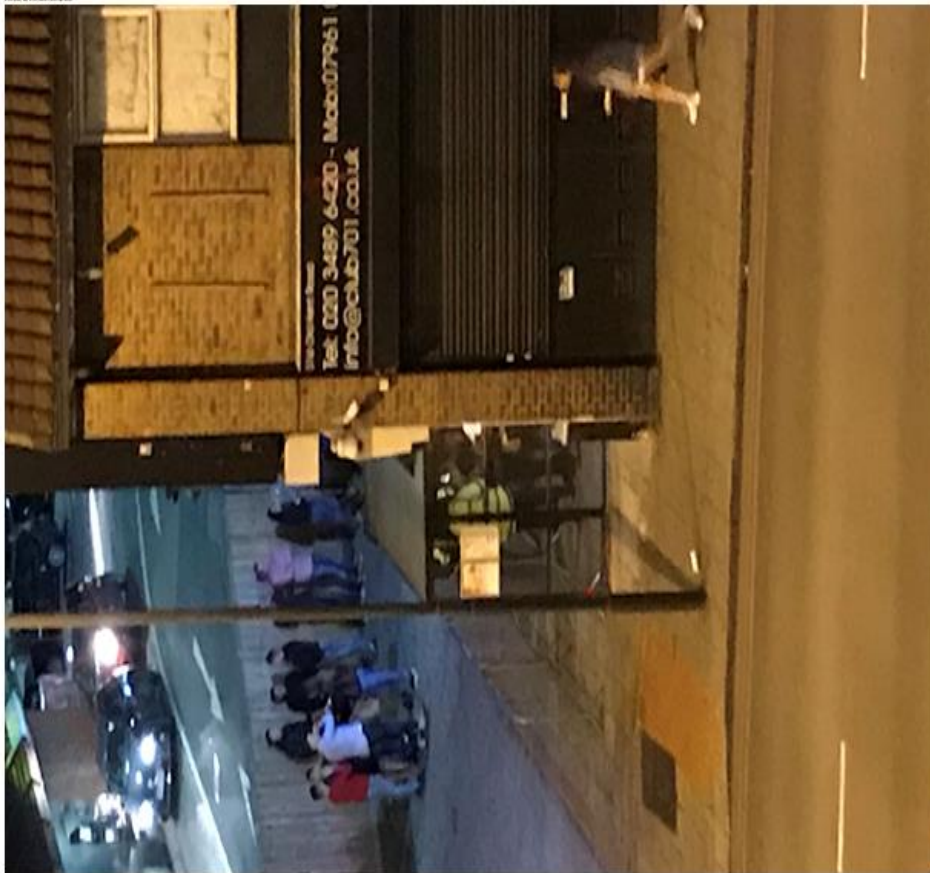


Figure 9:

Party 9**From:****Sent:** Wednesday, March 31, 2021 4:29 PM**To:** Regen, Licensing <Licensing.Regen@southwark.gov.uk>**Subject:** Representation To Refuse A New Licence to Victory Sports Bar, 516 First Floor Old Kent Road (licence number 874320)

Dear Sir / Madam,

I am writing to you to make representation to refuse a new licence being granted to Victory Sports Bar at 516 First Floor Old Kent Road (licence number 874320).

My representation is based on three of licencing objectives under the 2003 Licensing Act:

- Prevention of crime and disorder
- Prevention of public nuisance
- Public safety

I am a local resident and have witnessed numerous incidents at the proposed site including instances of violence, drug taking, urinating in the street and all the other anti-social behaviour that the late-night venues at these addresses attract. Things have been a lot better since the licence of the current venue has been revoked and so hope this licence is refused.

Your Sincerely,

Address

Date: 31st March 2021

Party 10**From:****Sent:** Wednesday, March 31, 2021 4:57 PM**To:** Regen, Licensing <Licensing.Regen@southwark.gov.uk>**Subject:** 874320

Dear Licensing Team Southwark,

I would like to lodge an objection to the proposed Victory Sports Bar at 516 Old Kent Road. I have two young children and live in the flats opposite the club. This area is residential and populated by many young families. To have a club open until 3am Sunday to Wednesday and 5am Thursday to Saturday would be completely inappropriate. There is an open outdoor space outside the club and next to the 24 hr McDonalds where customers to the Sports Bar are likely to congregate at closing time causing significant disruption to local residents. When the venue was open in its previous form there were frequent disturbances, large crowds of intoxicated people congregating opposite and immediately outside our flats and the area was frequently littered with alcohol bottles and cans and drug debris after a club night. It is natural to assume that the same will happen and I would very much like to avoid this.

Kind regards,

31.03.21

Party 11**From:****Sent:** Wednesday, March 31, 2021 9:49 PM**To:** Regen, Licensing <Licensing.Regen@southwark.gov.uk>**Subject:** Objection: 874320 – Victory Sports Bar

Hello,

My name is: _____,

My Address is:

My email is:

I am writing to raise objection to the following license number: 874320 – Victory Sports Bar

I am objecting due to:

1. Prevention of Public Nuisance – the opening hours extend to between 3.00am and 5.30am on various early mornings through the week, and the building is located directly opposite this residence,
2. Public Safety – the plans seem to imply that access will be gained via the Old Kent Road forecourt and directly onto a Red Route.
3. Prevention of Crime & Disorder – issues potentially include cars stopping directly on the Old Kent Road, litter being left outside and (in some instances) on Howson Court, and loud noise outside the front of the club.

Also, the measures suggested within this application appear to be generic. As with previous similar applications, they fail to address location-specific issues that effect this residence.

Regards,

Party 12

31 March 2021

Licensing ('licensing@southwark.gov.uk)
Health & Safety
3rd Floor 160 Tooley Street
SE1 2QH

Dear Sir / Madam,

I am writing to you to make representation to refuse a new license being granted to Victory Sports Bar at 516 First Floor Old Kent Road (*License Number: 874320*); *as the surrounding area is heavily residential.*

My representation is based on three of licencing objectives under the 2003 Licensing Act:

- Prevention of crime and disorder
- Prevention of public nuisance
- Public safety

I am a local resident and have lived at the above address (on the XXX floor; facing the main road); since October 2016; and over the past five years, I have had many disturbed Friday and Saturday nights caused by late night venues at the same address and you will see this is not the venue specific for as late night venues a these address having causing havoc in our neighbourhood for a few years.

Some of the disturbances include:

- Gatherings of people right outside of our property, taking drugs ; drinking alcohol; and inhaling gas canisters in the street and using the property as rubbish bins.
- Deafening music from their vehicles as clubbers have before and after parties.
- Vomiting & urinating on the street and outside of our property.
- Smashed bottles on the ground by the clubbers.
- Allowing BBQ's outside the premises
- Traffic jam causes by vehicles stopping by for the BBQ's.
- Fighting /shouting & screaming.

All these disturbances cause serious distress to myself and my neighbours and we really feel repeatedly ignored when council persists in granting new licenses at the same venue.

Since the venues at these premises closed due to lock-down which is now over a year, there have been no instances of violence, drug taking, urinating in the street and all the other anti-social behaviour that late-night venues at these addresses attract and this is how we want things to be when we all return to normality.

A quick google search on the venue ran by the same company in Duke St Hill and a review of comments from patrons around lack of enforcement of Covid rules, violence and other anti-social behaviour just re-enforces why a late night licence should not be granted.

I am very much hoping that in the spirit of community and safety of the residents; you will reject this new license request and will allow our community to live in a much safer and healthier environment.

Yours Sincerely

Party 13**From:****Sent:** Wednesday, March 31, 2021 8:34 PM**To:** Regen, Licensing <Licensing.Regen@southwark.gov.uk>; Kalu, Richard <Richard.Kalu@southwark.gov.uk>; Regen, Licensing <Licensing.Regen@southwark.gov.uk>; graham.s.white@met.police.uk; Livingstone, Richard <Richard.Livingstone@southwark.gov.uk>; Akoto, Evelyn <Evelyn.Akoto@southwark.gov.uk>; Situ, Michael <Michael.Situ@southwark.gov.uk>**Subject:** Representation To Refuse A New Licence to Victory Sports Bar, 516 First Floor Old Kent Road (licence number 874320)

Dear Southwark Council and Licensing Team

I would be very grateful if you could register my opposition to the application of Victory Sports Bar, 516 First Floor Old Kent Road (licence number 874320)

The history of venues at this location has plagued this residential community for many years. Many of us have lived in fear of our safety because of the violence and drug abuse it attracts to the area. Many of my neighbours have young children they worry for.

Southwark councillors and the committee supported our position in May 2020, when they finally revoked the licence of K-Che (the latest in a long string of badly managed venues at this location).

Our objections to a licensed venue returning to this location is not just about the history of violence and drug abuse. We are talking here about a residential area, with children, elderly and vulnerable residents living directly opposite the proposed venue for this establishment.

One of the residential homes I am referring to is John Penry House - operated by Southwark Council for elderly residents. How can it be permissible for a venue to operate late into the night directly opposite a old folks home? The history of this location shows its unacceptable, and we should actually learn from this.

If a licence is granted, I worry about how long it will be before the next serious episode of violence occurs. It could be even worse next time; where would we be left then?

We as residents are relying on you to protect us from the irresponsible and dangerous management of premises in our residential community. The vulnerable and elderly residents at John Penry House also deserve to be protected from the threat of crime and violence around their homes.

We have worked really hard to improve the local area and are looking forward to a bright future for Southwark. We need our Council to stand up for us.

I appreciate any support you can provide.

With thanks,

Party 14**From:****Sent:** Wednesday, March 31, 2021 8:23 PM**To:** Regen, Licensing <Licensing.Regen@southwark.gov.uk>**Subject:** License Objection

Dear Licensing Team,

I would like to raise an objection to the licensing of the Victory Sports Bar.

Licence number: **874320**

This objection is on the grounds of prevention of crime and disorder, prevention of public nuisance, and public safety.

The club has previously been the source of several incidents of violence and anti-social behaviour requiring police intervention. In addition, their events cause lots of litter and drunken behaviour, and noise late at night disturbing residents in our block.

Thank you for your cooperation.

Kind regards,

Party 15**From:****Sent:** Wednesday, March 31, 2021 8:22 PM**To:** Regen, Licensing <Licensing.Regen@southwark.gov.uk>**Cc:** Kalu, Richard <Richard.Kalu@southwark.gov.uk>; Regen, Licensing <Licensing.Regen@southwark.gov.uk>; Graham.S.White@met.police.uk; Livingstone, Richard <Richard.Livingstone@southwark.gov.uk>; Akoto, Evelyn <Evelyn.Akoto@southwark.gov.uk>; Situ, Michael <Michael.Situ@southwark.gov.uk>**Subject:** Opposing - Victory Sports Bar - 516 First Floor, Old Kent Road (licence number 874320)

To whom it may concern:

I hope you are all well at Southwark Council.

I am writing to you today to oppose the current licensing application of Victory Sports Bar at 516 (First Floor) Old Kent Road - licence number 874320.

Venues at this premises have for many years been a painful and recurrent issue for residents living in the close vicinity. Forcing us to witness drug abuse, antisocial behaviour and violence on our literal doorsteps.

Not only do many young children live in my block of flats (Howson Court), but next door, John Penry House is home to many elderly and vulnerable residents. Nobody should not be made to feel unsafe in their own home.

Southwark councillors supported our opposition to this venue in May last year, by revoking the licence of K-Che, following a long-running series of disturbing violent events. In one, the police themselves were even attacked, by a mob of lawless patrons.

If a licence is granted, it is only a question of time before the next series of violence occurs. Safety of residents really must be the premier priority for the council, it's paramount.

Please protect our community from the recurrent irresponsible and dangerous management of these premises.

Thank you for your time.

King regards,

Party 16**From:****Sent:** Wednesday, March 31, 2021 6:38 PM**To:** Regen, Licensing <Licensing.Regen@southwark.gov.uk>; Kalu, Richard <Richard.Kalu@southwark.gov.uk>; Regen, Licensing <Licensing.Regen@southwark.gov.uk>**Cc:** Graham.S.White@met.police.uk; Livingstone, Richard <Richard.Livingstone@southwark.gov.uk>; Akoto, Evelyn<Evelyn.Akoto@southwark.gov.uk>; Situ, Michael <Michael.Situ@southwark.gov.uk>**Subject:** Representation To Refuse A New Licence to Victory Sports Bar, 516 First Floor Old Kent Road (licence number 874320)

Dear Madams, Sirs, Colleagues

Please see attached my representation, appealing for a refusal of the granting of a licence for **Victory Sports Bar 516 First Floor Old Kent Road (licence number 874320)**.

Given the history of the violence, crime and antisocial behaviour at clubs and bars at this venue (stretching back many years) - local residents are very concerned about this the prospect of it commencing again. **We have fought hard to start making these streets safer again and reducing noise pollution and it has taken us two or three years to achieve it** following our successful campaign to have the licence removed of the previous management at 516 Old Kent Road. We are now asking you to protect local residents and patrons again.

Attached is:

- 1: My formal letter of representation.
- 2: A photo evidence pack to go with this representation.
- 3: A statutory nuisance letter that was issued by Southwark Council.
- 4: A Public Reports pack for a Licencing Sub Committee in 2009 discussing the extension of licences at this location.
- 5: Extraction of the representations made by local residents from the 2009 hearing.

As before, my offer still stands - I would be pleased to show local Councillors our local area and meet with them to explain the problems we have been having. This case attracts a lot of media attention because of the violence the premises has historically attracted - we have a diverse group of residents, many of which are hoping to have their voices heard.

I'd be very grateful if there would be **time in any hearing for representation for local residents to be provided**.

With best wishes,

31st March

2021

Licensing ('licensing@southwark.gov.uk')
 Health & Safety
 3rd Floor 160 Tooley Street
 SE1 2QH

Dear Madam / Sir

I am writing to make representation to refuse a licence being granted to Victory Sports Bar 516 First Floor Old Kent Road (licence number 874320).

As you will be aware, local residents in this area have been engaged in a 3-4 year campaign to make the streets in the Old Kent Road safer, and **protected from the inappropriate granting of licences to venues in residential areas such as ours.**

We recently had success, and worked with the Metropolitan Police to have the licence of the previous management of the First Floor 516 Old Kent Road removed (K Che Night Club). There were two reasons why this licence was revoked. 1: The management were seen to be in breach of the licence on multiple counts. 2: The venue's existence ran contrary to the aims of Southwark Council's own licencing aims of: prevention of crime and disorder; prevention of public nuisance; and public safety.

We object to application (*licence number 874320*) - on the grounds that:

- The application for this licence is in a **residential area**. There are schools nearby; a **Southwark Council run elderly residents' home directly opposite**; and multiple homes and estates.
- Clubs and bars at this location continuously attract noise, disruption, drug abuse, vomiting, anti-social behaviour, illegally parked cars in the streets and pavements. All of this takes place in the residential area where this nightclub is situation.
- The **hours being requested as part of this licence are unacceptable for a residential area**. When previous bars and clubs operated, local residents complained of noise issues and children being awoken in the night before school. There should be **no businesses operating late into the night** as suggested in this licence. Previous businesses on this site have shown the problem of that. Patrons leave the bar at 0400 in the morning en masse and cause huge disruption and wake everyone the elderly residents and us in the apartments directly opposite the venue.
- Loud and heavy bass from the music is a certainty throughout the nights that clubs at this venue operate. I have personally had to resort to having white noise playing

through speakers to drown out the sound the club produces. I know myself and local residents have missed out on many nights of sleep because of this. Residents struggle to keep windows open because of the noise - in the summer, this is particularly difficult.

- Many local residents with small children are affected by this and have complained that their kids lose sleep.
- I have often woken in the night to fights breaking out, Police being called, shouting on the streets. When the clubs at the venue finish for the night, their ability to disperse crowds is severely limited; and will often continue to drunkenly stay in the area, sometimes until 0600am. Occasionally I have gotten up for work and patrons are still sitting around outside drinking.
- On the nights that we know clubs at this venue will be operating, for local residents it certainly has a feeling of needing to 'lock down in our houses'. Often, residents rush home to ensure we do not run into patrons walking past our house to go into the Club.
- This is made worse by the fact that Marlborough Grove is the location of John Penry House, a residential home for older and vulnerable people. Some of the younger local residents (myself included) are genuinely anxious about the experiences that those in the residential home must be going through.
- **The Metropolitan Police have been clear that venues at this location are inappropriate as it is a residential area.** And this is worsened by the fact that patrons have been violent and disorderly. Despite warnings about the risk of violence, Southwark Counsellors permitted previous venues to operate, enabling future instances of violence and crime to take place. How many more incidents need to occur at this spot, and how many more elderly residents need to have their lives disrupted before Counsellors prevent this once and for all?
- When the next violent attack takes place (there has been plenty enough already), people will ask questions as to why it was permitted that why a location with such a terrible track record for holding club and bar venues was permitted to continue operating again. History will judge us for it.
 - Since December 2018 twelve crime reports of violent incidents had occurred associated with the premises including: four for grievous bodily harm, four for actual bodily harm, one assault on Police, one common assault, one robbery and a crime related incident for a fight inside the premises.
 - Why should this be permitted to continue?
- There is a genuine long-held history of complaints being raised. If you refer to (page 35 to 38) of the Licencing Sub-Committee November 25 2009 pack – you will see that 11 years ago, local residents were raising the same concerns over the management of venues at this location. Residents raised how the club encouraged people to park illegally, and that fighting and violence and drunkenness were rife in the area, putting residents of John Penry House under distress. It mentioned the heavy bass

and the antisocial behaviour—all the way back in 2009. Despite this, Southwark Council somehow approved an extension of the licence that day. The businesses located there have changed hands since then, but the clientele and experience of local residents has not. Southwark Council has a history of not protecting the neighbourhood here.

We are a proud community of Londoners in this part of Southwark. We have taken pride over previous years in the changes that we are seeing. Streets are getting safer, children are able to journey to the nearby schools more confidently, and people are gradually opting to move to the area because of the reputation it has gotten as being a good place to live. We are starting to see the benefit of the investment that the area is getting. Many of us residents are engaged with local Councillors to support them in the work they are doing. We are proud of Southwark, and want to see it flourish.

Local residents and Counsellors have worked hard to prepare this neighbourhood for the bright future we all want for it. Please do not allow violence and disruption back on our streets again.

Sincerely,

A solid black rectangular box used to redact the signature of the sender.

Licensing Sub-Committee

November 25 2009
10.00 am
Town Hall, Peckham Road, London SE5 8UB

Membership

Councillor David Hubber
Councillor Eliza Mann
Councillor Wilma Nelson

Reserves

Councillor Abdul Mohamed

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.

Babysitting/Carers allowances

If you are a resident of the borough and have paid someone to look after your children, an elderly dependant or a dependant with disabilities so that you could attend this meeting, you may claim an allowance from the council. Please collect a claim form at the meeting.

Access

The council is committed to making its meetings accessible. Further details on building access, translation, provision of signers etc for this meeting are on the council's web site: www.southwark.gov.uk or please contact the person below.

Contact

Sean Usher on 020 7525 7222 or email: sean.usher@southwark.gov.uk

Members of the committee are summoned to attend this meeting

Annie Shepperd

Chief Executive

Date: November 17 2009



Licensing Sub-Committee

November 25 2009
10.00 am
Town Hall, Peckham Road, London SE5 8UB

Order of Business

| Item No. | Title | Page No. |
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|----------|-------|----------|

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 personal interests and dispensation in respect of any item of business to be considered at this meeting.

| | |
|--|--------|
| 5. LICENSING ACT 2003 - CLUB TRAFFIK, (GROUND FLOOR), 512-516 OLD KENT ROAD, LONDON SE1 5BA | 1 - 40 |
|--|--------|

| | |
|--|---------|
| 6. LICENSING ACT 2003 - SIERRA SPOT - ARNSIDE STREET, LONDON SE17 2AP | 41 - 88 |
|--|---------|

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

| Item No. | Title | Page No. |
|----------|-------|----------|
|----------|-------|----------|

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: November 17 2009

Agenda Item 5

| | | | |
|------------------------------------|--------------------------------|---|--|
| Item No. 5 | Classification: Open | Date: November 25 2009 | MEETING NAME Licensing Sub-Committee |
| Report title: | | LICENSING ACT 2003 – CLUB TRAFFIK, (GROUND FLOOR), 512-516 OLD KENT ROAD, LONDON SE1 5BA | |
| Ward(s) or groups affected: | | Premises are within: EAST WALWORTH | |
| From: | | Strategic Director of Environment & Housing | |

RECOMMENDATION

1. That the Licensing Sub-Committee considers an application made by Mega Music Entertainment Ltd to vary a Premises Licence granted under the Licensing Act 2003 in respect of the premises known as: Club Traffik, (Ground Floor) 512 – 516 Old Kent Road, SE1 5BA.
2. **Notes:**
 - a) The application seeks to vary existing licensable activities held under current legislation in respect of the premises known as: Club Traffik under Section 34 of the Licensing Act 2003. Existing permitted licensable activities are not the subject of representations and are not under consideration at this meeting. The variation application is subject to representations from interested parties and is therefore referred to the Sub-Committee for determination;
 - b) Paragraphs 12 to 16 of this report provide a summary of the application under consideration by the Sub-Committee (A copy of the full application is provided as Appendix a).
 - c) Paragraphs 18 & 19 of this report deals with the representations and comments received to the application. (copies of relevant representations and conciliations are attached as Appendices c & d).

BACKGROUND INFORMATION

The Licensing Act 2003

3. The Licensing Act 2003 received Royal Assent on 10 July 2003. The Act provides a new licensing regime for:
 - a) The sale of and supply of alcohol
 - b) The provision of regulated entertainment
 - c) The provision of late night refreshment
4. Within Southwark, this Council wholly administers the licensing responsibility.
5. The Act requires the licensing authority to carry out its functions under the Act with a view to promoting the four stated licensing objectives. These are
 - a) The prevention of crime and disorder;
 - b) The promotion of public safety
 - c) The prevention of nuisance; and

- d) The protection of children from harm.
6. In carrying out its licensing functions, a licensing authority must also have regard to
- a. The Act itself;
 - b. The Guidance to the act issued under Section 182 of the Act;
 - c. Secondary regulations issued under the Act;
 - d. The Licensing Authority's own Statement of Licensing Policy
 - e. The application, including the operating schedule submitted as part of the application
 - f. Relevant representations
7. The Act established a transitional period between 7 February 2005 and 6 August 2005 under which holders of existing Justices Licences, Public Entertainment Licences and Night café Licences were able to apply to the local licensing authority for "grandfather rights" conversion of those existing licences into the relevant licences under the new system. Licences that were so converted were converted on existing terms, conditions and restrictions. The 6 August date having now passed operators are still able to apply to secure the new licences before the date upon which the new licensing regime comes into being – 24 November 2005 – but must now apply for new licences.
8. 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 under the Act. The application must also be advertised at the premises and in the local press. The responsible authorities and other interested parties within the local community may make representations on any part of the application where relevant to the four licensing objectives.
9. Although applications submitted after 6 August 2005 no longer carry "grandfather" conversion rights, licensing authorities are directed that applicants do have an "added protection" under the law. Where an applicant seeks a Premises Licence intended to cover the retail sale of alcohol and that premises operation is currently covered by a Justices Licence, the licensing authority concerned cannot apply conditions restricting the hours at which alcohol is sold at present unless there has been a material change in the circumstances since the Justices Licence was granted, or the Police have made representations in connection with the prevention of crime.

