

Licensing Sub-Committee

Thursday 10 June 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 Sunil Chopra
Councillor Sunny Lambe
Councillor Charlie Smith

Reserves

Councillor Lorraine Lauder MBE

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

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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: 2 June 2021



Licensing Sub-Committee

Thursday 10 June 2021
10.00 am

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Order of Business

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| | PART A - OPEN BUSINESS | |
| 1. | ELECTION OF CHAIR | |
| | To elect a chair for this meeting. | |
| 2. | APOLOGIES | |
| | To receive any apologies for absence. | |
| 3. | CONFIRMATION OF VOTING MEMBERS | |
| | A representative of each political group will confirm the voting members of the committee. | |
| 4. | 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. | |
| 5. | 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. | |
| 6. | LICENSING ACT 2003: ST GEORGES TAVERN, 14 COLEMAN ROAD, LONDON SE5 7TG - PREMISES LICENCE TRANSFER | 1 - 33 |

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| 7. | LICENSING ACT 2003: ST GEORGES TAVERN, 14 COLEMAN ROAD, LONDON SE5 7TG - VARIATION OF DESIGNATED PREMISES SUPERVISOR | 34 - 62 |
| 8. | LICENSING ACT 2003: ST GEORGES TAVERN, 14 COLEMAN ROAD, LONDON SE5 7TG - REVIEW | 63 - 97 |

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: 2 June 2021

| | | | |
|------------------------------------|--------------------------------|--|---|
| Item No. 6. | Classification: Open | Date: 10 June 2021 | Meeting name: Licensing Sub-Committee |
| Report Title | | Licensing Act 2003: St Georges Tavern, 14 Coleman Road, London SE5 7TG – Premises Licence Transfer | |
| Ward(s) or groups affected: | | St Giles Ward | |
| From: | | Strategic Director of Environment and Leisure | |

RECOMMENDATION

1. That the licensing sub-committee considers an application made by Mr Charles John Cleary to transfer a premises licence under the Licensing Act 2003 in respect of the premises known as St Georges Tavern, 14 Coleman Road, London SE5 7TG.

BACKGROUND INFORMATION

2. This is an application to transfer the premises licence, submitted under Section 42 of the Licensing Act 2003. The application is subject to an objection notice from the Metropolitan Police Service and is therefore referred to the sub-committee for determination.
3. Paragraphs 12 to 14 of this report provide a summary of the application under consideration by the sub-committee. A copy of the full application is attached as **Appendix A**.
4. Paragraphs 23 to 25 of this report deals with the Police objection notice received to the transfer application. A copy of the relevant police objection notice is attached as **Appendix C**.
5. 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.

The Licensing Act 2003

6. The Licensing Act 2003 received Royal Assent on 10 July 2003. The Act provides a new licensing regime for:
 - The sale of and supply of alcohol

- The provision of regulated entertainment
 - The provision of late night refreshment.
7. Within Southwark, the licensing responsibility is wholly administered by this Council.
 8. 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.
 9. 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.
 10. The application to transfer a premises licence involves the provision of all relevant information required under the Act to the licensing authority. If the licensing authority receives a police objection notice that is not withdrawn, it must hold a hearing to consider the objection notice (unless all parties agree that this is unnecessary).
 11. The police may submit an objection notice to an application to transfer a premises licence when relevant to the promotion of the four licensing objectives.

KEY ISSUES FOR CONSIDERATION

Premises licence transfer

12. A premises licence transfer application was received on 7 May 2021 to remove Patrick Holland as the premises licence holder of St Georges Tavern, 14 Coleman Road, London, SE5 7TG; and to specify Mr Charles John Cleary as the new premises licence holder. On 7 May 2021 consent was also received.

13. The effect of an application to transfer a premises licence is that it will have immediate interim effect unless an objection is received from the police.
14. A copy of this application and consent is attached as **Appendix A**.