MATTERS FOR CONSIDERATION

The current Premises Licence

10. The current licence in respect of the premises known as Club Traffik, Grd Flr, 512 – 516 Old Kent Road, LONDON SE1 5BA was granted to the applicant on 10 November 2009. It allows the following licensable activities.
- **Films; live music; recorded music; performance of dance; facilities for making music**
 Mon & Tues from 09.00- 22.30; Wed, Thurs & Sun 09.00-04.00; Fri & Sat from 09.00 – 06.00
 - **Late night refreshments:**
 Wed, Thurs & Sun; from 23.00-04.00; Fri & Sat from 23.00 – 05.00
 - **Sale and Supply of alcohol on and off the premises:**

Mon & Tues from 10.00- 23.00; Wed & Thurs & Sun 10.00-03.00; Fri & Sat from 10.00 – 04.00; Sun; from 10.00- 02.00

- **Operating hours of premises;**

Mon & Tues from 09.00- 23.30; Wed, Thurs & Sun from 09.00 – 04.30; Fri & Sat from 09.00 – 06.30

11. A copy of the existing Premises Licence is attached as appendix b.

The variation application

12. On 19 August 2009, Mega Music Entertainment Ltd applied to this Council to vary the Premises Licence issued in respect of the premises known as Club Traffik (grd flr), 512 - 516 Old Kent Road, LONDON SE1 5BA under section 34 of the Licensing Act 2003.

Details of the variation application

13. The variation application is summarized as follows:

- **To extend the permitted hour for the sale and supply of alcohol as follows;**

On Thursday until 04.00
On Friday & Saturday until 05.00
Sunday until 04.00

- **Bank Holiday Sunday**

To extend the terminal hours for the sale of alcohol on each bank holiday Sunday till 06.00

- **Terminal hours on Bank holiday Sunday**

To extend the operating terminal hours of the premises on each bank holiday Sunday till 06.30.

A copy of the application to variation application is attached to the report as Appendix a.

Amendment to application

14. The applicant has requested to amend the application to omit **offsales** for alcohol as they do not intend to sell alcohol for consumption off the premises.

15. The variation application form provides the applicant's operating schedule. Parts M and O set out the proposed operating hours in full.

16. Part P of the variation application provides any additional steps that might be proposed by the applicant to promote the four licensing objectives as set out in the Licensing Act 2003. In the event that the Sub-Committee should approve the application any proposals stated here must become licence conditions.

Designated Premises Supervisor

17. The designated premises supervisor under the existing Premises Licence is Daniel George McCaughan, he holds a Personal Licence issued by Southwark Council.

Application for Minor Variation

18. On 21 October 2009 a Minor variation application was made to submit plans to reflect changes made on the ground floor of the premises and to reduce the extent of the premises licence which related to both first floor and ground floor to reflect the ground floor only. This application was unopposed and therefore a new premises licence for the ground floor only was granted on 10 November 2009.

Representations From Interested Parties

19. There are representations lodged by 28 local residents. The representations are primarily concerned with the prevention of crime and disorder, public and noise nuisance. All residents have signed copies of the same letter and as such only one copy of the representation is attached as Appendix c. **Note** - Original representations (on file) and copies for distribution will be available at the hearing.

Representations From Responsible Authorities

20. There is one representation from the Environmental Protection Team. The representation was withdrawn after issues raised were dealt with by the minor variation application (see para 17). A copy of the memo withdrawing the representation is attached to the report as appendix d.

Conciliation

21. Conciliation was offered as part of the application process, but there was not enough support for it. As such the application is being submitted for determination by the Licensing Sub-Committee.

The Local Vicinity

22. A map of the local vicinity is attached. The operating terminal hours of the following premises licensed for regulated entertainment and late night refreshment are shown on the map:

- **Love Lounge, First Floor**, 512-516 Old Kent Road, SE1 (Mon & Tues until 02.00, Wed & Thurs until 04.00, Fri until 06.00 and Sat until 10.00; Sun until 04.00)
- **Macdonalds Restaurant**, 518 Old Kent Road, SE1 (Mon – Sun – until 05.00)

Additional information relating to past operation of the premises

23. The ground floor of premises then known as the Scene Bar and later as Xeus Night Club had in the past held an entertainment licence for the provision of music and dance under the previous legislation and previous managements.
24. In August 2005 an application was made to convert the existing licence (grd flr) with all its conditions into the current licensing regime and the application was granted as such.
25. On 26 March 2007 a new application was made by the current owner (Mega Music Entertainment Ltd) to make provision for both the ground and first floor premises to be used for licensable activities and also to extend the operating hours. A representation was made by the Metropolitan Police, and this was resolved by agreement by both the

- applicant and the Police to place conditions on the licence. The licence was granted on 18 May 2007.
26. On 14 July 2008 a new application was made to separate the first floor premises (**Love Lounge**) from the ground floor with its own conditions and extended operating hours. This application was to be determined whilst the licence granted on 18 May 2007 was still in operation and as such the licence was not surrendered.
 27. Representations were received from the Police, Environmental Protection Team and the London Fire Brigade. These representations were withdrawn after re submission of new plans and agreements made on all sides placing conditions on the licence. The Licence was on 28 granted November 2008.
 28. Also on 14 July 2008 a separate application was made for the ground floor premises then known as (Vogue Nite Club). This application was also to be determined whilst the licence granted on 18 May 2007 was still in operation and as such the licence was not surrendered.
 29. Representations were received from the Police, Environmental Protection Team and the London Fire Brigade. However during visit to the premises it was observed that the layout of the premises had changed significantly in regards to the plans provided at the time of application. Request was made for new plans to be submitted for the application to progress, however as the plans were not submitted the application was eventually rejected.
 30. On 21 October 2009 a Minor variation application was made to submit plans to reflect changes made on the ground floor of the premises and to reduce the extent of the premises licence to reflect the ground floor only this application was granted on 10 November 2009.

Southwark Council Statement of Licensing Policy

31. Council Assembly approved the Southwark Statement of Licensing Policy on 2 April 2008. Sections of the Statement that are considered to be of particular relevance to this application are
 - a. Section 3 which sets out the purpose and scope of the policy and reinforces the four licensing objectives
 - b. Section 5 which sets out the Council's approach with regard to the imposition of conditions including mandatory conditions to be attached to the licence
 - c. Section 6 details other relevant Council and Government policies, strategies, responsibilities and guidance, including the relevant Articles under the Human Rights Act 1998
 - d. Section 7 provides general guidance on dealing with crime and disorder and deals with licensing hours
 - e. Section 8 provides general guidance on ensuring public safety including safe capacities
 - f. Section 9 provides general guidance on the prevention of nuisance

- g. Section 10 provides general guidance on the protection of children from harm.
32. The purpose of Southwark's Statement of Licensing Policy is to make clear to applicants what considerations will be taken into account when determining applications and should act as a guide to the Sub-Committee when considering the applications. However, the Sub-Committee must always consider each application on its own merits and allow exceptions to the normal policy where these are justified by the circumstances of the application.

RESOURCE IMPLICATIONS

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

CONSULTATIONS

34. Consultation has been carried out on this application in accordance with the provisions of the Licensing Act 2003. A public notice was placed in a local news and a similar notice exhibited outside of the premises.

Community Impact Statement

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

STRATEGIC DIRECTOR OF COMMUNITIES, LAW & GOVERNANCE

36. The Sub-Committee is asked to determine the application for a variation of a converted premises licence. The converted licence was itself granted automatically under the new Licensing Act 2003, without need for a hearing, as no relevant objections were received from the Police, on crime and disorder grounds, to the conversion.
37. It is important to distinguish the application for variation of a converted licence under the Licensing Act 2003 from the type of applications previously heard by the Sub-Committee, where a licence was renewed or an applicant sought to vary. The principles that apply are significantly different in many respects (although the requirement to give all parties a fair, unbiased hearing remains).
38. The Sub-Committee can only consider matters within the application that have been raised through representations from interested parties and responsible authorities. Interested Parties must live in the vicinity of the premises. This will be decided on a case-by-case basis.
39. 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 and crime and disorder in the Borough.
40. Interested Parties, 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 day on which the applicant was notified by the licensing authority of the decision to be appealed against.
41. The principles that Sub-Committee members must apply are set out below.

Principles for making the determination

42. Section 35 of the Licensing Act 2003 sets out the licensing authority's powers and duties in considering the determination of an application for variation.

43. The general principle is that applications for variation must be granted unless relevant representations are received. This is subject to the proviso that the applicant has complied with regulations in advertising and submitting the application.

44. Relevant representations are those which

- Are about the likely effect of the granting of the application on the promotion of the licensing objectives
- Are made by an interested party or responsible authority
- Have not been withdrawn (in this case, the initial objections from the Fire Service have been withdrawn).
- Are not, in the opinion of the relevant licensing authority, frivolous or vexatious.

45. If relevant representations are received then the Sub-Committee must have regard to them, in determining whether it is necessary for the promotion of the licensing objectives to

- Add to, omit, and/or alter the conditions of the licence or,
- Reject the whole or part of the application for variation

Conditions

46. The Sub-Committee's discretion is thus limited. It can only modify the conditions put forward by the applicant, or refuse the variation, if it is necessary to do so. Conditions must be necessary and proportionate for the promotion of one of the four licensing objectives, and not for any other reason. Conditions must also be within the control of the licensee, and should be worded in a way which is clear, certain, consistent and enforceable.

47. The four licensing objectives are

- a. The prevention of crime and disorder;
- b. Public safety;
- c. The prevention of nuisance; and
- d. The protection of children from harm.

48. Members should note that each objective is of equal importance. There are no other licensing objectives, and the four objectives are paramount considerations at all times.

49. Conditions will not be necessary if they duplicate a statutory position. Conditions relating to night café and take away aspect of the license must relate to the night time operation of the premises and must not be used to impose conditions which could not be imposed on day time operators.

50. The Licensing Act requires mandatory conditions in respect of supply of alcohol, the exhibition of films and in respect of door supervisors.

51. Members are also referred to the DCMS guidance on conditions, specifically section 7, and Annexes D, E, F and G.

Reasons

52. If the Sub-Committee determines that it is necessary to modify the conditions, or to refuse the application for variation, it must give reasons for its decision.

Hearing Procedures

53. 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.

54. As this matter relates to the determination of an application to vary under section 34 of the Licensing Act 2003, regulation 26(1)(a) requires the Sub-Committee to make its determination at the conclusion of the hearing.

Council's multiple roles and the role of the Licensing Sub-Committee

55. 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.

56. 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.

57. 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.
58. 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.
59. Members will be aware of the Council's Code of Conduct that 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.

Guidance

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

| Background Papers | Held At | Contact |
|---|--|---|
| Licensing Act 2003 DCMS Guidance Secondary Regulations Statement of Licensing Policy Various papers from the premises file. | The Chaplin Centre, Thurlow Street, SE17 2DG | Mrs Kirty Read at the Chaplin Centre Telephone 0207 525 5748 |

APPENDICES

| No. | Title |
|------------|--|
| Appendix a | Copy of the application |
| Appendix b | Copy of the existing premises |
| Appendix c | Copies of the representation from interested parties |
| Appendix d | Copy of the response from Responsible authorities |
| Appendix e | Copy of the local area map |

AUDIT TRAIL

| | | |
|---|--|-------------------|
| Lead Officer | Gill Davies, Strategic Director of Environment & Housing | |
| Report Author | Dorcas Mills, Principal Licensing Officer | |
| Version | Final | |
| Dated | 17 November 2009 | |
| Key Decision? | No | |
| CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER | | |
| Officer Title | Comments Sought | Comments included |
| Strategic Director for Communities, Law & Governance | Yes | Yes |
| Finance Director | No | No |
| Executive Member | No | No |
| Date final report sent to Constitutional/Community Council/Scrutiny Team | November 17 2009 | |

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We MEGAMUSIC ENTERTAINMENT LTD
(Insert name(s) of applicant)

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

| | |
|-------------------------|--------|
| Premises licence number | 830809 |
|-------------------------|--------|

Part 1 – Premises Details

| | | | |
|--|--------|-----------|---------|
| Postal address of premises or, if none, ordnance survey map reference or description | | | |
| 512-516 OLD KENT ROAD | | | |
| GROUND FLOOR | | | |
| Post town | LONDON | Post code | SE1 5BA |

| | |
|---|---------------|
| Telephone number at premises (if any) | 020 7237 7452 |
| Non-domestic rateable value of premises | £ 17 750 |

Part 2 – Applicant details

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

Part 3 - Variation

Please tick yes

Do you want the proposed variation to have effect as soon as possible?

If not do you want the variation to take effect from

| Day | | Month | | Year | |
|-----|--|-------|--|------|--|
| | | | | | |

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

TO EXTEND THE HOURS PERMITTED FOR THE SALE OF ALCOHOL AS FOLLOWS

THURSDAY - UNTIL 04.00 THE FOLLOWING DAY

FRIDAY & SATURDAY - UNTIL 05.00 THE FOLLOWING DAY.

SUNDAY - UNTIL 04.00 THE FOLLOWING DAY.

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

Part 4 Operating Schedule

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

Provision of regulated entertainment

Please tick yes

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

Provision of entertainment facilities:

- | | |
|--|--------------------------|
| i) making music (if ticking yes, fill in box I) | <input type="checkbox"/> |
| j) dancing (if ticking yes, fill in box J) | <input type="checkbox"/> |
| k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K) | <input type="checkbox"/> |

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

Sale by retail of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

PAGES 5-14 HAVE BEEN OMITTED AS
THEY DO NOT APPLY TO THIS
APPLICATION.

M

| Supply of alcohol Standard days and timings (please read guidance note 6) | | | Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7) | On the premises | <input type="checkbox"/> |
|--|-------|--------|---|---------------------|-------------------------------------|
| Day | Start | Finish | | Off the premises | <input type="checkbox"/> |
| Mon | | | State any seasonal variations for the supply of alcohol (please read guidance note 4) | Both | <input checked="" type="checkbox"/> |
| Tue | | | | | |
| Wed | | | | | |
| Thur | 03.00 | 04.00 | Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5) | | |
| Fri | 04.00 | 05.00 | | | |
| Sat | 04.00 | 05.00 | | | |
| Sun | 02.00 | 06.00 | | | |

ON EACH BANK HOLIDAY SUNDAY
TO EXTEND THE TERMINAL HOUR
FOR THE SALE OF ALCOHOL UNTIL
06.00.

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

NONE

0

| Hours premises are open to the public Standard days and timings (please read guidance note 6) | | | State any seasonal variations (please read guidance note 4) |
|--|-------|--------|--|
| Day | Start | Finish | |
| Mon | 09.00 | 23.30 | <p>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)</p> <p>ON EACH BANK HOLIDAY SUNDAY TO EXTEND THE CLOSING TIME UNTIL 06.30</p> |
| Tue | 09.00 | 23.30 | |
| Wed | 09.00 | 04.30 | |
| Thur | 09.00 | 04.30 | |
| Fri | 09.00 | 06.30 | |
| Sat | 09.00 | 06.30 | |
| Sun | 09.00 | 04.30 | |
| | | | |

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

NONE



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

Please tick yes



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

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

P Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

AS PER EXISTING LICENCE

b) The prevention of crime and disorder

||

c) Public safety

||

d) The prevention of public nuisance

||

e) The protection of children from harm

||

Please tick yes/

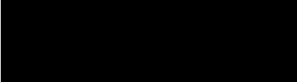
- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand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

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant please state in what capacity.

*

| | |
|-----------|---|
| Signature |  |
| Date | 18-08-09 |
| Capacity | |

*

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

| | |
|-----------|--|
| Signature | |
| Date | |
| Capacity | |

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

| | | | |
|--|--|-----------|--|
| | | | |
| Post town | | Post code | |
| Telephone number (if any) | | | |
| If you would prefer us to correspond with you by e-mail your e-mail address (optional) | | | |

Licensing Act 2003 Premises Licence

FILE COPY



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

Premises licence number

830809

Part 1 - Premises details

| | |
|---|-----------------------------|
| Postal address of premises, or if none, ordnance survey map reference or description | |
| Club Traffik Ground Floor 512-516 Old Kent Road London SE1 5BA | |
| Ordnance survey map reference (if applicable), 177965534197 | |
| Post town London | Post code SE1 5BA |
| Telephone number 020 7703 1042 | |

| |
|--|
| Where the licence is time limited the dates |
|--|

| |
|--|
| Licensable activities authorised by the licence |
| Films - Indoors Live Music - Indoors Recorded Music - Indoors Performance of Dance - Indoors Entertainment Similar to live/recorded music - Indoors Facilities for Making Music - Indoors Provisions Similar to making music and dancing - Indoors Late Night Refreshment - Indoors Sale by retail of alcohol to be consumed on premises |

| |
|---|
| The opening hours of the premises |
| For any non standard timings see Annex 2 |
| Monday 09:00 - 23:30 |
| Tuesday 09:00 - 23:30 |
| Wednesday 09:00 - 04:30 |
| Thursday 09:00 - 04:30 |
| Friday 09:00 - 06:30 |
| Saturday 09:00 - 06:30 |
| Sunday 09:00 - 04:30 |

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies
 Sale by retail of alcohol to be consumed on premises

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

Films - Indoors

| | |
|-----------|---------------|
| Monday | 09:00 - 23:00 |
| Tuesday | 09:00 - 23:00 |
| Wednesday | 09:00 - 04:00 |
| Thursday | 09:00 - 04:00 |
| Friday | 09:00 - 06:00 |
| Saturday | 09:00 - 06:00 |
| Sunday | 12:00 - 04:00 |

Live Music - Indoors

| | |
|-----------|---------------|
| Monday | 09:00 - 23:00 |
| Tuesday | 09:00 - 23:00 |
| Wednesday | 09:00 - 04:00 |
| Thursday | 09:00 - 04:00 |
| Friday | 09:00 - 06:00 |
| Saturday | 09:00 - 06:00 |
| Sunday | 12:00 - 04:00 |

Recorded Music - Indoors

| | |
|-----------|---------------|
| Monday | 09:00 - 23:00 |
| Tuesday | 09:00 - 23:00 |
| Wednesday | 09:00 - 04:00 |
| Thursday | 09:00 - 04:00 |
| Friday | 09:00 - 06:00 |
| Saturday | 09:00 - 06:00 |
| Sunday | 12:00 - 04:00 |

Performance of Dance - Indoors

| | |
|-----------|---------------|
| Monday | 09:00 - 23:00 |
| Tuesday | 09:00 - 23:00 |
| Wednesday | 09:00 - 04:00 |
| Thursday | 09:00 - 04:00 |
| Friday | 09:00 - 06:00 |
| Saturday | 09:00 - 06:00 |
| Sunday | 12:00 - 04:00 |

Entertainment Similar to live/recorded music - Indoors

| | |
|-----------|---------------|
| Monday | 09:00 - 23:00 |
| Tuesday | 09:00 - 23:00 |
| Wednesday | 09:00 - 04:00 |
| Thursday | 09:00 - 04:00 |
| Friday | 09:00 - 06:00 |
| Saturday | 09:00 - 06:00 |
| Sunday | 12:00 - 04:00 |

Facilities for Making Music - Indoors

| | |
|-----------|---------------|
| Monday | 09:00 - 23:00 |
| Tuesday | 09:00 - 23:00 |
| Wednesday | 09:00 - 04:00 |
| Thursday | 09:00 - 04:00 |
| Friday | 09:00 - 06:00 |
| Saturday | 09:00 - 06:00 |
| Sunday | 12:00 - 04:00 |

Provisions Similar to making music and dancing - Indoors

| | |
|-----------|---------------|
| Monday | 09:00 - 23:00 |
| Tuesday | 09:00 - 23:00 |
| Wednesday | 09:00 - 04:00 |
| Thursday | 09:00 - 04:00 |
| Friday | 09:00 - 06:00 |
| Saturday | 09:00 - 06:00 |
| Sunday | 12:00 - 04:00 |

Late Night Refreshment - Indoors

| | |
|-----------|---------------|
| Wednesday | 23:00 - 04:00 |
| Thursday | 23:00 - 04:00 |
| Friday | 23:00 - 05:00 |
| Saturday | 23:00 - 05:00 |
| Sunday | 23:00 - 04:00 |

Sale by retail of alcohol to be consumed on premises

| | |
|-----------|---------------|
| Monday | 10:00 - 23:00 |
| Tuesday | 10:00 - 23:00 |
| Wednesday | 10:00 - 03:00 |
| Thursday | 03:00 - 04:00 |
| Friday | 04:00 - 05:00 |
| Saturday | 04:00 - 05:00 |
| Sunday | 02:00 - 04:30 |

Part 2

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

Megamusic Entertainment Limited
91 Newington Butts
London
SE1 6SE

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

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

[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 No. [Redacted]
Authority L B Southwark

[Redacted]

Licence Issue date 03/11/2009

.....
Community Safety Enforcement
Business Unit Manger
Chaplin Centre
Thurlow Street
London SE17 2DG
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

103 Where a film is to be submitted for classification to the licensing authority, the cinema or venue operator must submit the film intended for exhibition to the authority at least 28 days prior to the first date upon which the film is intended to be exhibited

104 Where a programme includes a film in the 12a, 15 or 18 category no person appearing to be under the age of 12 (and unaccompanied in that case), 15 or 18 as appropriate shall be admitted to any part of the programme; and the licence holder shall display in a conspicuous position a notice in the following terms - 'PERSONS UNDER THE AGE OF (INSERT APPROPRIATE AGE) CANNOT BE ADMITTED TO ANY PART OF THE PROGRAMME' Where films of different categories form part of the same programme, the notice shall refer to the old stage restriction. This condition does not apply to members of staff under the relevant age while on duty provided that the prior written consent of the person's parents or legal guardian has first been obtained

105 Immediately before each exhibition at the premises of a film passed by the British Board of Film Classification there shall be on screen for at least five seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of the certificate of the Board or, as regards a trailer advertising a film, of the statement approved by the Board indicating the category of the film

106 Immediately before each exhibition at the premises of a film passed by the licensing authority notices shall be displayed both inside and outside of the premises so that persons entering can readily read them and be aware of the Category attached to any film or trailer

107 Any individual carrying out security activities at the premises must be.

(a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or

(b) be entitled to carry out that activity by virtue of section 4 of that Act.

Annex 2 - Conditions consistent with the operating Schedule

112 This licence allows for the premises to remain open for non standard timings as stated on the days below. Christmas Eve 10:00 to 03:30 the following day Christmas Day Boxing Day St Georges Day St Patrick Day St Andrews Day Good Friday Easter Sunday Easter Monday Early May Bank Holiday Spring Bank Holiday Summer Bank Holiday

113 This licence allows for the premises to remain open for the sale or supply of alcohol for non standard timings as stated below on the following days: Christmas Eve 10:00 to 03:00 the following day Christmas Day Boxing Day St Georges Day St Patrick Day St Andrews Day Good Friday Easter Sunday Easter Monday Early May Bank Holiday Spring Bank Holiday Summer Bank Holiday

114 This licence allows for the premises to extend the following licensable activities for non standard timings as stated below on the following days: Provision of regulated entertainment Plays, Films, Indoor Sporting Events, Boxing or Wrestling Entertainment, Live Music, Recorded Music, Performances of Dance, Anything of a similar discription. Provision of Entertainment Facilities Making Music, Dancing, Entertainment of a Similar Discription. Christmas Eve 10:00 to 03:00 the following day Christmas Day Boxing Day St Georges Day St Patrick Day St Andrews Day Good Friday Easter Sunday Easter Monday Early May Bank Holiday Spring Bank Holiday Summer Bank Holiday

115 This licence allows for the premises for the provision of late night refreshment for non standard timings stated below on the following days: Christmas Eve 10:00 to 03:00 the following day Christmas Day Boxing Day St Georges Day St Patrick Day St Andrews Day Good Friday Easter Sunday Easter Monday Early May Bank Holiday Spring Bank Holiday Summer Bank Holiday

154 a.The Licensee / Duty Manager shall ensure that he has sufficient trained staff on duty to ensure the safe evacuation of the premises in an emergency. Such staff shall have been specifically instructed on their duties in the event of an emergency by the Licensee or by a person nominated by him. The instruction given to staff shall include training on the safe and efficient running of the premises and the safe evacuation of the premises. b.A nominated member of staff in addition to the Duty Manager shall have responsibility for fire prevention measures and for ensuring that all escape routes including

exit doors are fully available. c.No Door Supervisor shall be employed at premises outside London except with consent. Any employment shall be in accordance with additional conditions set by the Council. d.Staff with specific responsibilities in the event of fire or other emergency, together with deputies, shall receive training and written instruction appropriate to their role. The Licensee / Duty manager shall, once he is satisfied as to the competence of each member of staff, record this in the Fire log book.

158 a. The Licensee / Duty Manager shall ensure that no nuisance is caused by noise emanating from the premises or by vibration transmitted through the structure of the premises. b.If required, legible notices shall be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and area quietly.

161 The Licensee / Duty manager shall ensure that, whenever disabled people are present, adequate arrangements are made to enable their safe evacuation in the event of an emergency and that they are made aware of those arrangements.

172 a. The Licensee / Duty Manager shall ensure that an adequate and appropriate supply of first aid equipment and materials is available on the premises. b.If required, at least one suitably trained first aider shall be on duty when the public are present. If more than one suitably trained first-aider is present, each person's responsibilities shall be clearly identified.

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

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

290 That one Security Industry Authority licensed Door Supervisor shall be employed with a counting device from XXX to control admissions to and departures from the premises when entertainment is provided

305 That signs shall be displayed at the entrance to the premises that state 'Drug Free Signs' and 'No Search, No Entry. Management reserve the right to Refuse Entry'.

308 That there shall be no new admission, or re-admission, of the public to the premises after (TIME) on the days (DAYS OF THE WEEK)

309 That all musicians and DJs must play electrically amplified

music/audio/PA through a sound cut out device. The cut-out device shall be maintained at levels set to the satisfaction of the Council's Noise Team

310 That all doors excepting any that may be required to be locked open for the purposes of means of escape, shall be kept closed whenever public entertainment is being provided upon the premises

~~**311** That notices shall be displayed and announcements made requesting that customers leave the premises in a quiet and orderly manner~~

336 A personal licence holder shall be on the premises at all times that intoxicating liquor is supplied

340 That a CCTV system shall be installed both inside and outside the premises in conjunction with advice from the local Police and be maintained in good working order. This system shall be continually recording at all times that the premises are in use under the Premises Licence. All such CCTV footage shall be kept for a period of thirty-one (31) days and shall, upon request, be made immediately available to officers of the Police or Council.

341 That one CCTV camera shall be installed in such a position as to enable a clear facial image of every person passing through the security arch to be recorded and shall be maintained in working order at all times.

342 That an identification Recognition System (ClubScan or similar) shall be installed and maintained in working order at all times. Every person, including staff and agents, entering the premises during opening hours shall be required to submit their details to the system.

343 That SIA registered door supervisors - at least one of whom must be a female - shall be employed at the premises and be provided with: (1) a hand held metal detection unit to ensure that all persons entering the premises are subject to the Premises' Search Policy; and (2) a mechanical counting device in order to supervise admissions to and departures from the premises and to ensure that the premises maximum accommodation limit is not exceeded.

344 That the Licensee / Duty manager shall maintain a register indicating the numbers of staff, including any Door Supervisors and all performers, who are present when the public are present. This register shall be produced immediately on the request of an Authorised Officer.

345 That a duty roster must be maintained for all SIA staff and shall be made available to the Metropolitan Police on request.

346 That an incident Log must be maintained at all times and made available to the Metropolitan Police and the London Borough of Southwark Authorised Officers on request.

347 That any promoter or other such person hiring the premises be required to complete the 'Venue Hire Agreement' Form 696 provided by the Metropolitan Police and, once completed, the Premises Licence holder or their nominated representative shall ensure that a copy of the agreement is provided to the Police and Licensing Unit a minimum of fourteen days prior to the date of hire.

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

Annex 4 - Plans - Attached

| | |
|-------------|---------------|
| Licence No. | 830809 |
| Plan No. | 2Y2K9/MG/ARO1 |
| Plan Date | October 2009 |

**This is a transcript of the same Email sent by 28 Local residents
-see list attached.**

To: Southwark Council licensing service, C/O Southwark Environmental health and Trading standards, The Chaplin Centre, Thurlow Street, SE17 2DG.

please find attached a copy of my objection sent on my behalf

I am writing to object to a premises variation to license 830446, Xeus Nightclub, 512-516 ground floor Old Kent Road SE1 5BA applicant Megamusic entertainment Ltd.

The Grounds for objection are:

The prevention of nuisance:

There is a severe nuisance caused to myself and neighbours by noise escape from the club premises. I am repeatedly disturbed loud music (particuly the thud thud of the base). The proposed variation will increase and extend the time the level of nuisance making the life of myself intolerable.

This problem is made worse by the failure to comply with condition 310 of the application The management routinely allow the violation of this condition by using the fire exits facing the Old Kent road to be used for exit and entry to the club when entertainment is provided. The proposed change to the licence is likely to increase this particular problem to an intolerable level particularly as the club management when challenged on this issue claim the right to use these doors for entry and exit to the club for artistes, staff and guests. Currently this means these doors are used in violation of the licence conditions every time the club is open and most frequently in the early hours of the morning. It is highly likely the proposed variation will make this issue even more intolerable.

In addition the main entrance to the club has two doors designed as an 'airlock' in that when one door is open the other should be closed to prevent noise escape from the premises. These doors are routinely opened at the same time and this misuse of the airlock increases substantially the later it gets into opening hours I can only see this problem getting worse under the terms of the proposed variation.

The general level of volume of the music played in the club is far too high for the level of sound proofing in the club. Music can always be heard outside on the street, in my garden and in my flat and my neighbours flat when the club is open. In addition the resonance and vibration from the volume levels and base levels of the music are quite intolerable .This proposed licence variation if granted without conditions for major sound and vibration reduction is likely to greatly increase the level of nuisance caused particularly as the volume of the music played is not properly supervised and is routinely raised at

aproximately 1am and gets progressively worse the later it gets and the proposed changes are likely to make this even worse.

The general supervision of the club is poor. The club actively encourages the driving of vehicles over the public pavement and parking on the pavement between the club premises and Mcdonalds restaurant and in front of the electricity substation. (I understand this land may not belong to the club though the club has partialy fenced and taken occupation of it) This area was paved by the local authority and is pedestranised yet the club encourages vehicle parking, loading and unloading of equipment and of passengers in this area. This late night activity causes noise and disturbance including tooting of car horns, furious revving of engines, loud shouting and noise nuisance to myself and my neighbours. The manner in which this land is being used not only has no planning permission but actively negates against the conditions of the licence which require the club to attempt to reduce nuisance to neighbours. This club by the manner in which it allows vehicles and dozens of patrons to congregate outside in this area demonstrates a disregard for the responsibilities of the licence holder and an appalling level of nuisance to myself and my neighbours. I believe that the granting of the variation will of itself {and certainly without strenous conditions to stop this area being used by the club in the manner in which they currently use it) cause considerable and unacceptable increase in the the level of nuisance caused.

Public urination and public vomiting by male and female patrons of the club in the front of the club, by the fire exits, on the pavement outside the front and sides of the club, in the Old Kent Road, Marlborough Grove, the front of John Penry House and the vacant lot opposite John Penry House occurs very frequently every time the club is open. There is no attempt to control this by door supervisors even when it occurs in the alcoves by the fire doors and immediately in front of the club entrance. In addition the garden and public areas of **John Penry House - a sheltered housing scheme for elderly people** - are often used for public defecation and urination and vomiting as well as a rubbish tip by club patrons. It is inevitable this level of public nuisance will increase if the variation is granted.

The other area of public nuisance is the parking of cars by club patrons in Marlborough grove particularly outside John Penry House. This leads to a constant disturbance most of the night and early hours of the morning when the club is open; with car horns being blown, doors slamming, engine revving, squealing of brakes, loud voices, shouting and frequent altercations right outside my and my neighbours windows. No consideration at all to the elderly residents in the sheltered housing scheme is shown by the stream of rowdy, often drunken or stoned club patrons that leave (or go to) this club, congregate outside John Penry House and then leave by car in such a rowdy manner. It seems this will only get worse if the variation to the license is granted. Certainly it is likely the length of time this awful disturbance and nuisance has to be endured will increase.

The Prevention of crime and disorder.

I object to the granting of this variation to the licence as I believe it will greatly increase crime and disorder. This club is acting as a catalyst for crime in our area. Every time the club is open drug dealers and club patrons can be observed buying and selling illegal drugs in the vicinity of the club particularly in Malt st.

I and neighbours have watched club patrons buy drugs and go into the club and also come out the club go and buy drugs then go back in the club. This Problem was non existent in our area prior to these premises becoming a night club. The issue is getting steadily worse. There have been stabbings in the club, many fights and disturbances on the street, patrons of the club armed with guns requiring the presence of both plain clothes armed police officers and of uniformed armed police officers to park outside my home, in our street and by the club all night every night for several weeks. It is scary and terrifying to have this club attracting this level of crime and disorder to our door step. I believe the manner in which this club is run and its complete disregard for its neighbours contributes to this crime level and is currently the prime cause of crime and disorder at night in our area. If the variation is granted I believe the crime level will increase directly as a consequence.

The door staff of this club do not seem able to control entry and egress from the club effectively to date response from complaints do not appear to have any effect, I believe the granting of the variation will only contribute to more aggression and disorder.

Ensuring public safety

There is a continuous problem with Drunken drivers coming out the club. Drivers drive over the pavement and park in the pedestrian area. There are frequent fights in the street, Knives and even a fake firearm have been stashed in our garden. Abuse from club patrons, threats and aggressive behavior are routine There is vomit, urine and faeces in the street and the garden. The door staff are unhelpful, sometimes aggressive. The management do not respond appropriately and at best carry on merrily at worst do not seem to take their responsibilities seriously.

I can only see these problems getting worse if the variation is approved; and perversly I think that (given my opinion on how this club is run) I believe to grant the variation would in the mind of the club management act as a stamp of approval on their activities.

Protection of children from harm

If this variation to the license is granted the changes will mean children going past this club will be exposed to the detrimental effects of this club. The club is located in the vicinity of the main bus stops, the main shopping facilities,

close to at least one mosque and four churches and several schools as well as housing estates. It would be inevitable that the risk of danger to children would be increased as the operation of the club spills ever later into the morning both in the immediate vicinity of the club and from club patrons misbehaving in the area. As a result children are more likely to be put at risk. The granting of the variation would be detrimental to our children.

Summary

This club is located immediately opposite a sheltered housing scheme for elderly people. The club premises used to be a public house and any disturbance or other nuisance was confined to a 11pm finish with the neighbourhood cleared by 11.30pm.

Since the conversion to a night club there has been crime and nuisance creep and disturbance as the club operates later and later and longer and longer hours.

Alterations to the fabric and sound proofing of the building have never adequately reflected its new use as a night club or the gradual extension of operating hours.

The manner in which it has been run shows no consideration for neighbours and the noise nuisance it generates is particularly unfair to the elderly people living opposite.

This Club is the cause of an unremitting and unconscionable intrusion and disturbance to the residents of John Penry House which have resulted in unfair disturbance and noise nuisance most of the night, four nights every week. Christmas and bank holidays have become a nightmare because of the noise and nuisance. This application proposes to extend this even further. Enough is enough. Is it not time that some limit was set and the local elderly people and other neighbours given some consideration and respite from this torture which has been imposed on us?

In an Ideal world this club would be told the music should only be heard **inside** the club. Not on the street. Not in neighbours gardens, Not in neighbours houses or flats, Full stop. Other boroughs manage this why not Southwark? Why are we at the whim of a subjective decision by who ever from the licensing department? Why is the resonance and vibration emanating from the club not given due weight .This failure to regulate the basics properly and fairly is leading to all the problems referred to above.

I understand that at this stage the committee can only deal with the issue of the variation and I wish to object to the granting of this application in the strongest possible terms.

MEMO: Environmental Protection Team

To David Franklin Dorcas **Date** 9th November 2009
Mills

Copies Regen, Lic

From Alan P. Blissett **Telephone** 020 7525 5766 **Fax** 020 7525 5728

Email Alan.Blissett@southwark.gov.uk

Subject Megamusic Entertainment 512-516 Old Kent Road SE1

I refer to the application to vary premises licence dated 18th August 2009, in respect of supply of alcohol both on and off the premises until later hours on Thursday to Sunday

Please also refer to my memo's of 16th September 2009 and 2nd November 2009

I understand that you have confirmation that the application under consideration now relates solely to the ground floor premises currently known as Club Traffik,

My concerns in relation to the revised layout of the ground floor and re-configuration of the amplification have been addressed through a minor variation determination. I note that work is in progress to construct lobbies to the two emergency exit doors onto Old Kent Road, which are designed to improve sound containment.

My concerns in relation to the supply of alcohol off the premises until the requested curfew hours have been addressed by written confirmation to Licensing of 5th November amending the variation to 'on the premises'.

There are no other outstanding aspects of the variation application which my service consider are relevant to the prevention of public nuisance objective, **I therefore withdraw my representation.**

Alan Blissett
Principal Environmental Protection Officer

Club Traffik, 512 Old Kent Road



Date 12/10/2009

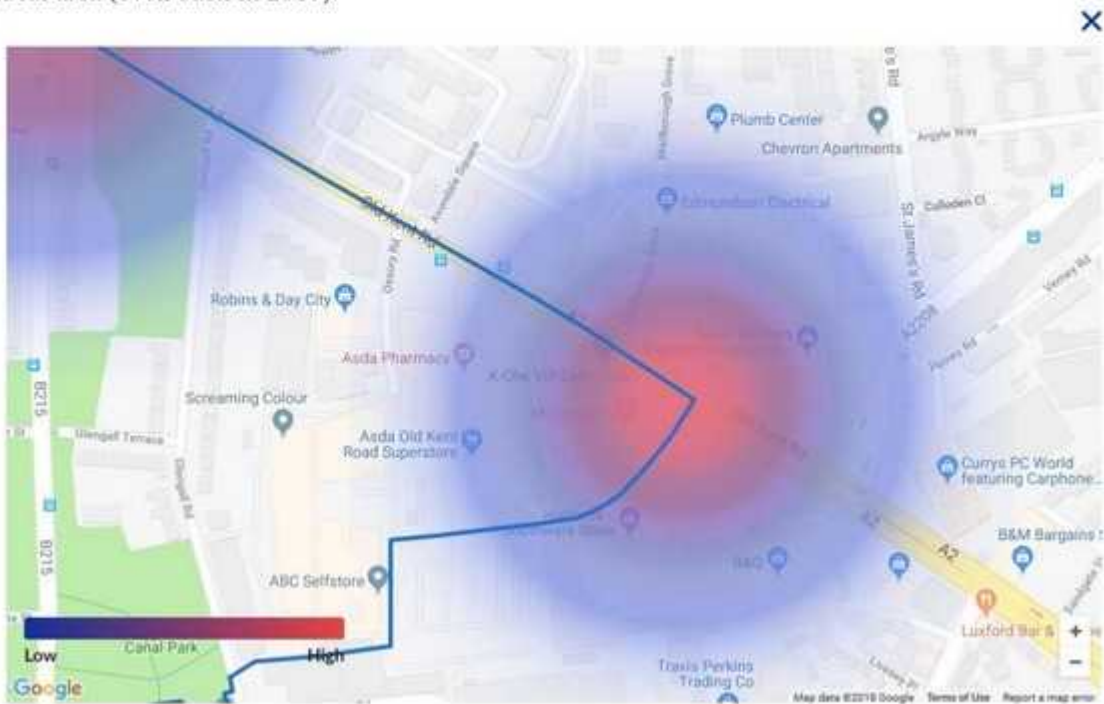


(c) Crown copyright. All rights reserved (0010019252) 2008

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Scale 1:714
Dprcas Mills

A: A Crime Map print out from the Met Police website, showing the centre of crime in the local area (even back in 2017).



B: K-Che patrons, early in the morning, hanging on to the railing, drinking and fighting just outside my window.



C: Police dealing with an incident from K-Che patrons, requiring three vehicles.



D: A separate evening, Police being called to K-Che disturbance.



E: As club empties, the Old Kent Road gets blocked with cars parking up and picking up Patrons.



F: K-Che patrons enjoying the food stand outside the club, with Police attending another incident. The noise of the crowd is enough to wake local residents up.



G: K-Che patrons enjoying an after party on the street, yards away from residential homes at around 0500 in the morning.



H: Vomit on the disabled path access to our building in the morning after a K-Che evening.



I: Another night following a K-Che event. Vomit just outside our windows.



J: Police Officers rushing to attend a disturbance outside the club.



K: Illegal parking of K-Che patrons. They park here, often drinking or doing drugs before heading off into the club.



L: K-Che patrons continuing to loiter after hours. Huge amounts of noise that night.



M: Patrons before heading into K-Che outside my window. Drinking, swearing, shouting on our property. The building in the background is the residential home for older people.



N: Police right outside my window dealing with an incident on the 29th Feb 2020. Disturbance caused to all the neighbourhood.



O: Same night. Police having to placate K-Che patrons. All outside residential homes.



P: Police being forced to bundle the violent K-Che patron into a van. Again, all outside our homes, all because K-Che have for a number of years, been unable to run a safe business. Their tolerance of such behaviour has become a promotion of it.

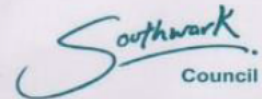


Q: The following night, drunken and loud K-Che patrons almost being hit by bus.



R: Fighting on the streets as K-Che finishes.





Noise & Nuisance Team
Phone - 020 7525 3171
Our reference: 863708

[REDACTED]

1 October 2017

Dear Mr [REDACTED]

RE: ALLEGATION OF NOISE NUISANCE FROM - Basement And Ground Floors, 516 Old Kent Road, London, SE1 5BA

I write with reference to your complaint to the Noise & Nuisance Team on 1 October 2017 at 01.48 hours. We visited you on 1st October 2017 at 02.25 hours and witnessed the noise that you were complaining about. I considered the noise to be a statutory nuisance with the following outcome:

- It was possible to negotiate a reduction in the noise level.
- A Noise Abatement Notice will be served on the person(s) responsible.
- The Licensing Department will be informed about this incident and about the action taken by the Noise & Nuisance Team.

Yours sincerely,

[REDACTED]

Alex Quaye
Noise Officer

If you feel that our response to your complaint did not meet your needs or expectations, or you wish to comment on the service, please write to us at the address below. You will receive a written reply within 10 days.

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-see list attached.**

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Party 17

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

From:

Sent: Thursday, April 1, 2021 1:47 PM

To: Regen, Licensing <Licensing.Regen@southwark.gov.uk>; Kalu, Richard <Richard.Kalu@southwark.gov.uk>

Subject: Victory Sports Bar, 516 First Floor, Old Kent Road (licence number 874320)

Dear Southwark Council and Licensing Team

I would be very grateful if you could register my opposition to the application of Victory Sports Bar, 516 First Floor Old Kent Road (licence number 874320)

The history of venues at this location has plagued this residential community for many years. Many of us have lived in fear of our safety because of the violence and drug abuse it attracts to the area. Many of my neighbours have young children they worry for.

Southwark councillors and the committee supported our position in May 2020, when they finally revoked the licence of K-Che (the latest in a long string of badly managed venues at this location).

Our objections to a licensed venue returning to this location is not just about the history of violence and drug abuse. We are talking here about a residential area, with children, elderly and vulnerable residents living directly opposite the proposed venue for this establishment.

One of the residential homes I am referring to is John Penry House - operated by Southwark Council for elderly residents. How can it be permissible for a venue to operate late into the night directly opposite a old folks home? The history of this location shows its unacceptable, and we should actually learn from this.

If a licence is granted, I worry about how long it will be before the next serious episode of violence occurs. It could be even worse next time; where would we be left then?

We as residents are relying on you to protect us from the irresponsible and dangerous management of premises in our residential community. The vulnerable and elderly residents at John Penry House also deserve to be protected from the threat of crime and violence around their homes.

We have worked really hard to improve the local area and are looking forward to a bright future for Southwark. We need our Council to stand up for us.

I appreciate any support you can provide.

With thanks,

Party 18**From:****Sent:** Thursday, April 1, 2021 2:16 PM**To:** Regen, Licensing <Licensing.Regen@southwark.gov.uk>**Subject:** 874320

Dear Licensing Team Southwark,

I wish to object to the proposed Victory Sports Bar at 516 Old Kent Road. I have two young children and live in the flats opposite the club. This area is residential and populated by many young families. To have a club open until 3am Sunday to Wednesday and 5am Thursday to Saturday would be completely inappropriate. There is an open outdoor space outside the club and next to the 24 hr McDonalds where customers to the Sports Bar are likely to congregate at closing, time causing significant disruption to local residents, as has historically been the case with other venues operating on this site.

When the venue was open in its previous form there were frequent disturbances, large crowds of intoxicated people congregating opposite and immediately outside our flats and the area was frequently littered with alcohol bottles and cans and drug debris after a club night. It is natural to assume that the same will happen and I would very much like to avoid this.

Kind regards,

NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 2 JANUARY 2020

LICENSING ACT 2003, SECTION 53A: K-CHE VIP LATIN CLUB, FIRST FLOOR, 512-516 OLD KENT ROAD, LONDON SE1 5BA

1. Decision

The council's licensing sub-committee, having considered an application made under section 53A of the Licensing Act 2003 by the Metropolitan Police Service for the review of the premises licence in respect of K-Che VIP Latin Club, First Floor, 512-516 Old Kent Road, London SE1 5BA, and having had regard to all relevant representations, decided to modify the conditions of the licence by adding the following conditions to the licence:

- 1) No bottles or glassware are to be taken onto the dancefloor area of the premises;
- 2) Polycarbonate jugs of water with sufficient polycarbonate cups are to be provided at all tables and regularly refilled;
- 3) That the CCTV system provides full coverage of all public areas, to include all parts of the upstairs including seating areas, a CCTV camera is placed so that it gives a clear facial image of all customers leaving the premises;
- 4) One member of staff be designated to ensure all persons are entered on the ID Scanning system when entering through the front gate, and that there is no re-entry except for staff.
- 5) Staff shall ensure that all patrons leaving the premises disperse in an orderly fashion and shall inform management of any issues they observe within the vicinity of the premises.

The sub-committee noted with approval the premises licence holder's undertaking to avoid the use of single-use plastics where possible.

2. Reasons

The sub-committee noted paragraph 2.1 of the Guidance, to the effect that licensing authorities should look to the police as the main source of advice on crime and disorder. They shared the concerns of the police and the licensing team that a serious incident had occurred on the premises involving a bottle being thrown while an altercation occurred. They took account of the fact that the incident had occurred in the dancefloor area of the premises, where flashpoints are perhaps more likely.

However, the sub-committee also took account of the licence holder's submissions (see paragraph 11.10 of the Guidance) that where problems are identified, the licence holder should be given early warning and an opportunity to work with the responsible authorities to put matters right before any review takes place. The sub-committee accepted on balance that the respondent was unaware of the bottle-

throwing and noted that security staff had acted quickly to deal with the altercation itself.

The sub-committee noted that it was not disputed by the police that, although some incidents of violence associated with the premises had occurred since the current licence holder took them over, there had nevertheless been an overall reduction in the number of such incidents.

The sub-committee considered with care (as required by paragraph 11.23 of the Guidance) what action would be proportionate in the circumstances and took account of evidence from the licence holder as to the financial impact of prohibiting the sale of half-bottles of spirits.

They also noted (pursuant to the Equalities Act 2010) the evidence from the licence holder as to the drinking and dancing culture within the Latin American community which is catered for by these premises.

Overall, the sub-committee decided that although there remain concerns about the premises, in particular the risk of violence associated with heavy drinking, the licence holder should be given a chance to demonstrate that the premises can be responsibly managed and the risks reduced whilst maintaining the current practice of serving half-bottles of spirits and bottles of wine or beer.

In order specifically to promote the licensing objective of the prevention of crime and disorder, the sub-committee decided that it was both necessary and proportionate to impose additional conditions on the licence as set out in section 1 above, in order to assist the licence holder to maintain proper control at the premises.

3. Appeal rights

This decision is open to appeal by either

- a) The applicant for the review
- b) The premises licence holder
- c) Any other person who made relevant representations in relation to the application

Such appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the Magistrates' Court for the area within the period of 21 days beginning with the day on which the appellant was notified by this licensing authority of the decision.

This decision does not have effect until either

- a) The end of the period for appealing against this decision; or
- b) In the event of any notice of appeal being given, until the appeal is disposed of.

4. Review of interim steps pending appeal

At the conclusion of the review hearing the licensing sub-committee reviewed the interim steps to determine which interim steps were appropriate for the promotion of the licensing objectives, pursuant to section 53D of the Licensing Act 2003. The sub-committee concluded that these interim steps were appropriate:

- CCTV to be upgraded so all parts of the upstairs are covered including seating areas, and a CCTV camera is placed so that it gives a clear facial image of all customers leaving the premises;
- One member of staff be designated to ensure all persons are entered on the ID Scanning system when entering through the front gate, and that there is no re-entry except for staff.

The interim steps are open to appeal by:

- a) The chief officer of police for the police area in which the premises is situated;
or
- b) The holder of the premises licence

Such appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the Magistrates Court for the area within the period of 21 days beginning with the day on which the appellant was notified by this licensing authority of the decision.

Issued by the Constitutional Team on behalf of the Director of Law and Democracy

Date: 2 January 2020.

NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 12 MAY 2020

LICENSING ACT 2003: SECTION 53C: K-CHE VIP LATIN CLUB, FIRST FLOOR, 523-516 OLD KENT ROAD, SE1 5BA

1. Decision

That the council's licensing sub-committee, having considered an application made under Section 53C of the Licensing Act 2003 by the Metropolitan Police Service for the review of the premises licence issued in respect of the premises known as K-CHE VIP Latin Club, First Floor, 523-516 Old Kent Road, SE1 5BA and having had regard to all relevant representations decided that it is appropriate, necessary and proportionate in order to promote the licensing objectives to:

- Revoke the premises licence.

2. Reasons

The licensing sub-committee heard from the Metropolitan Police Service, the applicant for the review, who advised that the summary review application was originally submitted on 3 March 2020 respect of the premises known as K-CHE VIP Latin Club, First Floor, 512 - 516 Old Kent Road, London SE1 5BA. The licensing sub-committee agreed on 5 March 2020 that it was appropriate and proportionate to suspend the premises licence issued in respect of the premises with immediate effect until the full review hearing that was due to take place on 26 March 2020.

However, due to the restrictions put in place by the government in respect of the Coronavirus outbreak it was not possible to proceed with the scheduled hearing. This meant that it was not possible for the review application to be determined within the mandated 28-days (pursuant to section 53(A)(2)(b) of the Licensing Act 2003) therefore, application had become invalidated. The officer from the police therefore, formally withdrew the application.

As a result, the police submitted a further summary review application on 15 April 2020. At the expedited licensing sub-committee hearing on 16 April 2020 it was agreed that it was again, appropriate and proportionate to suspend the premises licence issued in respect of the premises with immediate effect until the full review hearing is held on 12 May 2020.

The application(s) concerned a serious incident that took place on Saturday 29 February 2020 at approximately 03:35 when fighting started inside the premises. The premises' security operatives were unable to gain control of the premises, and the police were called. On the arrival of the first responding police officers a group of customers were observed fighting in the premises' yard area. One male was armed with a brandy bottle and was attempting to hit people. He then attacked officers who had to use a Taser to subdue him. A number of other customers were attempting to attack officers. Officers had to call for urgent assistance and use batons and incapacitating spray in an attempt to restore order and defend themselves. One officer was assaulted on the dance floor area by a customer who attempted to strangle him while the officer was trying to clear the premises.

The Police explained that the incident on 29 February 2020 was not an isolated one. Since December 2018 twelve crime reports of violent incidents had occurred associated with the premises including: four for grievous bodily harm, four for actual bodily harm, one assault on Police, one common assault, one robbery and a crime related incident for a fight inside the premises.

Furthermore, on 25 January 2020, a fight occurred at the premises at approximately 01:40 and a male was assaulted. The premises' management could not provide CCTV footage to police officers on request at the time of the incident which is a breach of the conditions 289 of the premises licence issued in respect of the premises.

The Metropolitan Police Service also advised that on 3 December 2019 they had applied a summary review of the premises licence as a result of an incident involving a glass bottle being thrown. That application was determined on 2 January 2020 when the sub-committee took the view that the licence holder should be given early warning and an opportunity to work with the responsible authorities to put matters right before any review takes place; on that occasion, the premises licence was modified.

The licensing sub-committee then heard from two residents who were called as witnesses by the police. Both stated that they had been plagued over recent years by the disturbances caused by K-Che every Friday and Saturday night around midnight and then again as patrons began to leave the premises at around 04:00. The disruptions included large gatherings of people on Marlborough Grove drinking alcohol, taking drugs and inhaling gas canisters in the street using their building and the surrounding buildings as dustbins. Patrons also blared music from their vehicles as patrons have pre and post venue parties. Other nuisances and disturbances included urinating in the street, fighting/assaults of others and patrons smashing bottles on the ground.

The licensing sub-committee then heard from the representative for the licence holder who explained that the premises was part of a family business that had over 20 years of experience and five licensed premises. The licence holder had invested approximately £250,000 into K-Che. The venue itself had a poor history in respect of crime and disorder, but they had, on the whole, run the premises successfully for over two years,

Problems at K-Che had started approximately six months ago and it was accepted, that mistakes had been made in that time. The 29 February incident has occurred due to four of the SIA staff failing to arrive at the premises. Because the SIA company insisted that the four staff would arrive, the licence holder thought that the situation could be managed until their arrival, so did not limit the number of patrons entering. Unfortunately, with the exception of one officer, none of the SIA staff had worked at the premises before. In hindsight, a planned closure should have taken place. The licence holder also informed the sub-committee that an external promoter was used on 29 February. The external promoter previously had a good reputation, their audience were not regulars at the premises. When it was apparent that the situation could not be controlled, the SIA contacted the police. At this point, the music was turned down, the lights came up and the tables were all cleared of anything that could be used as a weapon.

The licence holder then described to the sub-committee an action plan that would make the venue safer for customers, staff and local residents alike. This included:

- To employ a new SIA company to ensure adequate security was always available.
- To employ a dedicated Security Manager who would be intricately involved in the security plan and undertake street patrols.
- To engage the Safer Sound Partnership to undertake a comprehensive review of all risk assessments and policies. The Safer Sound Partnership would also provide training.

- To change the designated premises supervisor (DPS) to the approval of the Police. The DPS would work directly with the Safer Sound Partnership.
- That only internally promoted events would take place.
- That K-Che would become an over 21s only venue. There would however be a “client loyalty scheme” for those over the age of 18 and were friends of management.
- That no bottles of spirits would be permitted on the tables.

The licensing sub-committee noted the representation from licensing as a responsible authority, who was not in attendance. The licensing responsible authority stated that they had no confidence in the licensees of the premises to uphold any of the licensing objectives or to ensure that the conditions of the premises licence issued, in respect of the premises, will be met. The licensing responsible authority recommended that the premises licence issued, in respect of the premises, be revoked.

During the course of discussion, it was clarified to the members of the sub-committee that the premises licence holder had changed the company address on 12 January 2017 but had failed to inform the licensing authority of the change. A failure to inform the licensing authority of the change of address constitutes an offence under Licensing Act 2003. Due to this change of address, the premises licence holder was not aware that the premises licence had been suspended (on 5 March 2018), due to the non-payment of annual licence fees.

On 5 March 2018 a notice of suspension was sent to the premises licence holder regarding the non-payment of the annual licence maintenance fee for 2018, following an invoice sent with a due date of 28 February 2018. A second notice of suspension was issued on 1 March 2019. The annual licence maintenance fee was not rectified (and up to date) until 2 December 2019. The premises had operated in breach of a suspension for some 19 months and on dates when violent incidents had occurred.

On considering both the oral and written representations, this licensing sub-committee was of the opinion that the premises licence holder has attempted to exonerate himself of any blame and frequently contradicted himself. Initially he claimed that the external promoter had a good reputation and then attempted to distance himself from them by stating it that the promoter’s audience were not regulars at K-Che. However, in the course of discussion, he claimed incidents had occurred when there were externally promoted events in December 2019, January 2020 and February 2020. It was also stated that the mother of the premises licence holder had made contact with the SIA company on the night of the incident on 29 February, then he stated that he was the one who contacted them.

The premises licence holder also stated that the venue would become an over 21s club, but would allow entry to under 21 years if they were friends of management, making the proposal of an over 21s club unenforceable and a nonsense. He blamed the suspension of the licence, in relation to the non-payment of licence fees, on his accountants for failing to notify of a change of the address.

At the final determination of the expedited review on 2 January, 2020 the licensing sub-committee decided that *“there remain concerns about the premises, in particular the risk of violence associated with heavy drinking, the licence holder should be given a chance to demonstrate that the premises can be responsibly managed”*. The premises licence holder has shown that he is unable to manage these premises. If he was, the proposed action plan would have been put into effect following the review in January 2020. The January review decision included a condition that glass bottles shouldn't be on the dance floor. This decision was made to assist the premises keeping the public safe while taking into consideration the cultural background of the club. In the pictures, provided by the police as evidence, the sub-committee

could clearly see a bottle on the dance floor. The premises admitted themselves that they had been in breach of this condition, which had been placed on the licence for public safety.

The evidence presented illustrated a total lack of control and poor management and the sub-committee had no faith that the management team were able to comply with the licensing objectives. For these reasons, this licensing sub-committee decided to revoke the premises licence.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives and considered that this decision was appropriate and proportionate.

3. Appeal rights

This decision is open to appeal by either

- a) The applicant for the review
- b) The premises licence holder
- c) Any other person who made relevant representations in relation to the application

Such appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the Magistrates' Court for the area within the period of 21 days beginning with the day on which the appellant was notified by this licensing authority of the decision.

This decision does not have effect until either

- a) The end of the period for appealing against this decision; or
- b) In the event of any notice of appeal being given, until the appeal is disposed of.

4. Review of interim steps pending appeal

At the conclusion of the review hearing the licensing sub-committee reviewed the interim steps to determine which interim steps were appropriate for the promotion of the licensing objectives, pursuant to section 53D of the Licensing Act 2003. The sub-committee concluded that these interim steps were appropriate:

To suspend the premises licence.

The licensing sub-committee were satisfied that these modified interim steps are more appropriate and proportionate to promote the licensing objectives to modify the interim steps, as detailed above.

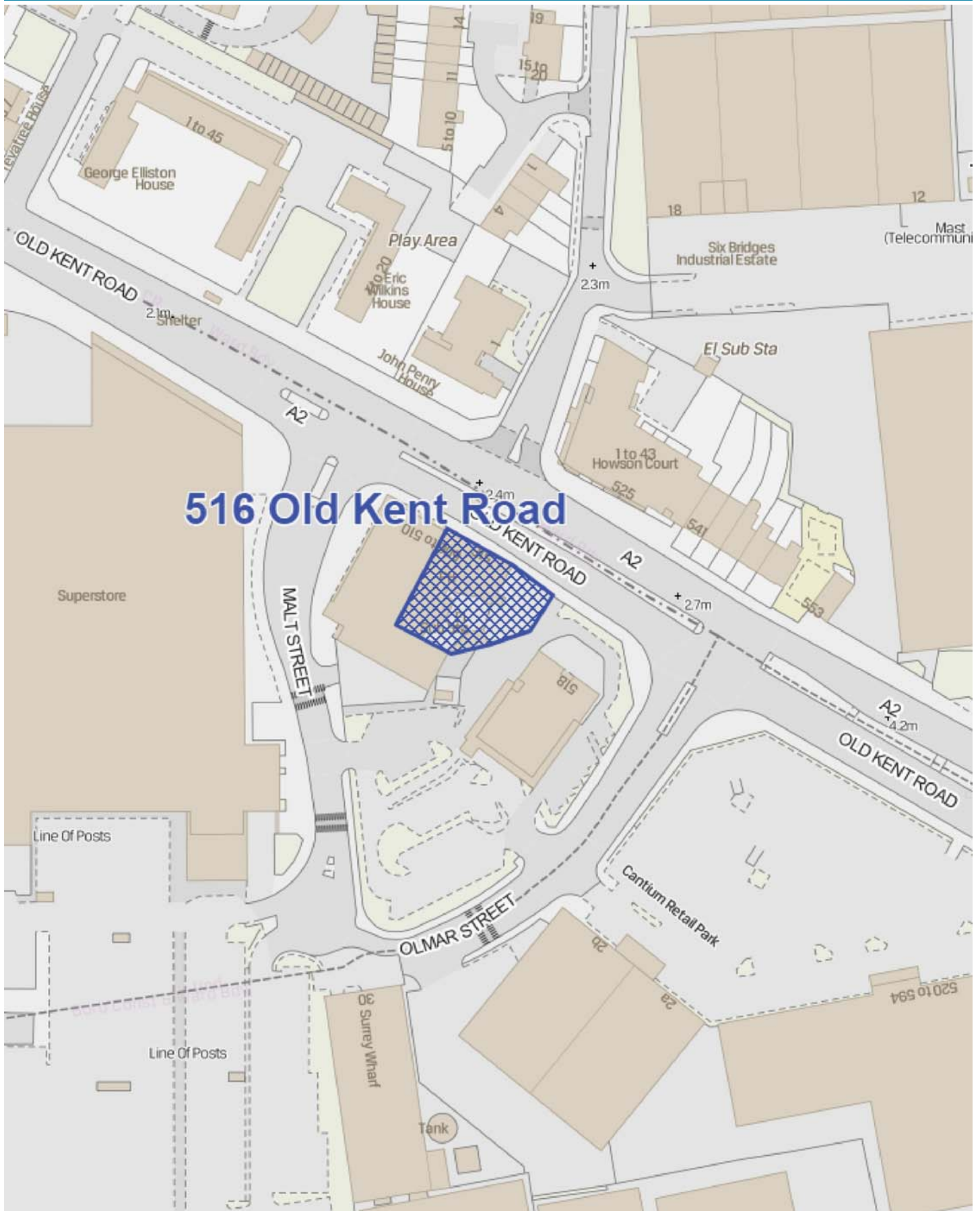
The interim steps are open to appeal by:

- a) The chief officer of police for the police area in which the premises is situated; or
- b) The holder of the premises licence

Such appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the Magistrates Court for the area within the period of 21 days beginning with the day on which the appellant was notified by this licensing authority of the decision.

Issued by the Constitutional Team on behalf of the Director of Law and Democracy

Date: 12 May 2020



516 Old Kent Road



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| Item No. 6. | Classification: Open | Date: 27 May 2021 | Meeting Name: Licensing Sub-Committee |
| Report Title | | Licensing Act 2003: GALA Festival, Peckham Rye Park, Peckham Rye, London SE15 3JA | |
| Ward(s) of group(s) affected | | Peckham Rye | |
| From | | Strategic Director of Environment and Leisure | |

RECOMMENDATION

1. That the licensing sub-committee considers whether an application made by We Are The Fair Limited for a time limited premises licence be granted under the Licensing Act 2003 in respect of the premises known as Peckham Rye Park, Peckham Rye, London SE15 3JA.
2. Notes:
 - a) This application is submitted under Section 17 of the Licensing Act 2003 and is for a time limited premises licence. The application is subject to representations submitted by 'other persons' and is therefore referred to the licensing sub-committee for determination.
 - b) Paragraphs 9 to 12 of this report provide a summary of the application. Copies of the full application, and a plan showing the event area, are attached as Appendix A.
 - c) Paragraphs 13 to 21 of this report deal with the representations submitted in respect of the application. Copies of a representation submitted by the licensing responsible authority, and related correspondence, are attached to this report as Appendix B (please note that this representation is not under consideration and has been included for information only). Copies of the representations submitted by 'other persons', and related correspondence, are attached to this report as Appendix C. A map showing the location of Peckham Rye Park 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 premises licence application process involves the provision of all relevant information required under the Act to the licensing authority with copies provided by the applicant to the relevant responsible bodies under the Act. The application must also be advertised at the premises and in the local press. The responsible authorities and other persons within the local community may make representations on any part of the application where relevant to the four licensing objectives.

KEY ISSUES FOR CONSIDERATION

The premises licence application

8. On 12 March 2021 We Are The Fair Limited applied to this council for the grant of a time limited premises licence in respect of Peckham Rye Park, Peckham Rye, London SE15 3JA.
9. The application is for a time limited premises licence to have effect on a maximum of 3 event days per year (those event days being a Friday,

Saturday, Sunday or Bank Holiday Monday), between 1 July 2021 and 31 December 2025, to facilitate a music festival known as the 'GALA Festival'. The application is summarised as follows:

- The provision of plays, films, live music, recorded music, performance of dance, anything similar to live music, recorded music or performances of dance:
 - Friday and Saturday: 11:00 to 22:30
 - Sunday (prior to a bank holiday Monday): 11:00 to 22:30
 - Sunday: 11:00 to 22:00
 - Monday (bank holidays only): 11:00 to 22:00
 - The sale of alcohol for consumption on the premises:
 - Friday and Saturday: 11:00 to 22:00
 - Sunday: 11:00 to 22:00
 - Monday (bank holidays only): 11:00 to 21:30
 - Proposed opening hours of the premises:
 - Friday and Saturday: 11:00 to 23:00
 - Sunday (prior to a bank holiday Monday): 11:00 to 23:00
 - Sunday: 11:00 to 22:30
 - Monday (bank holidays only): 11:00 to 22:30
 - The application seeks to allow up to 9999 people to attend the premises at any one time.
10. The premises licence application form includes an 'operating schedule'. Parts A, B, E, F, G, H, J, K, L and M of the operating schedule set out the proposed licensable activities, operating hours and operational control measures in full with reference to the four licensing objectives. Should a premises licence be issued in respect of the application then the information provided in part M of the operating schedule will form the basis of conditions that will be attached to any licence granted subsequent to the application. Copies of the application and a plan showing the event area are attached to this report as appendix A.
11. **NB** - Please note that permission for the specified location to be used by the applicant to facilitate an event, as may be provided under the terms and conditions set out in this application, has already been granted by this council's events team. Permissions for the use of any of this council's parks and open spaces are subject to a separate consultation process administered wholly by the council's events team. The 'other persons' have been informed of this. The sub-committee are invited to consider the application in the above context.

Designated premises supervisor

12. The proposed designated premises supervisor (DPS) is Robert James Dudley.

Representations from responsible authorities

13. This council's licensing responsible authority submitted a representation.
14. The licensing responsible authority's representation requested that copies of the event management plan and a dispersal policy be provided to the licensing responsible authority, that the applicant provide an accommodation limit in respect of the premises (i.e. the maximum number of customers to be permitted on the premises at any one time) and that the applicant clarify the proposed times for the provision of live music on Mondays.
15. The applicant provided the requested documents and clarification regarding the provision of live music, and also agreed to amend the application to include conditions pertaining to the event management plan, dispersal policy and accommodation limit, which will become licence conditions of any licence issued subsequent to the application. The licensing responsible authority subsequently withdrew their representation.
16. Copies of the representation submitted by the licensing responsible authority, and related correspondence, are attached as Appendix B.

Representations from other persons

17. Three representations objecting to the application were submitted by 'other persons', the other persons being two local residents and a local stakeholder group.
18. The representations submitted by the other persons are concerned with a number of issues. They contend that allowing events to take place under the proposed licence will deny access to members of the public to a section of the park (effectively 'privatising' that section of the park), that antisocial behavior will be engaged in by attendees of any events held under the proposed licence and that there will be a risk of increased transmission of COVID-19 at any events held under the proposed licence.
19. They are also of the view that the terminal hours proposed in the application are too late, that events held under the proposed licence will lead to noise nuisance in the locale and that such events will have a deleterious effect on the fabric of the park. The representations were also concerned that the public notices displayed at the park, to notify members of the public of the application, were not suitable.
20. **NB** – The licensing sub-committee can only consider matters pertaining to the four licensing objectives and therefore the parts of the representations concerned with the possible deleterious effect that events taking place under the proposed licence may have on the fabric of the park, and the concerns that denying access to members of the public to a section of the park effectively 'privatises' that section of the park cannot be considered. Further, public notices were displayed at the premises and it is the licensing unit's

opinion that the public notices displayed were suitable – therefore any issues regarding public notices should not be considered by the licensing sub-committee. All other concerns should be given full consideration.

21. Copies of the representations submitted by the other persons, and related correspondence, are attached as Appendix C.

Conciliation

22. The applicant was sent copies of all the representations. The applicant was advised to contact the licensing responsible authority directly. The applicant was also advised that they could respond, via the licensing unit, to the representations submitted by the other persons.
23. The licensing responsible authority have now conciliated and have withdrawn their representation.
24. The applicant provided responses to the other persons' representations. The responses were sent to the other persons, however at the time of the writing of this report the representations submitted by the other persons remain outstanding and so must be considered by the licensing sub-committee. At the hearing to determine this application the licensing sub-committee will be apprised as to any conciliation of any of the other persons.

Premises history

25. On 22 November 2017 We Are The Fair applied to this council for the grant of a time limited premises licence to have effect on 27 May 2018 and 28 May 2018, for up to 9999 attendees at any one time, in respect of Peckham Rye Park, Peckham Rye, London SE15 3JA.
26. The application was to facilitate music festivals, known respectively as the 'GALA Festival' and the 'Jam On Rye' festival. The application was for the same event area as per the application to which this report relates. The application was subject to representations submitted by other persons and was determined at a licensing hearing by the licensing sub-committee on 29 January 2018. The licensing sub-committee granted the application, but with a maximum of 8000 attendees permitted at any one time. The premises licence allowed for the provision of licensable activities as follows:
 - The provision of films, live music, recorded music, performance of dance, anything similar to live music, recorded music or performances of dance
 - Sunday: 11:00 to 22:30
 - Monday: 11:00 to 22:00
 - The sale of alcohol for consumption on the premises:
 - Sunday: 11:00 to 22:00
 - Monday: 11:00 to 21:30

- Opening hours of the premises:
 - Sunday: 11:00 to 23:00
 - Monday: 11:00 to 22:30.
27. Copies of the notice of decision and subsequently issued premises licence regarding this decision are attached in Appendix D.
28. On 26 November 2018 We Are The Fair applied to this council for the grant of a time limited premises licence to have effect between between 25 May 2019 and 31 May 2021, for up to 9999 attendees at any one time on one weekend per year, in respect of Peckham Rye Park, Peckham Rye, London SE15 3JA.
29. The application was to facilitate music festivals, known respectively as the 'GALA Festival' and the 'Jam On Rye' festival. The application was for the same event area as per the application to which this report relates. The application was subject to representations submitted by other persons and was determined at a licensing hearing by the licensing sub-committee on 7 February 2019. The licensing sub-committee granted the application allowing for a maximum of 9999 attendees permitted at any one time, as was applied for. The premises licence allowed for the provision of licensable activities as follows:
- The provision of plays, films, live music, recorded music, performance of dance, anything similar to live music, recorded music or performances of dance:
 - Saturday: 11:00 to 22:30
 - Sunday: 11:00 to 22:30
 - Monday: 11:00 to 22:00.
 - The sale of alcohol for consumption on the premises:
 - Saturday: 11:00 to 22:00
 - Sunday: 11:00 to 22:00
 - Monday: 11:00 to 21:30
 - Opening hours of the premises:
 - Saturday: 11:00 to 23:00
 - Sunday: 11:00 to 23:00
 - Monday: 11:00 to 22:30.
30. Copies of the notice of decision and subsequently issued premises licence regarding this decision are attached in Appendix D.
31. On 12 March 2021 We Are The Fair Limited applied to this council for the grant of a time limited premises licence to have effect between 7 July 2021 & 31 December 2025, for up to 9999 attendees at any one time, in respect of Peckham Rye Park, Peckham Rye, London SE15 3JA.

Map

32. A map showing the location of Peckham Rye Park is attached to this report as Appendix F.

Southwark council statement of licensing policy

43. 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.
33. 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.

34. The statement of licensing policy states that the premises are located in a residential area. Below are closing times for various types of premises in residential areas in Southwark as suggested in the statement of licensing policy.

- Restaurants, cafes and takeaway establishments:
 - Monday to Sunday: 23:00
- Public houses, wine bars or other drinking establishments:
 - Monday to Sunday: 23:00
- Event premises/ spaces where sale of alcohol is included in, and ancillary to, range of activities including meals:
 - Monday to Sunday: 23:00
- Night clubs:
 - Not considered suitable for residential areas

Resource implications

35. A fee of £1100.00 has been paid by the applicant in respect of this application, that fee being the statutory fee payable for premises within non-domestic rateable value band 'A' and where the additional fee in respect of 5000 to 9999 people being in attendance at the premises at any one time applies.

Consultation

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

Community impact statement

37. 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

38. The sub-committee is asked to determine the application for a premises licence under Section 17 of the Licensing Act 2003.

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

Principles for making the determination

40. The sub-committee is asked to determine the application for a premises licence under section 17 of the Licensing Act 2003.
41. The principles which sub-committee members must apply are set out below.
42. The general principle is that applications for premises licence applications must be granted unless relevant representations are received. This is subject to the proviso that the applicant has complied with regulations in advertising and submitting the application.
43. Relevant representations are those which:
- Are about the likely effect of the granting of the application on the promotion of the licensing objectives
 - Are made by an interested party or responsible authority
 - Have not been withdrawn
 - Are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
44. If relevant representations are received then the sub-committee must have regard to them, in determining whether it is necessary for the promotion of the licensing objectives to:
- To grant the licence subject to:
 - The conditions mentioned in section 18 (2)(a) modified to such extent as the licensing authority considers necessary for the promotion of the licensing objectives
 - Any condition which must under section 19, 20 or 21 be included in the licence.
 - To exclude from the scope of the licence any of the licensable activities to which the application relates.
 - To refuse to specify a person in the licence as the premises supervisor.
 - To reject the application.

Conditions

45. The sub-committee's discretion is thus limited. It can only modify the conditions put forward by the applicant, or refuse the application, if it is necessary to do so. Conditions must be necessary and proportionate for the promotion of one of the four licensing objectives, and not for any other reason. Conditions must also be within the control of the licensee, and

should be worded in a way which is clear, certain, consistent and enforceable.

46. The four licensing objectives are:
- The prevention of crime and disorder
 - Public safety
 - The prevention of nuisance
 - The protection of children from harm.
47. Members should note that each objective is of equal importance. There are no other licensing objectives, and the four objectives are paramount considerations at all times.
48. Conditions will not be necessary if they duplicate a statutory position. Conditions relating to night café and take away aspect of the license must relate to the night time operation of the premises and must not be used to impose conditions which could not be imposed on day time operators.
49. Members are also referred to the Home Office Revised Guidance issued under section 182 of the Licensing Act 2003 on conditions, specifically section 10.

Reasons

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

Hearing procedures

51. 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.
52. 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

53. 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.
54. 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.
55. 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.
56. 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.

57. 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.
58. The sub-committee can only consider matters within the application that have been raised through representations from other persons and responsible authorities. Interested parties must live in the vicinity of the premises. This will be decided on a case to case basis.
59. 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.
60. 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

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

Strategic Director of Finance and Governance

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

BACKGROUND DOCUMENTS

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

APPENDICES

| Name | Title |
|-------------|---|
| Appendix A | Copies of the application and related documentation |
| Appendix B | Copies of the representations submitted by the licensing responsible authority, and related correspondence |
| Appendix C | Copies of the representations submitted by an 'other persons', and related correspondence |
| Appendix D | Copies of Notices Of Decision relating to licensing sub-committee hearings of 29 January 2018 & 7 February 2019 and subsequently issued premises licences |
| Appendix E | Map showing the location of Peckham Rye Park |

AUDIT TRAIL

| | | |
|---|---|--------------------------|
| Lead Officer | Caroline Bruce, Strategic Director of Environment and Leisure | |
| Report Author | Wesley McArthur, Principal Licensing Officer | |
| Version | Final | |
| Dated | 17 May 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 | 18 May 2021 | |

12/03/2021

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

Ref No. 1639713

Name of Applicant

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

| | |
|--|---------------------|
| | We Are The Fair Ltd |
|--|---------------------|

Notes for Guidance

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

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

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

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

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

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

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

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

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

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

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

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

11. The application form must be signed.

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

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

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

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

from partnerships which are not limited liability partnerships:

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

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

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

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

Documents which demonstrate entitlement to work in the UK

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

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

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

- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.

- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:
 - o evidence of the applicant's own identity – such as a passport,

 - o evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and

 - o evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

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

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

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

- (ii) any page containing the holder's photograph;

- (iii) any page containing the holder's signature;

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

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

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

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

Home Office online right to work checking service

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

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

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

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

Premises Details

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

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

| | |
|---|---|
| £ | 0 |
| | Band D and E only applies to premises which uses exclusively or primarily for the supply of alcohol for consumption on the premises |
| | |

Premises trading name

| | |
|--|------------------|
| | Peckham Rye Park |
|--|------------------|

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

| | |
|-----------------------------------|------------------|
| Do you have a Southwark postcode? | Yes |
| Address Line 1 | Peckham Rye Park |
| Address Line 2 | Peckahm Rye |
| Town | London |
| Post code | SE15 3JA |
| Ordnance survey map reference | |
| Description of the location | Green Space |
| Telephone number | ██████████ |

Applicant Details

Please select whether you are applying for a premises licence as

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

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

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

Other Applicants

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

Personal Details - First Entry

| | |
|------|---------------------|
| Name | We Are The Fair Ltd |
|------|---------------------|

Address - First Entry

| | |
|--|-------------------|
| Street number or building name | c/o Smith Cooper |
| Street Description | 158 Edmund Street |
| Town | Birmingham |
| County | |
| Post code | B3 2HB |
| Registered number (where applicable) | 09327525 |

| | |
|--|-----------------|
| Description of applicant (for example, partnership, company, unincorporated association etc) | Limited Company |
|--|-----------------|

Contact Details - First Entry

| | |
|------------------|------------|
| Telephone number | [REDACTED] |
| Email address | [REDACTED] |

Operating Schedule

When do you want the premises licence to start?

| | |
|--|------------|
| | 01/07/2021 |
|--|------------|

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

| | |
|--|------------|
| | 31/12/2025 |
|--|------------|

General description of premises (see guidance note 1)

| | |
|--|---|
| | Peckham Rye Park and Peckham Rye Common together make up 113 acres of open recreational grassland, ornamental and water gardens, a lake and woodland. There is also a children's play site and an older children's adventure playground. This application is limited to the area indicated on the attached site plan. |
|--|---|

If 5,000 or more people are expected to attend the premises at any one time please use the drop down below to select the number.

| | |
|--|--------------|
| | 5000 to 9999 |
|--|--------------|

Note 1

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

Operating Schedule part 2

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

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

Provision of regulated entertainment (Please read guidance note 2)

| | |
|--|---|
| | a) plays |
| | b) films |
| | |
| | |
| | e) live music |
| | f) recorded music |
| | g) performance of dance |
| | h) anything of a similar description to that falling within (e), (f) or (g) |

Provision of late night refreshment

| | |
|--|--|
| | |
|--|--|

Supply of alcohol

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

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

A - Plays

Will the performance of a play take place indoors or outdoors or both? (Please read guidance note 3)

| | |
|--|------|
| | Both |
|--|------|

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

| | |
|--|---|
| | Plays may be performed as stand-alone entertainment or as a back ground to wider entertainment. |
|--|---|

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

| Day | Start | Finish |
|------|-------|--------|
| Mon | 11:00 | 22:00 |
| Tues | | |
| Wed | | |
| Thur | | |
| Fri | 11:00 | 22:30 |
| Sat | 11:00 | 22:30 |
| Sun | 11:00 | 22:00 |

State any seasonal variations for performing plays (Please read guidance note 5)

| | |
|--|--|
| | |
|--|--|

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

| | |
|--|---|
| | Mondays will only apply to Bank Holiday Mondays Sundays preceding Bank Holiday Mondays will cease at 22:30 |
|--|---|

3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.

B- Films

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

| | |
|--|------|
| | Both |
|--|------|

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

| | |
|--|---|
| | Films may be shown as stand-alone entertainment or as a back ground to wider entertainment. |
|--|---|

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

| Day | Start | Finish |
|------|-------|--------|
| Mon | 11:00 | 22:00 |
| Tues | | |
| Wed | | |
| Thur | | |
| Fri | 11:00 | 22:30 |
| Sat | 11:00 | 22:30 |
| Sun | 11:00 | 22:00 |

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

| | |
|--|--|
| | |
|--|--|

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

| | |
|--|---|
| | Mondays will only apply to Bank Holiday Mondays Sundays preceding Bank Holiday Mondays will cease at 22:30 |
|--|---|

3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.

E - Live Music

Will the performance of live music take place indoors or outdoors or both? (Please read guidance note 3)

| | |
|--|------|
| | Both |
|--|------|

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

| | |
|--|---|
| | Live performances by artists as either stand-alone entertainment or as part of a wider entertainment programme. Performances may be amplified or unamplified. |
|--|---|

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

| Day | Start | Finish |
|------|-------|--------|
| Mon | 11:00 | 11:00 |
| Tues | | |
| Wed | | |
| Thur | | |
| Fri | 11:00 | 22:30 |
| Sat | 11:00 | 22:30 |
| Sun | 11:00 | 22:00 |

State any seasonal variations for the performance of live music (Please read guidance note 5)

| | |
|--|--|
| | |
|--|--|

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

| | |
|--|---|
| | Mondays will only apply to Bank Holiday Mondays Sundays preceding Bank Holiday Mondays will cease at 22:30 |
|--|---|

3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
4. For example the type of activity to be authorised, if not already stated, and give relevant further details.
5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.

F - Recorded Music

Will the playing of recorded music take place indoors or outdoors or both? (Please read guidance note 3)

| | |
|--|------|
| | Both |
|--|------|

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

| | |
|--|--|
| | Recorded music played by DJs as a performance and as back ground music |
|--|--|

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

| Day | Start | Finish |
|------|-------|--------|
| Mon | 11:00 | 22:00 |
| Tues | | |
| Wed | | |
| Thur | | |
| Fri | 11:00 | 22:30 |
| Sat | 11:00 | 22:30 |
| Sun | 11:00 | 22:00 |

State any seasonal variations for playing recorded music (Please read guidance note 5)

| | |
|--|--|
| | |
|--|--|

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

| | |
|--|---|
| | Mondays will only apply to Bank Holiday Mondays Sundays preceding Bank Holiday Mondays will cease at 22:30 |
|--|---|

3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.

G - Performances of Dance

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

| | |
|--|------|
| | Both |
|--|------|

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

| | |
|--|--|
| | Musical performances may be accompanied by dance or may encourage members of the public to participate in dance. |
|--|--|

Standard days and timings for Performance of dance (Please read guidance note 7)

| Day | Start | Finish |
|------|-------|--------|
| Mon | 11:00 | 22:00 |
| Tues | | |
| Wed | | |
| Thur | | |
| Fri | 11:00 | 22:30 |
| Sat | 11:00 | 22:30 |
| Sun | 11:00 | 22:00 |

State any seasonal variations for the performance of dance (Please read guidance note 5)

| | |
|--|--|
| | |
|--|--|

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

| | |
|--|---|
| | Mondays will only apply to Bank Holiday Mondays Sundays preceding Bank Holiday Mondays will cease at 22:30 |
|--|---|

3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.

H - Anything of a similar description to that falling within (e), (f) or (g)

Please give a description of the type of entertainment you will be providing

| | |
|--|--------------------------|
| | MC, compere and the like |
|--|--------------------------|

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

| | |
|--|------|
| | Both |
|--|------|

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

| | |
|--|--------------------------|
| | MC, compere and the like |
|--|--------------------------|

Standard days and timings for Anything of a similar description to that falling within (e), (f) or (g) (Please read guidance note 7)

| Day | Start | Finish |
|------|-------|--------|
| Mon | 11:00 | 22:00 |
| Tues | | |
| Wed | | |
| Thur | | |
| Fri | 11:00 | 22:30 |
| Sat | 11:00 | 22:30 |
| Sun | 11:00 | 22:00 |

State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (Please read guidance note 5)

| | |
|--|--|
| | |
|--|--|

Non standard timings. Where you intend to use the premises for the entertainment of similar description to that falling within (e), (f) or (g) at different times to those listed. (Please read guidance note 6)

| | |
|--|---|
| | Mondays will only apply to Bank Holiday Mondays Sundays preceding Bank Holiday Mondays will cease at 22:30 |
|--|---|

3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
4. For example the type of activity to be authorised, if not already stated, and give relevant further details.
5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.

J - Supply of Alcohol

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

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

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

| Day | Start | Finish |
|------|-------|--------|
| Mon | 11:00 | 21:30 |
| Tues | | |
| Wed | | |
| Thur | | |
| Fri | 11:00 | 22:00 |
| Sat | 11:00 | 22:00 |
| Sun | 11:00 | 22:00 |

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

| | |
|--|--|
| | |
|--|--|

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

| | |
|--|---|
| | Mondays will only apply to Bank Holiday Mondays |
|--|---|

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

| | |
|--|--|
| | |
|--|--|

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

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

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

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

Premises Supervisor

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

Full name of proposed designated premises supervisor

| | |
|-------------|--------------|
| First names | Robert James |
| Surname | Dudley |

DOB

| | |
|---------------|------------|
| Date Of Birth | ██████████ |
|---------------|------------|

Address of proposed designated premises supervisor

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

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

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

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (Please read guidance note 9)

| | |
|--|------|
| | NONE |
|--|------|

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

L - Hours premises are open to public

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

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

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

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

| Day | Start | Finish |
|------|-------|--------|
| Mon | 11:00 | 22:30 |
| Tues | | |
| Wed | | |
| Thur | | |
| Fri | 11:00 | 23:00 |
| Sat | 11:00 | 23:00 |
| Sun | 11:00 | 22:30 |

State any seasonal variations (Please read guidance note 5)

| | |
|--|--|
| | |
|--|--|

Non standard timings. Where you intend to use the premises to be open to the public at different times from those listed. Please list, (Please read guidance note 6)

| | |
|--|--|
| | <p>Mondays will only apply to Bank Holiday Mondays</p> <p>Sundays preceding Bank Holiday Mondays will close to the public at 23:00</p> |
|--|--|

M - Steps to promote four licencing objectives

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

| | |
|--|--|
| | <ol style="list-style-type: none"> 1. This Licence will permit a maximum of 3 event days per year (Friday, Saturday, Sunday or Bank Holiday Monday only). 2. The exact date of each event will be agreed with the Local Authority and Safety Advisory Group (SAG) at least 12 weeks in advance. 3. Each and every event would be presented individually to the SAG. 4. A Challenge 25 Policy will be in operation at all bars. Clear signage will be in place informing customers of this policy. The Designated Premises Supervisor (DPS) will ensure that all staff are briefed on the acceptable forms of ID. 5. Events will be categorised as either '18+ Only' or 'Family Friendly' 6. Events categorised '18+ Only' will operate a 'No ID, No Entry' policy to guests, |
|--|--|

| | |
|--|--|
| | <p>details of which will be included in the Event Safety Management Plan (ESMP). Challenge 25 will also be in operation at the entrance to the event.</p> <p>7. Events categorised 'Family Friendly' will feature a comprehensive Child Welfare Policy which will be detailed in the ESMP.</p> <p>8. Events will be ticketed and open to ticket holders only.</p> <p>9. The event organisers shall have a means of counting in the people entering the event site to ensure that they are able to provide on request, the number of people on site at any point in time to authorised officers.</p> <p>10. Locked amnesty bins shall be provided for the disposal of alcohol and other waste.</p> <p>11. An event and site-specific Event Safety Management Plan will be developed and shared with the Licensing Authority and SAG.</p> <p>12. The ESMP will include details on the following subjects: Event Risk Assessments, Event Schedule, Site Plan, Fire Risk Assessment, Security & Crowd Management Plan, Drugs Policy, Liquids Policy, Alcohol Management Plan, Traffic Management Plan, Egress Plan, Waste Management Plan, Medical Management Plan, Adverse Weather Plan, Crisis Communication Plan, Noise Management Plan, Sanitation Plan, Child Welfare/Vulnerable Persons Policy.</p> <p>These documents will be 'living documents' which will be reviewed and revised in the planning phases of the events.</p> |
|--|--|

b) the prevention of crime and disorder

| | |
|--|--|
| | <p>13. A suitable and experienced security and stewarding company will be appointed to ensure public safety and to prevent crime and disorder.</p> <p>14. The ESMP Security & Crowd Management Plan (CMP) will outline the number, position and roles of the Security and Stewarding staff working at the event.</p> <p>15. The CMP will outline the details of the level of search on entry to be implemented.</p> <p>16. Searches will be carried out by SIA Registered staff of the same sex.</p> <p>17. The Drugs Policy will include New Psychoactive Substances (NPS) and No2/NOS/Nitrous Oxide. No2 will not be permitted on site and any found on entry will be confiscated.</p> <p>18. Anyone found on entry with more than the agreed quantities for personal consumption (as outlined in the Drugs Policy) of controlled substances or NPS will be refused entry and the Police informed immediately.</p> <p>19. Anyone found with an offensive weapon on entry will be refused admittance and the Police informed immediately.</p> <p>20. Each bar on site shall have a dedicated bar manager or supervisor and team who shall be conversant with the requirements and responsibilities for the sale of alcohol and shall be given written designation of their responsibilities.</p> <p>21. The DPS, or their authorised representative, shall brief all bar staff before each event. A record of this briefing shall be kept on site.</p> <p>22. All drinks shall be sold in either opened cans, PET containers or decanted into polycarbonate vessels. No glass drinking vessels will be permitted into the public festival arena. Glass bottles will be retained behind bars for disposal.</p> |
|--|--|

c) public safety

| | |
|--|---|
| | <p>23. An event and site-specific Risk Assessment and Fire Risk Assessment will be undertaken and implemented.</p> <p>24. The Premises Licence Holder (PLH) shall carry out a suitable and sufficient Medical Risk Assessment as well as use the "purple guide" and HSG195 to determine the level of First Aid provision for the event, such that there is no undue demand on National Health Service resources.</p> <p>25. All EMERGENCY EXITS, TOILETS AND FIRST AID POSTS shall be clearly indicated by means of signage, such that it is visible to attendees.</p> <p>26. The appropriate type and number of fire fighting equipment shall be provided throughout the site. Locations and numbers will be specified in the ESMP.</p> <p>27. A queuing system will be designed and implemented at the main entrance to minimise waiting time whilst maintaining crowd safety</p> <p>28. Crowd Management Stewards tasked with entry lane queue management will wear Hi-Visibility tabards</p> <p>29. Loudhailers will be available to assist Stewards in providing information to customers regarding delays and other pertinent</p> |
|--|---|

| | |
|--|---|
| | <p>information</p> <p>30. An agreed number of Stewards and Marshals will be deployed to manage the egress phase of the events. These Stewards and Marshals will wear Hi-Visibility tabards. The number, role and position of these staff will be detailed in the ESMP and relevant appendices.</p> <p>31. The ESMP will consider any service disruptions to local rail services and any subsequent rail replacement bus services.</p> <p>32. The ESMP will be submitted to the SAG for approval a minimum of 6 weeks prior to the event.</p> <p>33. The Traffic Management Plan (TMP) will be developed following consultation with Southwark Highways and Parking departments as well as TfL. The TMP will be adhered to during the event.</p> |
|--|---|

d) the prevention of public nuisance

| | |
|--|---|
| | <p>34. No waste glass or similar items shall be disposed of (“bottling out”) between the hours of 20:00 – 08:00</p> <p>35. The PLH will be required to employ a noise control consultant who shall produce a Noise Management Plan (NMP).</p> <p>36. The Noise Management Consultant will carry out a test of the noise sources prior to the event. The tests shall be conducted at the nearest residential premises.</p> <p>37. THE PLH will ensure an officer from Environmental Protection Team (EPT) is invited to the proposed sound tests prior to the event (preferably one day before the event).</p> <p>38. The PLH shall ensure that all reasonable requests from the Council Officers are complied with.</p> <p>39. The details of two contact telephone numbers, including a mobile telephone number, permanently staffed during performances, will be made available to council officers prior to the event(s).</p> <p>40. At least one week prior to the beginning of the event, a leaflet drop is to be made to households in the immediate area. The leaflet is to include a timetable and description of each performance and the contact telephone numbers.</p> <p>41. The PLH should ensure that the music noise level limits proposed in the noise management plan are not exceeded during the event. These limits shall be subject to review during this event and future events if EPT are to receive a substantiated noise complaint at any point during the event.</p> <p>42. The PLH will ensure that regular checks are to be carried out at the nearest sound sensitive locations to the event (e.g. houses, residential homes, churches as described in the NMP) to monitor the noise and ensure that the limits agreed are not exceeded.</p> <p>43. The volume of all sound equipment on site shall be the responsibility of the Noise Management Consultant appointed by the PLH.</p> <p>44. No additional sound equipment shall be used on site without the prior agreement of the council's EPT and the appointed Noise Management Consultant.</p> <p>45. The appointed Noise Management Consultant shall continually monitor noise levels at the sound mixer position and instruct the sound engineer accordingly to ensure that the above noise limits are not exceeded. The Council shall have access to the results of the noise monitoring at any time.</p> <p>46. The PLH shall have in place an arrangement (contract) with a reputable Waste Management Company to manage the event site and externally affected areas for the duration of the event and a post event clean up.</p> |
|--|---|

e) the protection of children from harm

| | |
|--|--|
| | <p>‘18+ Events’:</p> <p>47. The event will be a ticketed, 18+ music festival.</p> <p>48. No person under the age of 18 will be permitted to enter the event site.</p> <p>49. The event will operate a ‘No ID, No Entry’ Policy.</p> <p>50. A Challenge 25 policy will be in force at all festival bars.</p> <p>51. A Child Welfare and Vulnerable Person procedure will be in place and will be detailed in the ESMP. This will outline action to be taken in the event that under 18’s attempt to gain entry to the event or are discovered within the event perimeter.</p> <p>‘Family Friendly</p> |
|--|--|

| | |
|--|---|
| | <p>Events':</p> <p>52. Children are to be supervised by an adult at all times. Parents/Carers will be responsible for their children.</p> <p>53. Any child under the age of 16 must be accompanied by an adult (over the age of 21).</p> <p>54. Each adult will be allowed to be responsible for a maximum of 3 children (U16).</p> <p>55. Wristbands will be provided on entry to all children to allow parents/carers to write their phone number on the inside of the wristband.</p> <p>56. A dedicated Lost Children point will be set up and manned by DBS checked staff (minimum of 2 on duty).</p> <p>57. A Challenge 25 policy will be in force at all festival bars.</p> <p>58. A Child Welfare and Vulnerable Person procedure will be in place and will be detailed in the ESMP.</p> |
|--|---|

Guidance note 10

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

Please upload a plan of the premises

| | |
|--|--|
| | |
|--|--|

Please upload any additional information i.e. risk assessments

| | |
|--|--|
| | |
|--|--|

Checklist

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

Home Office Declaration

Please tick to indicate agreement

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

Declaration

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

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

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

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

I agree to the above statement

| | |
|---------------------------|--------------------------|
| | Yes |
| PaymentDescription | <input type="checkbox"/> |
| PaymentAmountInMinorUnits | ████████ |
| AuthCode | ████████ |
| LicenceReference | ██████████ |
| PaymentContactEmail | |

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

| | |
|-------------------|------------|
| Full name | ██████████ |
| Date (DD/MM/YYYY) | 12/03/2021 |
| Capacity | Director |

Where the premises licence is jointly held, enter the 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (guidance note 13). If completing on behalf of the applicant state in what capacity

| | |
|-------------------|------------|
| Full name | |
| Date (DD/MM/YYYY) | 12/03/2021 |
| Capacity | |

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

| | |
|--|--|
| Contact name and address for correspondence | ██████████ ██████████ ██████████ |
| Telephone No. | ██████████ |
| If you prefer us to correspond with you by e-mail, your email address (optional) | ████████████████████ |

GUIDANCE NOTES

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

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

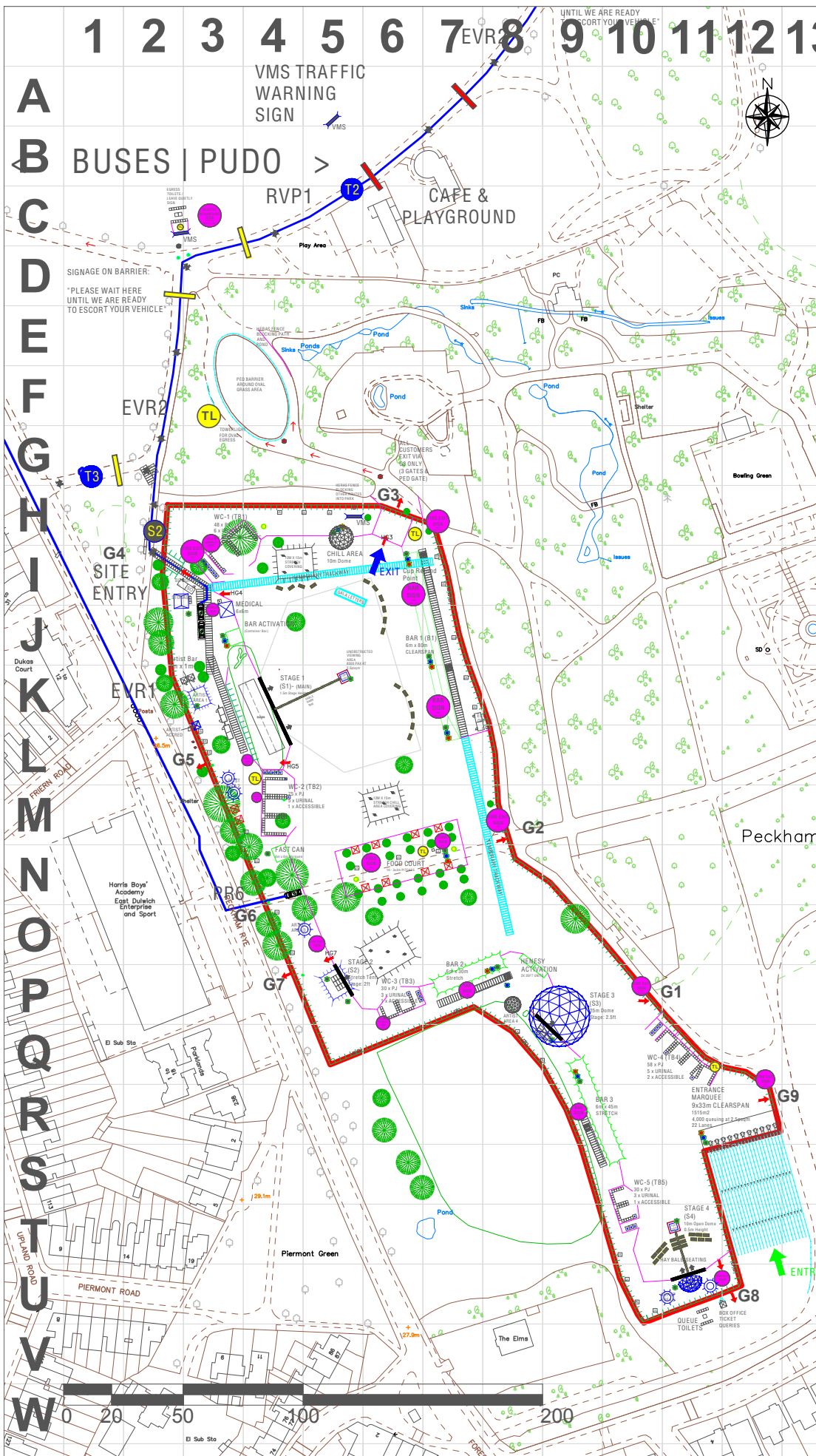
application form.

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

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

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

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



WE ARE THE FAIR
GALA FESTIVAL 2021
 Fri 30th July 2021
 Sat 31st July 2021
 Sun 1st August 2021

PECKHAM RYE PARK

51.457103, -0.063472
 25m GRID
 SCALE 1:1,650 @ A3

-Key-

| | |
|--------------------------|--|
| Bars | |
| Toilets | |
| Heras | |
| Ped Barrier | |
| Steel Shield | |
| MET Barrier | |
| Stages | |
| Traders | |
| Fire Exits | |
| EVR | |
| LICENSING LINE | |
| Permanent Trackway | |
| Temporary Trackway | |
| Stretch Tent | |
| Cabins | |
| Pit Barrier | |
| Dome | |
| CO2 Fire Extinguisher | |
| Water Fire Extinguisher | |
| Powder Fire Extinguisher | |
| Wet Chem Extinguisher | |
| Towerlight | |
| Bell Tent | |
| Scaff Signage | |
| Hay Bales | |

Drawn by: Luca Onisto
 Checked by: Yas Galletti
 Version: V3
 Date: 12/03/2021



MEMO: Licensing Unit

| | | | |
|-------|-----------------------------|------|--------------|
| To | Licensing Unit | Date | 9 April 2021 |
| From | Jayne Tear | | |
| Email | jayne.tear@southwark.gov.uk | | |

Subject Re: Peckham Rye Park, Peckham Rye, London, SE15 3JA
Application for a premises licence

I write with regards to the above application for a premises licence submitted by We Are The Fair Limited under the Licensing Act 2003, which seeks the following licensable activities:

Time limited from 1.7.2021 to 31.12.2025

- Plays; films, (indoors and outdoors) on Sunday and Monday from 11:00 to 22:00 and on Friday, and Saturday from 11:00 to 22:30
- Live music (indoors and outdoors) on Monday from 11:00 to 11:00 (24hrs), on Friday, and Saturday from 11:00 to 22:30 and on Sunday from 11:00 to 22:00
- Recorded music (indoors and outdoors) on Sunday and Monday from 11:00 to 22:00 and on Friday, and Saturday from 11:00 to 22:30
- Performance of dance on Sunday and Monday from 11:00 to 22:00 and on Friday, and Saturday from 11:00 to 22:30
- Anything of a similar description to live music, recorded music and performance of dance (indoors and outdoors) on Sunday and Monday from 11:00 to 22:00 and on Friday, and Saturday from 11:00 to 22:30
- Supply of alcohol (on the premises) on Monday from 11:00 to 21:30, and on Friday, Saturday and Sunday from 11:00 to 22:00
- Opening times on Monday and Sunday from 11:00 to 22:30, and on Friday, and Saturday from 11:00 to 23:00

The premises is described as ‘ *Peckham Rye Park and Peckham Rye Common together make up 113 acres of open recreational grassland, ornamental and water gardens, a lake and woodland. There is also a children’s play site and an older children’s adventure playground, which has recently undergone renovations. This application will be limited to the area indicated on the attached site plan*’

My representation is based on the Southwark Statement of Licensing policy 2021 – 2026 and relates to the licensing objectives for the prevention of crime and disorder and the prevention of public nuisance.

It is stated within the operating schedule:

- *This licence will permit a maximum of 3 event days per year (Friday; Saturday, Sunday or Bank Holiday Monday only)*
- *The exact date of each event will be agreed with the Local Authority and Safety Advisory Group (SAG) at least 12 weeks in advance*

There is not enough information within the operating schedule to promote the licensing objectives. An event management plan has been mentioned but not provided. The operating schedule is therefore vague and suggests that changes could take place without any further consultation with the licensing responsible authority, other responsible authority's and other persons. (For any conditions to be added or changed a new application would need to be submitted).

The premises is situated within a residential area and I am concerned that the applicant has not provided a dispersal policy within the application.

Therefore due to the limited information provided with the application and to promote the licensing objectives I ask the applicant to provide the following information:

- A copy of the event management plan
- An accommodation limit for the premises (to be conditioned)
- A written dispersal policy for the premises (to be conditioned)

Further to this I think that there may have been a typo within this application as it stated that live music_(indoors and outdoors) on Monday will be from 11:00 to 11:00 (24hrs). If the premises is to be closed at 22:30 on a Monday the hours asked for regarding live music does not make sense. I seek clarification on this point.

I may submit further comments once all of the information is received.

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

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 Licensing Authority as a Responsible Authority

From: "Tear, Jayne" <Jayne.Tear@SOUTHWARK.GOV.UK>
Date: Thursday, 29 April 2021 at 13:04
To:
Subject: RE: REPRESENTATION RE PECKHAM RYE PARK (874366)

Dear ,

With reference to the representation submitted by me as responsible authority for licensing.

Thank you for sending me the event management plan, dispersal policy, confirmation of accommodation limit and also confirming that the hours sought for live music on Mon are 11:00 - 22:00.

Can you confirm that you would agree to add the following conditions to the operating schedule:

- The premises will be run in accordance with the event management plan submitted
- The written dispersal policy shall be kept at the premises with the licence and made available for inspection by authorised council officers or the police. All relevant staff shall be trained in the implementation of the dispersal policy
- The accommodation limit for the premises shall not exceed 9999 persons

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

With kind regards

Jayne

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

Southwark Council | Licensing Unit

160 Tooley Street | London | SE1 2QH

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

Womens Safety Charter

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

For additional business support during the COVID-19 pandemic, please see the following links:

<https://www.southwark.gov.uk/health-and-wellbeing/public-health/for-the-public/coronavirus/covid-19-support-and-information-for-businesses-and-employers>

From:
Sent: Thursday, April 29, 2021 1:10 PM
To: Tear, Jayne <Jayne.Tear@SOUTHWARK.GOV.UK>
Subject: Re: REPRESENTATION RE PECKHAM RYE PARK (874366)

Thanks Jayne – I can confirm I am happy to accept these conditions

From: Tear, Jayne <Jayne.Tear@SOUTHWARK.GOV.UK>
Sent: Thursday, April 29, 2021 1:14 PM
To:
Cc: McArthur, Wesley <Wesley.McArthur@southwark.gov.uk>
Subject: RE: REPRESENTATION RE PECKHAM RYE PARK (874366)

Dear ,

Thank you for your quick response, as you have agreed to all within my email below **sent** Thursday, 29 April 2021 at 13:04, on this basis I am happy to confirm that my representation is now withdrawn,

With kindest regards

Jayne

Party 1**From:****Sent:** Thursday, March 25, 2021 11:38 AM**To:** Regen, Licensing <Licensing.Regen@southwark.gov.uk>**Cc:****Subject:** We are the Fair Ltd Premises License application for Peckham Rye Park

Dear Licensing

I am writing in response to the blue notices put up in Peckham Rye Park and on Peckham Rye Common with regard to an application by We are the Fair Ltd for a premises license for a 'Gala' event on Peckham Rye Park on dates that are not specified.

The notice does not give any dates, so must be defective. It refers to a Bank Holiday Monday and a Friday, Saturday and Sunday (but so positioned in order that they imply that they are the Friday and weekend AFTER the Monday). The omission of dates presumably makes the notice defective and so the process will need to be re-run properly

The notice does not give an application number - and I have found it impossible to find details of the application on the website link you give. I put in premises licence and the name of the applicant and the post code and I get the response ' no records matched your search'

Anyway, whenever the event is planned for, I object to the application.

There should be no privatisation for any length of time of any area of the park and therefore because no event should be taking place in an arena to which the public are denied access unless they pay, there should be no licence given to such an event

The risk of people letting their hair down following the extensive lockdowns must be large - and if fuelled by alcohol the risk of trouble must be increased.

Furthermore, people who have drunk alcohol are much more likely to ignore any sensible social distancing norms and therefore the grant of a license would involve the council in effect encouraging a situation that may well lead to a renewed surge in Covid 19 infections. For local people the thought of 10,000 people closely gathered together in a way that may well spread Covid-19 is a serious worry. Having allowed this state of affairs and encouraged the spread of infection by the grant of a licence the council would bear legal liability.

The licence application is for four days this time whereas in the past it has been for three. The additional day is excessive.

The licence is until 11pm whereas in the past My memory is that the event shut down at 10.30pm; a bit more Gala creep it appears

I look forward to receiving acknowledgement of my objection and to the re-running of the application process with notices that are not defective.

Regards

Party 2

31/03/2021

Complaints and feedback - Compliments, comments and complaints
Ref No. 1651539

Your Details

| | |
|----------------|----------------------|
| Title | Mr |
| First Name | ██████ |
| Surname | ██████ |
| Address 1 | ████████████████████ |
| Address 2 | |
| Address 3 | |
| Town | ██████ |
| County | |
| Postcode | ██████ |
| Email | ████████████████████ |
| Contact Number | ██████ |

Do you want to make:

| | |
|---------------|---------------|
| Please choose | a suggestion? |
|---------------|---------------|

Please tell us the name of department or service you are contacting us about:

| | |
|-----------------------|---------------------------------|
| Department or service | Licensing and Parks /Recreation |
|-----------------------|---------------------------------|

Please give details of your complaint, suggestion or compliment, explaining why you are dissatisfied or pleased with the service or response you've received. If it's a complaint please tell us what you would like us to do to put things right:

| | |
|---------|--|
| Details | I am responding to your consultation re the licensing of Peckham Rye Park for the Gala Festival at the end of August 2021. As a resident of 33 years living over 1km away from the proposed festival area, and as a daily dogwalking user of the park over those years, I have previously found that the festival caused substantial damage to the park grounds, with grassland churned up by heavy moving machinery. taking a year to recover. Plus the deep bass frequencies of the music, which is not to everyone's taste, travel over a wide area and constitute in my view a noise nuisance. This event may bring licensing income to Southwark Council, but at the expense of damage to local grounds and irritation to residents living near Peckham Rye Park. |
|---------|--|

If you wish to attach documents use the fields below

| | |
|--|--|
| | |
| | |
| | |
| | |

Party 3**From:** Peckham Rye Park**Sent:** Friday, April 9, 2021 9:44 AM**To:** Regen, Licensing <Licensing.Regen@southwark.gov.uk>**Subject:** Application for premises licence We Are The Fair, Peckham Rye Park

Re: Application for premises licence We are the Fair, Peckham Rye Park

From:

<mailto: >

The Notice for the application for this event is flawed.

- * The posters only appeared briefly and are no longer visible anywhere in the Park
- * The date of the event is missing - it is confusing for residents as there are 2 bank holidays - end of July and end of August
- * There is no application number - the application does not seem to appear on Southwark Councils website
- * There seem to be 4 days mentioned - not 3.

Over the last year the Park has become increasingly crowded resulting in damage to areas of the Park. We have concerns that closing off a large area of the Park for two weeks in mid - summer will increase crowding and further damage to the remaining parts of the Park.

Although some people may be away on holiday, one suspects that this year many will stay at home. Many residents particularly those who live to the south plan to be away during the festival. As there is no date given it is difficult for any plans to be made.

The closing time of 11pm is too late. This will result in nearby residents being disturbed beyond that time. The closing time should be reduced to 10 or 10.30pm.

On behalf of the

Reply to party 1

I am writing in response to the blue notices put up in Peckham Rye Park and on Peckham Rye Common with regard to an application by We are the Fair Ltd for a premises license for a 'Gala' event on Peckham Rye Park on dates that are not specified.

The notice does not give any dates, so must be defective. It refers to a Bank Holiday Monday and a Friday, Saturday and Sunday (but so positioned in order that they imply that they are the Friday and weekend AFTER the Monday). The omission of dates presumably makes the notice defective and so the process will need to be re-run properly

The notice does not give an application number - and I have found it impossible to find details of the application on the website link you give. I put in premises licence and the name of the applicant and the post code and I get the response ' no records matched your search'

Anyway, whenever the event is planned for, I object to the application.

There should be no privatisation for any length of time of any area of the park and therefore because no event should be taking place in an arena to which the public are denied access unless they pay, there should be no licence given to such an event

The risk of people letting their hair down following the extensive lockdowns must be large - and if fuelled by alcohol the risk of trouble must be increased.

Furthermore, people who have drunk alcohol are much more likely to ignore any sensible social distancing norms and therefore the grant of a license would involve the council in effect encouraging a situation that may well lead to a renewed surge in Covid 19 infections. For local people the thought of 10,000 people closely gathered together in a way that may well spread Covid-19 is a serious worry. Having allowed this state of affairs and encouraged the spread of infection by the grant of a licence the council would bear legal liability.

The licence application is for four days this time whereas in the past it has been for three. The additional day is excessive.

The licence is until 11pm whereas in the past My memory is that the event shut down at 10.30pm; a bit more Gala creep it appears

I look forward to receiving acknowledgement of my objection and to the re-running of the application process with notices that are not defective.

Thank you for your comments regarding our Premises Licence application for Peckham Rye Park.

We apologise for any confusion regarding relating to the Blue Notices. However, we understand that the matter of whether or not the Blue Notices were

displayed correctly has been addressed separately and directly by the Licensing Team. We were informed by Southwark's Licensing department on the 27th March 2021 that the notices were deemed to be compliant.

We understand that Peckham Rye Park is a valuable outdoor space for the local community and as event organisers we work closely not only with the Parks team but the Friends and other key stakeholders to ensure that any disruption and inconvenience is minimised. In terms of denying access to an area of the park to members of the public, this is not a matter that is of concern with regards to upholding the Licensing objectives. Southwark Council's Events Team have decided that the Park is suitable and available to hire for event use and we have entered in to a hire agreement with them.

Should social distancing still be a requirement at the time of this event, it is highly unlikely that GALA will take place. Festivals and events of this nature are not viable if social distancing is required. The Pilot events that that took place earlier in May as part of the Government's research in to mass gatherings did not feature social distancing and data from these events will inform the wider guidance for future events. We will continue to monitor the situation, follow the guidance and implement any mitigation measures required.

Although the application requests permission for Regulated Entertainment and Sale of Alcohol to occur on four days of the week (Mon, Fri, Sat, Sun) the application is conditioned to allow a maximum of *three* event days per year only, with Monday activities restricted to Bank Holiday Mondays. There is no intention to operate the Premises on four days per year. The exact days that the Premises will be used will be agreed with the Local Authority and Safety Advisory Group at least 12 weeks in advance.

Similarly, with regards to operating hours, the hours sought on this application are the same as those granted in 2019, there is no extension to hours of entertainment, sale of alcohol or opening to the public.

With the conditions that are attached to the licence and additional measures in place we hope that any disturbance to yourself, other residents and Peckham Rye Park will be kept to a minimum.

Regards,



We Are The Fair

Reply to party 2

I am responding to your consultation re the licensing of Peckham Rye Park for the Gala Festival at the end of August 2021. As a resident of 33 years living over 1km away from the proposed festival area, and as a daily dogwalking user of the park over those years, I have previously found that the festival caused substantial damage to the park grounds, with grassland churned up by heavy moving machinery. taking a year to recover. Plus the deep bass frequencies of the music, which is not to everyone's taste, travel over a wide area and constitute in my view a noise nuisance. This event may bring licensing income to Southwark Council, but at the expense of damage to local grounds and irritation to residents living near Peckham Rye Park.

Thank you for your comments regarding our Premises Licence application for Peckham Rye Park.

Although damage to the ground is not specifically relevant to upholding the Licensing objectives, we appreciate that it is of concern to local residents and park users. As event organisers we strive to ensure our events take place with minimal disruption. We take all necessary precautions to protect the ground from event related activity in order to ensure that any negative impacts are mitigated.

Unfortunately in 2018 we experienced a difficult de-rig with very heavy rain, long delays to the collection of onsite cabins, and ineffective litter clearance. We acknowledged these issues and ensured that reinstatement works were scheduled and completed promptly following the event. To speed up the process of reinstatement works we contracted with Ideverde directly to manage these works, rather than contracting via Southwark Council. We were also determined to make further improvements through setting a goal to leave no trace.

Improvements were made ahead of the 2019 edition of GALA and the provision of additional protective and contingency measures put in place ensured that ground damages were avoided in 2019. WATF received positive feedback from the council and local residents regarding our reduced environmental impact and prompt clear up of the park. Reinstatement work has since been completed on the pavement and tarmac.

As part of the hire agreement for the use of the park we also pay a considerable sum to Southwark Council as a damages deposit. This amount is held by Southwark Council until the handover back to the Parks team at the conclusion of the event. Any damages caused by us during our hire period are repaired using our damage fee to cover the costs.

We are sorry to hear about your concerns regarding noise and the disturbance you experienced during the last event. If granted, this Licence will be conditioned to minimise the potential for noise nuisance. Conditions 35 – 45 of the Premises Licence application refer specifically to the management of noise and include the provision of a Noise Management Plan. The conditions also require Noise Consultants to be present on site during the events to monitor sound levels ensuring remedial actions can be taken promptly and Db levels are not exceeded. During the event our team operate a noise hotline dedicated to the local community and we are able to respond promptly to any concerns regarding sound levels.

In 2019 the two days of events that took place (Gala Festival and Jam on Rye) received a total of 5 calls to the event 'hotline number' relating to noise. The post-event Noise Compliance Report confirms that at all times the decibel levels that were recorded throughout the two days were compliant with the levels specified in the Noise Management Plan. Of the 3 representations we have received regarding this application you're the only person to raise concerns regarding noise from the event. It is also pertinent to note that no representation has been received from Southwark's Environmental Protection Team (responsible for noise nuisance).

With the conditions that are attached to the licence and additional measures in place we hope that any disturbance to yourself, other residents and Peckham Rye Park will be kept to a minimum.

Regards,



We Are the Fair

Reply to party 3

The Notice for the application for this event is flawed.

- **** The posters only appeared briefly and are no longer visible anywhere in the Park***
- **** The date of the event is missing - it is confusing for residents as there are 2 bank holidays - end of July and end of August***

**** There is no application number - the application does not seem to appear on Southwark Councils website***

**** There seem to be 4 days mentioned - not 3.***

Over the last year the Park has become increasingly crowded resulting in damage to areas of the Park. We have concerns that closing off a large area of the Park for two weeks in mid - summer will increase crowding and further damage to the remaining parts of the Park.

Although some people may be away on holiday, one suspects that this year many will stay at home. Many residents particularly those who live to the south plan to be away during the festival. As there is no date given it is difficult for any plans to be made.

The closing time of 11pm is too late. This will result in nearby residents being disturbed beyond that time. The closing time should be reduced to 10 or 10.30pm.

Thank you for your comments regarding our Premises Licence application for Peckham Rye Park.

We apologise for any confusion regarding relating to the Blue Notices. However, we understand that the matter of whether or not the Blue Notices were displayed correctly has been addressed separately and directly by the Licensing Team. We were informed by Southwark's Licensing department on the 27th March 2021 that the notices were deemed to be compliant.

Although the application requests permission for Regulated Entertainment and Sale of Alcohol to occur on four days of the week (Mon, Fri, Sat, Sun) the application is conditioned to allow a maximum of *three* event days per year only, with Monday activities restricted to Bank Holiday Mondays. There is no intention to operate the Premises on four days per year.

We understand that Peckham Rye Park is a valuable outdoor space for the local community and as event organisers we work closely not only with the Parks team but the Friends and other key stakeholders to ensure that any disruption and inconvenience is minimised. The area of the Park that these events will occupy relates to approximately 15% of the overall available space available.

The area of the site that is to be used has been agreed with Southwark's Events and Parks teams, both have confirmed that the space is suitable for our intended use.

We pay a considerable fee to hire the park with a further damage deposit also paid, prior to us arriving on site. This deposit is used by Southwark to cover the cost of any repairs that are necessary should we cause any damage to the Park or grounds whilst operating the site under the terms of this Premises Licence.

In terms of the exact dates of the events taking place, this application has been conditioned such that these dates must be agreed 12 weeks in advance with the Local Authority and the Safety Advisory Group. Historically the events have taken place over the last Bank Holiday weekend in May. However, due to the pandemic, the organisers require more flexibility should restrictions be in place that prevent the event from taking place at a particular time of the year. In 2021, the event will be taking place on the 30th, 31st July and 1st August.

The hours sought by this application are in line with Southwark's published Licensing Policy and are considered appropriate. The terminal hours for both Regulated Entertainment and the hours that the Premises are open are within those suggested by the guidance. The hours sought on this application are the same as those granted in 2019, there is no extension to hours of entertainment, sale of alcohol or opening to the public.

<https://www.southwark.gov.uk/assets/attach/7473/Statement-of-Licensing-Policy-2021-to-2026-FINAL.pdf>

With the conditions that are attached to the licence and additional measures in place we hope that any disturbance to yourself, other residents and Peckham Rye Park will be kept to a minimum.

Regards,



We Are The Fair



NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 29 JANUARY 2018

LICENSING ACT 2003: WE ARE THE FAIR / GALA FESTIVAL, PECKHAM RYE PARK, PECKHAM RYE SE15 3JA

1. Decision

That the application made by We are the Fair for a premises licence under the Licensing Act 2003 in respect of the premises known as Peckham Rye Park, Peckham Rye SE15 3JA is granted as follows:

| Licensable activity | Hours |
|---|--|
| Sale and supply of alcohol for consumption on the premises only | Sunday from 11:00 to 22:00 Monday from 11:00 to 21:30 |
| The provision of films, live music, recorded music, performance of dance anything similar to live or recorded music | Sunday from 11:00 to 22:30 Monday from 11:00 to 22:00 |
| Operating hours | Sunday from 11:00 to 23:00 Monday from 11:00 to 22:30 |

Conditions

The operation of the premises under the licence shall be subject to relevant mandatory conditions, conditions derived from the operation schedule highlighted in Section M of the application form and additional conditions agreed between the environmental protection team and licensing authority during the conciliation process, and the following additional conditions agreed by the licensing sub-committee:

1. That the depositing of waste glass / earthenware into waste receptacles shall not take place between 20:00 and 08:00 hours.
2. That the final egress plan shall include replacement train and bus routes and stops to be clearly mapped out.
3. That the ingress and egress plans and dispersal policy must be submitted to the members of the SAG for approval and in particular the licensing authority, the environment protection team and police six weeks before the date of the event for approval.

4. That the noise levels to be maintained in accordance with the Noise Policy within the maximum expected to be between 67 and 73 decibels without exceeding 75 decibels at any time at local residential properties. All readings to be available for inspection by London Borough of Southwark officers and the Metropolitan Police.
5. That a maximum of 8,000 tickets may be issued including free tickets.
6. That, lollipops with paper sticks are to be available and to be provided to all festival customers when exiting the event to assist in keeping potential noise to a minimum.
7. That on day two, each adult shall be allowed to supervise a maximum of three children under 16.
8. That the event organisers must consult Southwark Council's highways and parking departments and Transport for London (TfL) and act on any appropriate guidance. A transport infrastructure plan shall be drawn up and submitted as part of the application process.

3. Reasons

The reasons for the decision are as follows:

The licensing sub-committee were advised that there were no outstanding representations from any of the responsible authorities. The sub-committee heard that the licensing authority and environmental protection authority had agreed conditions with the applicant and in view of these conditions had withdrawn their representations on that basis.

The licensing sub-committee heard from the applicant's representative who advised the licensing sub-committee that the Gala was an independent festival heavily focused on food with the best of London street traders attending and supplying the event.

The representative advised that Sunday's event would be over 18's only and that the event on Monday would be family friendly, welcoming children.

The representative advised that "We are the Fair" are an awards winning events agency who have been in operation for 18 years with a proven track record of organising successful similar and larger events. The representative stated that their approach was to high quality and safe events, highlighting that the event which operated in 2017 for a capacity of 5,000 was a success with one noise complaint which was dealt with appropriately.

The applicant had employed noise consultants which considers issues relevant for the site and recognises a careful balance to be struck for this event. The noise consultant had produced a noise management strategy assessing the appropriate levels of noise and limitations to be observed during the festival.

The noise consultants would be present at the festival and would take between 20-40 readings throughout each day and would be responsible for minimising and dealing with any complaints directly and in line with the conditions.

The representative confirmed that there would be no entry after 8pm and no re-entry throughout each day.

The licensing sub-committee were also advised that the applicant had met with the ecology officer and parks team and measures have been agreed to ensure that there will be minimal disturbance to the park. By way of example, they agreed that important areas would be cordoned off by fencing and that lights would not be hung off certain trees to minimise any potential disruption to the parks wildlife. They stated barriered walkways would be used for organised ingress and egress and floor covering would be provided where necessary to prevent damage. Queuing would be organised in a way as to not cause damage or disturbance and would be barriered.

The applicant had also paid a damage deposit as an additional measure to ensure that minimal disruption or damage to the park.

The representative advised that as a number of local train stations will be closed they would provide information to customers detailing alternatives public transport routes in order to manage the ingress and egress.

The representative confirmed that they had engaged in early liaison with responsible authorities and agreed 51 conditions and as a result of which the responsible authorities had withdrawn their representations.

The representative agreed that they would ensure the safety advisory group (SA)G were in agreement and confirm that they are happy to sign of all documents listed at paragraph 14 in section 1 of the agreed conditions which are to be added to the licence.

The representative advised that they would make good any damage to the park caused by the event or their patrons and that they had agreed to enforce this by way of a damage deposit and by agreement of conditions. They would also employ a reputable waste company to ensure that waste was collected throughout the duration of the festival and also after the festival and that they would ensure that the festival waste was cleared in the streets outside the festival area.

They stated that they would operate reactively in that if they are aware of any waste that appears to be as a result of the festival in the surrounding areas they would ensure that the waste was collected so as to reduce any impact to the local residents.

The representative advised that they expect to have 150 SIA officers.

The representative advised that the dispersal policy would specify the agreed pick up and drop off designated areas and that they are in the process of collecting data to confirm where customers are coming from and also where they are likely to be going after the festival ends, in order to allow further dispersal plans to be put into place depending on the outcome of the data.

This will include appropriate signage being in place and liaison with the taxi companies to confirm the designated pick up areas.

The applicant also confirmed that TFL would be consulted and if it necessary they are happy to agree to the addition of a shuttle bus to assist with the egress of the customers from the event and will also contribute towards additional rail replacement services.

The licensing sub-committee heard from five of the local residents of the area who expressed concerns that they did not consider the area to be appropriate for the event and that they considered the capacity of the event was excessive for the area.

In addition residents also raised concerns over potential noise and concerns regarding the transport for egress after the event and stated that they did not consider the local transport to be sufficient for the event.

The residents also raised concerns about the dispersal policy and queried why the applicant had already sold tickets for the event prior to obtaining a licence.

Residents also raised concern about potential damage to the park area and stated that they considered the fact that the park area would be out of use to residents before the event and during the event to be a public nuisance.

Residents were concerned about the alcohol consumption during the course of the festival and potential disorder as a result which they were concerned would be detrimental to local residents.

Residents raised concerns that there was another larger festival going on at the same time in the Brockwell Park. However, it is understood by members that this festival will be taking place in early June 2018.

The residents stated that an event, which was not operated by the current applicant, took place approximately 12 years ago which was a disaster.

The licensing sub-committee expressed concerns regarding the current level of detail within the dispersal policy. The licensing sub-committee stated that they required further details to be provided to the working dispersal document before the event. The applicant confirmed that it was a working document and that they were in the process of finalising the policy.

In order to assist in alleviating the licensing sub-committee's concerns, the applicant agreed that the final dispersal policy should be presented and approved by the members of the safety advisory group (SAG) six weeks before the event in particular the licensing Sub Committee requested that the licensing officer should approve the final document before the event. This was agreed and imposed by way of an additional condition.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives and considered that this decision was appropriate and proportionate.

4. Appeal rights

The applicant may appeal against any decision:

- a) To impose conditions on the licence
- b) To exclude a licensable activity or refuse to specify a person as premises supervisor.

Any person who made relevant representations in relation to the application who desire to contend that:

- a) The licence ought not to be been granted; or
- b) That on granting the licence, the licensing authority ought to have imposed different or additional conditions to the licence, or ought to have modified them in a different way

may appeal against the decision.

Any appeal must be made to the Magistrates' Court for the area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the Magistrates' Court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

Issued by the Constitutional Team on behalf of the Director of Law and Democracy.

Date: 29 January 2018

Licensing Act 2003

Premises Licence



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

Premises licence number

861145

Part 1 - Premises details

| | |
|---|------------------------------|
| Postal address of premises, or if none, ordnance survey map reference or description | |
| Peckham Rye Park Peckham Rye | |
| Ordnance survey map reference (if applicable): 174963534910 | |
| Post town London | Post code SE15 3JA |
| Telephone number [REDACTED] | |

| |
|---|
| Where the licence is time limited the dates 27 May 2018 and 28 May 2018 |
|---|

| |
|--|
| Licensable activities authorised by the licence Films - Indoors and Outdoors Live Music - Indoors and Outdoors Recorded Music - Indoors and Outdoors Performance of Dance - Indoors and Outdoors Entertainment Similar to live/recorded music - Indoors and Outdoors Sale by retail of alcohol to be consumed on premises |
|--|

| |
|---|
| The opening hours of the premises. For any non standard timings see Annex 2 Monday 11:00 - 22:30 Sunday 11:00 - 23:00 |
|---|

| |
|---|
| Where the licence authorises supplies of alcohol whether these are on and/ or off supplies Sale by retail of alcohol to be consumed on premises |
|---|

| |
|--|
| The times the licence authorises the carrying out of licensable activities For any non standard timings see Annex 2 of the full premises licence |
| Films - Indoors and Outdoors Monday 11:00 - 22:00 Sunday 11:00 - 22:30 |
| Live Music - Indoors and Outdoors Monday 11:00 - 22:00 Sunday 11:00 - 22:30 |

Recorded Music - Indoors and Outdoors

Monday 11:00 - 22:00
Sunday 11:00 - 22:30

Performance of Dance - Indoors and Outdoors

Monday 11:00 - 22:00
Sunday 11:00 - 22:30

Entertainment Similar to live/recorded music - Indoors and Outdoors

Monday 11:00 - 22:00
Sunday 11:00 - 22:30

Sale by retail of alcohol to be consumed on premises

Monday 11:00 - 21:30
Sunday 11:00 - 22:00

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

We Are The Fair Ltd
 Smith Cooper
 158 Edmund Street
 Birmingham
 B3 2HB

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

09327525

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

Robert Dudley

█
 █
 █
 █

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

Licence No.: █

Authority: █

Licence Issue date: 29/01/2018



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.

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

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

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

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

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

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

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

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

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

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

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

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or

such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either

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

489 The responsible person shall ensure that -

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

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

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

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

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

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

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

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

where-

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

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

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

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

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

4. (1) Sub-paragraph (2) applies where the permitted price given by paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax; (2) the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 - Conditions consistent with the operating Schedule

340 That no vehicles or generators are placed beneath trees and that planned infrastructure is not positioned where it may be possible to damage tree roots or canopies.

341 That the event will be ticketed and open to ticket holders only.

342 That day 1 will be an 18+ only event.

343 That day 2 will be a family friendly event, catering to all ages.

344 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, any Proof of Age Standards Scheme (PASS) accredited card or any proof of age card validated by the Secretary of State.

345 That an event and site-specific Event Safety Management Plan (ESMP) will be developed and shared with the Licensing Authority and Safety Advisory Group (SAG) and will be agreed and signed off by the SAG 6 weeks in advance of the event.

346 That the event organisers shall have a means of counting in the people entering the event site to ensure that they are able to provide on request, the number of people on site at any point in time to authorised officers.

347 That locked amnesty bins shall be provided for the disposal of alcohol and other waste.

348 That the following documentation will be produced in consultation with the SAG

- a) Event Safety Management Plan (ESMP)
- b) Event Risk Assessments & Method Statements
- c) Fire Risk Assessment
- d) Site Plan
- e) Security & Crowd Management Plan
- f) Drugs Policy
- g) Liquids Policy
- h) Alcohol Management Plan
- i) Medical Operational Plan
- j) Noise Management Plan
- k) Construction Phase Plan
- l) Egress Plan
- m) Lost Child & Vulnerable Persons Procedures
- n) Emergency Procedures Plan
- o) Equal Opportunity Statement
- p) Traffic Management Plan

q) Public Liability Insurance

r) Production Schedule

These documents will be living documents which are reviewed during the build up to the event.

349 That a reputable and experienced SIA accredited security and stewarding company will be appointed to ensure public safety and to prevent crime and disorder.

350 That the Security & Crowd Management Plan will outline details of the level of search on entry to be implemented.

351 That searches will only be carried out by SIA Registered staff of the same sex.

352 That the Drugs Policy will include NPS and No2 / NOS / Nitrous Oxide. No2 will not be permitted on site and any found on entry will be confiscated.

353 That anyone found on entry with more than the agreed quantities for personal consumption (as outlined in the Drugs Policy) of controlled substances or NPS will be refused entry and the Police informed immediately.

354 That anyone found with an offensive weapon on entry will be refused admittance and the Police informed immediately.

355 That each bar on site shall have a dedicated bar manager or supervisor and team who shall be conversant with the requirements and responsibilities for the sale of alcohol and shall be given written designation of their responsibilities.

356 That the DPS shall brief all bar staff before each event. A written record of this briefing shall be kept on site.

357 That an event and site-specific Risk Assessment and Fire Risk Assessment will be undertaken and implemented.

358 That a Medical Risk Assessment will be undertaken taking into account the Health and Safety Executive (HSE) "purple guide" on outdoor events to determine the level of first aid provision for the event.

359 That all emergency exits, toilets and first aid posts shall be clearly indicated, such that it is visible from all parts of the licensed area.

360 That all drinks shall be sold in either opened cans, PET containers or decanted into polycarbonate vessels. No glass will be permitted into the public festival arena. Glass bottles will be retained behind bars for disposal.

361 That the appropriate type and number of firefighting equipment shall be provided throughout the site. Locations and numbers will be specified in the ESMP.

362 That a queuing system will be designed and implemented at the main entrance to minimise waiting time whilst maintaining crowd safety.

363 That loudhailers will be deployed at the entrance to assist stewards in providing information to customers regarding delays and other pertinent information.

364 That a qualified and suitably experienced Noise Management Consultancy will be appointed to produce a Noise Management Plan (NMP) and provide representatives on site during the live hours of the event.

- 365** That there will be no amplified music or other entertainment after 22:00 on either day.
- 366** That local residents will receive prior notification of the event including details of the event timings. The distribution radius for the notification letter will be agreed with the Local Authority. This is to include local businesses that may be affected by attendees to the event during ingress and egress. A noise "hot line" number will also be included to allow residents to contact an event representative should they need to make a complaint during the event.
- 367** That an arrangement (contract) with a reputable waste management company to manage the event site and externally affected areas for the duration of the event and a post event clean up shall be in place.
- 368** That on day 1 the event is ticketed and open to adults over the age of 18 only.
- 369** That on day 2 children are to be supervised at all times by an adult over 21. All parent / carers will be responsible for their children. Any child under the age of 16 must be accompanied by an adult (over 21) into the festival site. These age restrictions will be clearly stated on the event website.
- 370** That on day 2 each adult will be allowed to supervise a maximum of 3 children (U16).
- 371** That on day 2 on arrival at the festival all responsible adults will be given a white wristband to write their mobile number on to then put on their child's wrist in case of emergency.
- 372** That on day 2 over 18's who have proved their age will have a festival wristband to facilitate the Challenge 25 policy at the bars, but we still be asked to show ID each time they use the bars.
- 373** That on day 2 the lost children station will be located by the Information Point in the food court throughout the duration of the event. This will be staffed by 2 DBS checked staff at all times.
- 374** That on day 2 children will not be allowed into the bar areas.
- 375** That on days 1 & 2 a Lost Child & Vulnerable Person Procedure will be in place and will be detailed in the ESMP.

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

840 That the depositing of waste glass / earthenware into waste receptacles shall not take place between 20:00 and 08:00 hours.

841 That the final egress plan shall include replacement train and bus routes and stops to be clearly mapped out.

842 That the ingress and egress plans and dispersal policy must be submitted to the members of the SAG for approval and in particular the Licensing Authority, the Environment Protection Team and police six weeks before the date of the event for approval.

843 That the noise levels to be maintained in accordance with the Noise Policy within the maximum expected to be between 67 and 73 decibels without exceeding 75 decibels at any time at local residential properties. All readings shall be made available for inspection by London Borough of Southwark officers and the Metropolitan Police.

844 That a maximum of 8,000 tickets may be issued including free tickets.

845 That lollipops with paper sticks are to be available and to be provided to all festival customers when exiting the event to assist in keeping potential noise to a minimum.

846 That the event organisers must consult Southwark Council's highways and parking departments and Transport for London (TfL) and act on any appropriate guidance. A transport plan shall be devised prior to the event and adhered to during the event.

Annex 4 - Plans - Attached

Licence No. 861145

Plan No. GALA / KERB 2018

Plan Date 28/03/2018

NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 7 FEBRUARY 2019

LICENSING ACT 2003: GALA & JAM ON RYE FESTIVALS, PECKHAM RYE, LONDON SE15 3JA

1. Decision

That the application made by We Are the Fair Limited for a time limited premises licence to be granted under s.17 of the Licensing Act 2003 in respect of the premises known as Peckham Rye Park, Peckham Rye, London SE15 3JA is granted as follows:

2. Conditions

1. That there will only be one event per calendar year, taking place for a maximum of two days for three years ending 31 December 2021.
2. That there will be no amplified music or other entertainment after 22:30 on Saturday or Sunday and 22:00 on Bank Holiday Monday.
3. That the maximum duration of events per day will not exceed 11.5 hours (Saturday and/ or Sunday) and 11 hours (Bank Holiday Monday).
4. That each and every event would be presented individually to the Safety Advisory Group (SAG) which will be approved by the responsible authorities.
5. That a Challenge 25 policy will be in operation at all bars. Clear signage will be in place informing customers of this policy. The designated premises supervisor (DPS) will ensure that all staff are briefed on the acceptable forms of ID.
6. That events will be categorised as either '18+ Only' (Gala) or 'Family Friendly' (Jam on Rye).
7. That events categorised as '18+ Only' (Gala) will operate a 'No ID, No Entry' policy to guests, details of which are included in the event safety management plan (ESMP). Challenge 25 will also be in operation at the entrance to the event.
8. That events categorised as 'Family Friendly' (Jam on Rye) will feature a comprehensive child welfare policy which will be detailed in the event safety management plan.
9. That maximum capacities for events will be agreed with the SAG during the planning process will be approved by the responsible authorities.
10. That the events Gala and also Jam on Rye will be ticketed and open to ticket holders only.

11. That the event organisers shall have a means of counting in the people entering the event site to ensure that they are able to provide on request, the number of people on site at any point in time to authorised officers.
12. That locked amnesty bins shall be provided for the disposal of alcohol and other waste.
13. That an event and site-specific event safety management plan (ESMP) will be developed and shared with the licensing authority and SAG.
14. That the ESMP will include details on the following subjects: event risk assessments, event schedule, site plan, fire risk assessment, security and crowd management plan, drugs policy, liquids policy, alcohol management plan, traffic management plan, egress plan, waste management plan, medical management plan, adverse weather plan, crisis communication plan, noise management plan, child sanitation plan, welfare/vulnerable persons policy. These documents will be living documents which will be reviewed and revised in the planning phases of the events.
15. That a reputable and experienced SIA accredited security and stewarding company will be appointed to ensure the public safety and to prevent crime and disorder.
16. That the ESMP crowd management plan will outline the number, position and roles of the security and stewarding staff working at the event.
17. That the security and crowd management plan will outline the details of the level of search on entry to be implemented.
18. That searches will be carried out by SIA registered staff of the same sex as those being searched.
19. That the drugs policy will include new psychoactive substances (NPS) and No2/ NOS/ Nitrous Oxide. No2 will not be permitted on site and any found on entry will be confiscated.
20. That anyone found on entry with more than the agreed quantities for personal consumption (as outlined in the drugs policy) of controlled substances or NPS will be refused entry and the police informed immediately.
21. That anyone found with an offensive weapon on entry will be refused admittance and the police informed immediately.
22. That each bar on site shall have a dedicated bar manager or supervisor and team who shall be conversant with the requirements and responsibilities for the sale of alcohol and shall be given written designation of their responsibilities.
23. That the DPS shall brief all bar staff before each event. A written record of this briefing shall be kept on site.
24. That all drinks shall be sold in either opened cans, PET containers or decanted into polycarbonate vessels. No glass will be permitted into the public festival arena. Glass bottles will be retained behind bars for disposal.

25. That an event and site specific risk assessment and fire risk assessment will be undertaken and implemented.
26. That the premises licence holder shall carry out a suitable and sufficient medical risk assessment as well as use the Health and Safety Executive (HSE) "purple guide" on outdoor events to determine the level of first aid provision for the event, such that there is no undue demand on National Health Service resources.
27. That all emergency exits, toilets and first aid posts shall be clearly indicated by means of signage, such that it is visible to attendees.
28. That the appropriate type and number of fire fighting equipment shall be provided throughout the site. Locations and numbers will be specified in the ESMP.
29. That a queueing system will be designed and implemented at the main entrance to minimise waiting time whilst maintaining crowd safety.
30. That crowd Management Stewards tasked with entry lane queue management will wear hi-visibility tabards.
31. That loudhailers will be deployed at the entrance to assist stewards in providing information to customers regarding delays and other pertinent information.
32. That an agreed number of stewards and marshals will be deployed to manage the egress phase of the events. These stewards and marshals will wear hi-visibility tabards and will also be supplied with loudhailers. The number, role and position of these staff will be detailed in the security and crowd management plan, egress plan and traffic management plan.
33. That the egress plan and traffic management plan will take into account any service disruptions to local rail services and any subsequent rail replacement bus services.
34. That the egress plan will be submitted to the SAG for approval a minimum of six weeks prior to the event.
35. That the traffic management plan will be developed following consultation with Southwark Highways and Parking departments as well as Transport for London. The Traffic Plan will be adhered to during the event.
36. That no vehicles or generators will be placed beneath trees and event infrastructure will not be positioned where it may be possible to damage tree roots or canopies.
37. That a qualified and suitably experienced noise management consultancy will be appointed to produce a noise management plan (NMP) and provide representatives on site during the live hours of the event.
38. That no waste glass or similar items shall be disposed of ("bottling out") between the hours of 20:00 and 8:00.
39. That noise levels will be maintained in accordance with the noise management plan within the maximum levels expected to be between 67dB and 73dB without exceeding 75dB at any time at the façade of local residential properties. All dB

readings shall be available for inspection by MPS and Southwark environmental protection officers.

40. That local residents will receive prior notification of the event including details of the event timings. The distribution radius for the notification letter will be agreed with the local authority. This is to include local businesses that may be affected by attendees to the event during ingress and egress.
41. That a noise "hot line" number will also be included to allow residents to contact an event representative should they need to make a complaint during the event.
42. That the premises licence holder shall have in place an arrangement (contract) with a reputable waste management company to manage the event site and externally affected areas for the duration of the event and post event clean up.
43. That the event will be a ticketed, 18+ music festival (Gala).
44. That no person under the age of 18 will be permitted to enter the event site for Gala.
45. That a challenge 25 Policy will be in force at all festival bars.
46. That the event will operate a 'No ID, No Entry' Policy.
47. That a child welfare and vulnerable person procedure will be in place and will be detailed in the ESMP. This will outline action to be taken in the event that under 18's attempt to gain entry to the event or are discovered within the event perimeter.
48. That children are to be supervised by an adult at all times. Parents/carers will be responsible for their children.
49. That any child under the age of 16 must be accompanied by an adult (over the age of 21).
50. That each adult will be allowed to be responsible for a maximum of three children (under 16).
51. That wristbands will be provided on entry to all children to allow parents/carers to write their phone number on the inside of the wristband.
52. That a dedicated lost children point will be set up and manned by DBS checked staff (minimum of two on duty).
53. That a challenge 25 policy will be in force at all festival bars.
54. That a child welfare and vulnerable person procedure will be in place and will be detailed in the ESMP.
55. That the organiser will be required to employ a noise control consultant who shall carry out a test of the noise sources prior to the event. The tests shall be conducted at the nearest residential premises.

56. That the organiser should ensure an officer from environmental protection team is invited to the proposed sound tests prior to the event (preferably one day before the event).
57. That the organiser shall ensure that all requests from the Council Officers are complied with.
58. That details of two contact telephone numbers including a mobile telephone number, permanently staffed during performances, are to be made available to council officers prior to the event(s).
59. That at least one week prior to the beginning of the event a leaflet drop is to be made to households in the immediate area. The leaflet is to include a timetable and description of each performance and the contact telephone numbers.
60. That the applicant should ensure that the predicted levels and proposed noise level limits are not exceeded during the event. These limits shall be subject to review during this event and feature events EPT are to receive a substantiated noise complaint if at any point during the event.
61. That regular checks are to be carried out at the nearest sound sensitive locations to the event (e.g. houses, residential homes, churches) to monitor the noise and ensure that the limit set is not exceeded.
62. That the volume of all sound equipment on site shall be the responsibility of the noise control consultant appointed by the event organiser.
63. That no additional sound equipment shall be used on site without the prior agreement of the council's environmental protection team and the appointed noise control consultant.
64. That the appointed noise control consultant shall continually monitor noise levels at the sound mixer position and instruct the sound engineer accordingly to ensure that the above noise limits are not exceeded. The Council shall have access to the results of the noise monitoring at any time.

3. Reasons

The reasons for the decision are as follows:

The licensing officer presented his report to the licensing sub-committee and advised the members that the representations from all of the responsible authorities had been conciliated. As a result a comprehensive schedule of conditions had been agreed between the applicant and responsible authorities.

The licensing sub-committee then heard from the applicant who advised that the Gala Festival had been named in the best festival listings for Time Out magazine and The Independent newspaper and thereafter, referred to the representations that had been submitted by other persons in support of the application, in particular Party 13:

"I've been to Gala for the last 3-years since its conception...and seen it grow to a real hub for diversity, culture and inclusivity attracting people from all over London and beyond.

....Peckham is a young thriving community of creatives and Gala is a festival that couldn't be more aligned with that identity.

I can honestly say that Gala was one of the best days I've had at a festival".

The festival would have the same format as the 2018 event, but with substantial detailed conditions. The applicant sought an increase in capacity to 9,999. For the 2018 event, the sub-committee reduced the capacity to 8,000 based solely on the major transport stations being closed. This was no longer the case, so a realistic and safe dispersal of the increased capacity could be guaranteed. Overall, the capacity increase could be viewed as small, so would have no significant negative impact.

In addition, the applicant had organised an extremely detailed consultation plan that would be rolled out on an annual basis between July (being a debrief with the SAG following the event) up until April the following year with residents' drop, stakeholder's meeting and ecology consultation.

The applicant also sought a time limited licence for three years; not to circumvent the system. Three years had been agreed (in principle) with Southwark's Safety Advisory Group (SAG). The time limited application also detailed one event per year, which would be over three days, rather than the two days as per the 2018 application. This would give the applicant flexibility for future years. The application failed to provide any information or detail as to what the third day would consist of.

The applicant maintained that the event was for the benefit of the local community and put Peckham on map: discounted tickets for both days events were made available to local residents. A large proportion of those attending came from the SE15, SE22 and SE23 postcodes and therefore the dispersal issues anticipated in 2018 didn't occur as many patrons could walk home from the events. This was determined by the ticket sale data.

The licensing sub-committee noted that submissions from other persons, namely 28 objectors and seven supporters. The representations objecting to the application are concerned that significant noise nuisance, crime and disorder, endangerment of public safety and risk to children is likely to arise as a result of the proposed event. The representations contend that these issues were noted when the same festivals took place at the premises on 27 and 28 May 2018.

The licensing sub-committee then heard from three other persons who had submitted objections to the application, being parties 4, 33, and 34.

Party 4 advised that they had objected to the previous time limited applications, but each year the event became bigger and the capacity extended. The event closed off the park for the rest of the community and the introduction of a fourth stage meant the event was increasing by 25% in size.

Party 33 similarly referred to the poor consultation, noise and detrimental impact the event had on the environment.

Party 34 referred to the poor consultation that had taken place for the 2018 event and reference was made that the only consultation that had taken place for the 2019 event was the blue posters for this application. The park is very well used and is considered as an extension of local residents' homes that have no gardens. It was morally wrong to close off a public park for the benefit of a limited company. The noise generated from the event was unacceptable and those living in the vicinity could not escape from it.

The licensing sub-committee considered the level of objection raised by the local community and whilst a large number of local residents had submitted objections, there was also a good deal of support. The applicant is a reputable award winning event production agency that delivered large-scale events. The applicant has made considerable improvements with their engagement with the community and rolling consultation was now in place, which includes a consultation website.

Furthermore, the applicant agreed 64 conditions with the responsible authorities (in addition with SAG) demonstrating their commitment to reduce any negative impact on the community and environment, which includes (amongst things) consultation with an ecology officer to establish appropriate timelines for ecology surveys and the impact from noise will be reduced from the re-position of the speakers and the implementation of a noise hotline. The 2018 event resulted in few noise complaints and this is demonstrated by the environmental protection team's lack of detail of complaints made to them, in addition to their agreement to a conciliation.

This licensing sub-committee are therefore of the view that there would largely be only 2-days where the community would be negatively impacted and with the provisions in place, the overall benefit of the two day event out weighed the negative to the community. Local residents are advised that should the applicant breach the terms of any of the licence conditions or alternatively, if they should undermine the licensing objectives, then they should exercise their right to review the premises licence.

The licensing sub-committee did consider the applicant's request for a third day to be included in each annual event. Unfortunately, the applicant failed to provide sufficient information that justified their need for this. The applicant is reminded that a variation application could be submitted, should the details for a third day become available.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives and considered that this decision was appropriate and proportionate.

4. Appeal rights

The applicant may appeal against any decision:

- a. To impose conditions on the licence
- b. To exclude a licensable activity or refuse to specify a person as premises supervisor.

Any person who made relevant representations in relation to the application who desire to contend that:

- a. The licence ought not to be been granted; or
- b. That on granting the licence, the licensing authority ought to have imposed different or additional conditions to the licence, or ought to have modified them in a different way

may appeal against the decision.

Any appeal must be made to the Magistrates' Court for the area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the Magistrates' Court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

Issued by the Constitutional Team on behalf of the Director of Law and Democracy.

Date: 7 February 2019

Licensing Act 2003

Premises Licence



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

Premises licence number

865977

Part 1 - Premises details

| | |
|---|----------------------------|
| Postal address of premises, or if none, ordnance survey map reference or description | |
| Gala Festival and Jam on Rye Festival Peckham Rye Park Peckham Rye | |
| Ordnance survey map reference (if applicable): 535103175037 | |
| Post town: London | Post code: SE15 3JA |
| Telephone number | |

Where the licence is time limited the dates

25/05/2019 to 31/05/2021

Licensable activities authorised by the licence

Plays - Indoors and Outdoors
Films - Indoors and Outdoors
Live Music - Indoors and Outdoors
Recorded Music - Indoors and Outdoors
Performance of Dance - Indoors and Outdoors
Entertainment Similar to live/recorded music - Indoors and Outdoors
Sale by retail of alcohol to be consumed on premises

The opening hours of the premises. For any non standard timings see Annex 2

Monday 11:00 - 22:30
Saturday 11:00 - 23:00
Sunday 11:00 - 23:00

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

Sale by retail of alcohol to be consumed on premises

The times the licence authorises the carrying out of licensable activities

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

Plays - Indoors and Outdoors

Monday 11:00 - 22:00
Saturday 11:00 - 22:30
Sunday 11:00 - 22:30

Films - Indoors and Outdoors

Monday 11:00 - 22:00
Saturday 11:00 - 22:30
Sunday 11:00 - 22:30

Live Music - Indoors and Outdoors

Monday 11:00 - 22:00
Saturday 11:00 - 22:30
Sunday 11:00 - 22:30

Recorded Music - Indoors and Outdoors

Monday 11:00 - 22:00
Saturday 11:00 - 22:30
Sunday 11:00 - 22:30

Performance of Dance - Indoors and Outdoors

Monday 11:00 - 22:00
Saturday 11:00 - 22:30
Sunday 11:00 - 22:30

Entertainment Similar to live/recorded music - Indoors and Outdoors

Monday 11:00 - 22:00
Saturday 11:00 - 22:30
Sunday 11:00 - 22:30

Sale by retail of alcohol to be consumed on premises

Monday 11:00 - 21:30
Saturday 11:00 - 22:00
Sunday 11:00 - 22:00

Part 2

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

We Are Fair Limited
Smith Cooper
158 Edmund Street
Birmingham
B3 2HB

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

09327525

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

[REDACTED]
[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 No.: [REDACTED]

Authority: [REDACTED]

Licence Issue date: 08/03/2019

[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.

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

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

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

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

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

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

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

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

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

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

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

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

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

489 The responsible person shall ensure that -

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

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

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

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

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

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

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

(b) "permitted price" is the price found by applying the formula

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

where-

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

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

- (i) the holder of the premises licence;
- (ii) the designated premises supervisor (if any) in respect of such a licence; or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (iv) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(v) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

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

4. (1) Sub-paragraph (2) applies where the permitted price given by paragraph (b) of paragraph 2 on a day

("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax;

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

Annex 2 - Conditions consistent with the operating Schedule

340 That there will only be one event per calendar year, taking place for a maximum of two days for three years ending 31 December 2021.

341 That there will be no amplified music or other entertainment after 22:30 on Saturday or Sunday and 22:00 on Bank Holiday Monday.

342 That the maximum duration of events per day will not exceed 11.5 hours (Saturday and/ or Sunday) and 11 hours (Bank Holiday Monday).

343 That each and every event would be presented individually to the Safety Advisory Group (SAG) which will be approved by the responsible authorities.

344 That a Challenge 25 policy will be in operation at all bars. Clear signage will be in place informing customers of this policy. The designated premises supervisor (DPS) will ensure that all staff are briefed on the acceptable forms of ID.

345 That events will be categorised as either '18+ Only' (Gala) or 'Family Friendly' (Jam on Rye).

346 That events categorised as '18+ Only' (Gala) will operate a 'No ID, No Entry' policy to guests, details of which are included in the event safety management plan (ESMP). Challenge 25 will also be in operation at the entrance to the event.

347 That events categorised as 'Family Friendly' (Jam on Rye) will feature a comprehensive child welfare policy which will be detailed in the event safety management plan.

348 That maximum capacities for events will be agreed with the SAG during the planning process will be approved by the responsible authorities.

349 That the events Gala and also Jam on Rye will be ticketed and open to ticket holders only.

350 That the event organisers shall have a means of counting in the people entering the event site to ensure that they are able to provide on request, the number of people on site at any point in time to authorised officers.

351 That locked amnesty bins shall be provided for the disposal of alcohol and other waste.

352 That an event and site-specific event safety management plan (ESMP) will be developed and shared with the licensing authority and SAG.

353 That the ESMP will include details on the following subjects: event risk assessments, event schedule, site plan, fire risk assessment, security and crowd management plan, drugs policy, liquids policy, alcohol management plan, traffic management plan, egress plan, waste management plan, medical management plan, adverse weather plan, crisis communication plan, noise management plan, child sanitation plan, welfare/vulnerable persons policy. These documents will be living documents which will be reviewed and revised in the planning phases of the events.

354 That a reputable and experienced SIA accredited security and stewarding company will be appointed to ensure the public safety and to prevent crime and disorder.

355 That the ESMP crowd management plan will outline the number, position and roles of the security and stewarding staff working at the event.

356 That the security and crowd management plan will outline the details of the level of search on entry to be implemented.

357 That searches will be carried out by SIA registered staff of the same sex as those being searched.

358 That the drugs policy will include new psychoactive substances (NPS) and No2/ NOS/ Nitrous Oxide. No2 will not be permitted on site and any found on entry will be confiscated.

359 That anyone found on entry with more than the agreed quantities for personal consumption (as outlined in the drugs policy) of controlled substances or NPS will be refused entry and the police informed immediately.

360 That anyone found with an offensive weapon on entry will be refused admittance and the police informed immediately.

361 That each bar on site shall have a dedicated bar manager or supervisor and team who shall be conversant with the requirements and responsibilities for the sale of alcohol and shall be given written designation of their responsibilities.

362 That the DPS shall brief all bar staff before each event. A written record of this briefing shall be kept on site.

363 That all drinks shall be sold in either opened cans, PET containers or decanted into polycarbonate vessels. No glass will be permitted into the public festival arena. Glass bottles will be retained behind bars for disposal.

364 That an event and site specific risk assessment and fire risk assessment will be undertaken and implemented.

365 That the premises licence holder shall carry out a suitable and sufficient medical risk assessment as well as use the Health and Safety Executive (HSE) "purple guide" on outdoor events to determine the level of first aid provision for the event, such that there is no undue demand on National Health Service resources.

366 That all emergency exits, toilets and first aid posts shall be clearly indicated by means of signage, such that it is visible to attendees.

367 That the appropriate type and number of fire fighting equipment shall be provided throughout the site. Locations and numbers will be specified in the ESMP.

368 That a queueing system will be designed and implemented at the main entrance to minimise waiting time whilst maintaining crowd safety.

369 That crowd Management Stewards tasked with entry lane queue management will wear hi-visibility tabards.

370 That loudhailers will be deployed at the entrance to assist stewards in providing information to customers regarding delays and other pertinent information.

371 That an agreed number of stewards and marshals will be deployed to manage the egress phase of the events. These stewards and marshals will wear hi-visibility tabards and will also be supplied with loudhailers. The number, role and position of these staff will be detailed in the security and crowd

management plan, egress plan and traffic management plan.

372 That the egress plan and traffic management plan will take into account any service disruptions to local rail services and any subsequent rail replacement bus services.

373 That the egress plan will be submitted to the SAG for approval a minimum of six weeks prior to the event.

374 That the traffic management plan will be developed following consultation with Southwark Highways and Parking departments as well as Transport for London. The Traffic Plan will be adhered to during the event.

375 That no vehicles or generators will be placed beneath trees and event infrastructure will not be positioned where it may be possible to damage tree roots or canopies.

376 That a qualified and suitably experienced noise management consultancy will be appointed to produce a noise management plan (NMP) and provide representatives on site during the live hours of the event.

377 That no waste glass or similar items shall be disposed of ("bottling out") between the hours of 20:00 and 8:00.

378 That noise levels will be maintained in accordance with the noise management plan within the maximum levels expected to be between 67dB and 73dB without exceeding 75dB at any time at the façade of local residential properties. All dB readings shall be available for inspection by MPS and Southwark environmental protection officers.

379 That no vehicles or generators will be placed beneath trees and event infrastructure will not be positioned where it may be possible to damage tree roots or canopies.

380 That local residents will receive prior notification of the event including details of the event timings. The distribution radius for the notification letter will be agreed with the local authority. This is to include local businesses that may be affected by attendees to the event during ingress and egress.

381 That a noise "hot line" number will also be included to allow residents to contact an event representative should they need to make a complaint during the event.

382 That the premises licence holder shall have in place an arrangement (contract) with a reputable waste management company to manage the event site and externally affected areas for the duration of the event and post event clean up.

383 That the event will be a ticketed, 18+ music festival (Gala).

384 That no person under the age of 18 will be permitted to enter the event site for Gala.

385 That a challenge 25 Policy will be in force at all festival bars.

386 That the event will operate a 'No ID, No Entry' Policy.

387 That a child welfare and vulnerable person procedure will be in place and will be detailed in the ESMP. This will outline action to be taken in the event that under 18's attempt to gain entry to the event or are discovered within the event perimeter.

388 That children are to be supervised by an adult at all times. Parents/carers will be responsible for their children.

389 That any child under the age of 16 must be accompanied by an adult (over the age of 21).

- 390** That each adult will be allowed to be responsible for a maximum of three children (under 16).
- 391** That wristbands will be provided on entry to all children to allow parents/carers to write their phone number on the inside of the wristband.
- 392** That a dedicated lost children point will be set up and manned by DBS checked staff (minimum of two on duty).
- 393** That a challenge 25 policy will be in force at all festival bars.
- 394** That a child welfare and vulnerable person procedure will be in place and will be detailed in the ESMP.
- 395** That the organiser will be required to employ a noise control consultant who shall carry out a test of the noise sources prior to the event. The tests shall be conducted at the nearest residential premises.
- 396** That the organiser should ensure an officer from environmental protection team is invited to the proposed sound tests prior to the event (preferably one day before the event).
- 397** That the organiser shall ensure that all requests from the Council Officers are complied with.
- 398** That details of two contact telephone numbers including a mobile telephone number, permanently staffed during performances, are to be made available to council officers prior to the event(s).
- 399** That at least one week prior to the beginning of the event a leaflet drop is to be made to households in the immediate area. The leaflet is to include a timetable and description of each performance and the contact telephone numbers.
- 400** That the applicant should ensure that the predicted levels and proposed noise level limits are not exceeded during the event. These limits shall be subject to review during this event and feature events EPT are to receive a substantiated noise complaint if at any point during the event.
- 401** That regular checks are to be carried out at the nearest sound sensitive locations to the event (e.g. houses, residential homes, churches) to monitor the noise and ensure that the limit set is not exceeded.
- 402** That the volume of all sound equipment on site shall be the responsibility of the noise control consultant appointed by the event organiser.
- 403** That no additional sound equipment shall be used on site without the prior agreement of the council's environmental protection team and the appointed noise control consultant.
- 404** That the appointed noise control consultant shall continually monitor noise levels at the sound mixer position and instruct the sound engineer accordingly to ensure that the above noise limits are not exceeded. The Council shall have access to the results of the noise monitoring at any time.

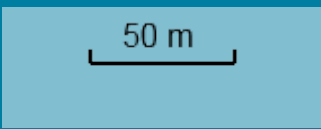
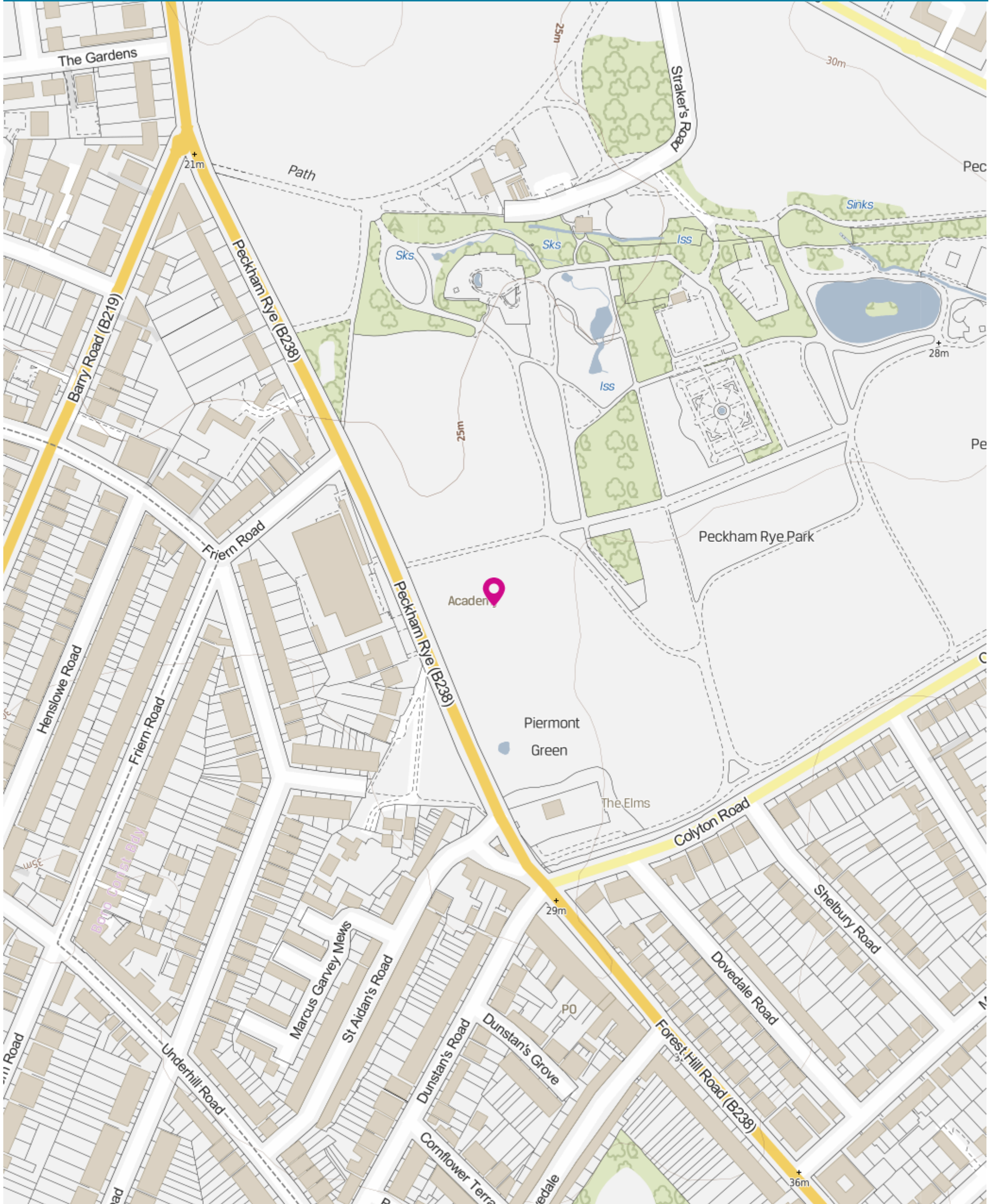
Annex 3 - Conditions attached after a hearing by the licensing authority

Annex 4 - Plans - Attached

Licence No. 865977

Plan No. V2

Plan Date 27/03/2019



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LICENSING SUB-COMMITTEE DISTRIBUTION LIST (OPEN) MUNICIPAL YEAR 2020-21

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