Premises History

15. A premises licence was first issued to the premises on 2 October 2005 to Chris Forde.
16. In May 2007, the licence was varied. On 21 December 2010, the licence was transferred to Paul Conway and Michael O'Brien. On 16 December 2011 it was again transferred to only Michael O'Brien. On 25 April 2012 it was transferred to Patrick Williams. On 15 May 2013 it was transferred to John Devly. On 9 April 2014 it was transferred to Fiona Conway. On 16 March 2015 it was transferred to Patrick Holland and the DPS was also varied to Eilish Kemal. On 19 October 2017, the DPS was varied to Leonard Lucas but changed back to Eilish Kemal on 2 July 2019, giving the current licence holder and DPS. The current premises licence is available in **Appendix B**.
17. On 7 October 2020 Patrick Holland applied for a minor variation to remove condition 836, stating that a DPS should be on the premises at all times that alcohol is served. However, this was rejected as the conditions appears in Annex 3 of the premises licence, conditions attached following a hearing. It would be commonplace for such amendments to be referred back to the licensing sub-committee via a full variation.
18. On 15 April 2021, a review application was submitted by Southwark's Trading Standards under Section 51 of the Licensing Act 2003. The review application was submitted in respect of the prevention of crime and disorder licensing objective and in summary states that the following has been witnessed and / or taken place at the premises:
 - On Friday 2 October 2020 at 21:25hrs, Trading Standards visited the premises with the Police Night Time Economy Team. The front door was locked with a security gate across but it was busy inside. They went to the side entrance which was also not accessible but the person in charge at the time opened it and let them in. Patrons were seated, including a long line of patrons around the bar. Hand sanitiser and QR codes were available along with a book for those who hadn't got the contact tracing app on their phone. It appeared that the premises were having a lock in after 22:00hrs. No one could operate CCTV. It was made clear to staff and people living on the premises that they could not use the bar between 22:00hrs and 05:00hrs the following day. No personal license holder was present as is required

by the license. There were two rooms at the back being used to smoke in contrary to the Health Act.

- Conditions breached: 789, 836 and 840.
- On 24 October 2020 at 22:20hrs, Trading Standards returned, accompanied by Night Time Economy Police. Karaoke had been reported to be taking place earlier in the day. Blackout boards had been put across the windows but patrons could be heard inside. The police banged on the door to open up and they were let in. The premises was full of patrons, with and no social distancing at the bar, beyond the 22:00hrs curfew. Staff were not wearing masks and there was no table service. Patrons were smoking at the bar. Management were issued a prohibition notice to close the premises and that it was not to re-open until such time as they were operating in a COVID secure way.
- On 21 February 2021 Night Time Economy Police visited and could hear people inside. No one would open the door and they had to break down door, finding patrons hiding in the kitchen.
- On 18 March 2021 Trading Standards visited the premises and issued a £1000 Fixed Penalty Notice. On no occasion has the premises license holder or designated premises supervisor been present.

19. Prevention of Crime and Disorder:

- 2 October 2020: Licensing Act 2003, Section 136 – breach of license Conditions 836 and 840 as well as breaches of smoke free legislation. Also possible breaches of COVID legislation in respect of seated table service – groups of 6 etc.;
- 24 October 2020: Similar Licensing Act 2003 offences and smoke free legislation + breach of Regulation 15 (1) of the Health Protection (Coronavirus, COVID-19 Alert Level) (High) (England) Regulations 2020 in respect of allowing the premises to be open between 22:00hrs and 05:00hrs;
- 21 February 2021: Patrons drinking on the premises when premises was required to be closed under the provisions of the Public Health (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020;
- 18 March 2021: £1000 fixed penalty notice issued to Patrick Holland. Paid 13 April 2021.

20. The review application has received supporting representations from the Police and Licensing Authority and will be heard by the Southwark licensing sub-committee on 10 June 2021.
21. On 6 May 2021, a vary DPS application was received, to change the name to Declan Sweeney. This has also been objected to by the Metropolitan Police and will be heard by the Licensing Sub Committee on 10 June 2021.
22. On 7 May 2021, this transfer application was received, to transfer the premises licence to Charles Cleary and also received representation from the Metropolitan Police.

The Police Objection

23. The police upon receipt of the application to transfer the premises licence holder submitted an objection notice on 12 May 2021. A copy of the representation is available in **Appendix C**.
24. The representation notes that there is a current review application for the current premises licence. The Metropolitan Police are of the view that this transfer is another tactic used to circumvent the provisions and objectives of the Licensing Act and one Southwark's Licensing Policy seeks to address. No documentation has been supplied to indicate the business is now under new management control and the Police continue to be seriously concerned over the operation of the premises.
25. It is for this reason that the police are of the opinion that there are exceptional circumstances on this occasion to object to the transfer of this premises licence.

Consideration by the sub-committee

26. It has not been possible to reach a negotiated outcome of this matter and the sub-committee is asked to consider whether the Police objection notice is upheld under the necessity to promote the licensing objective of crime and disorder and refuse the application to transfer.

The local area

27. A map of the local area is attached as Appendix D. There are no other licensed premises in the immediate vicinity (100m radius), though there are more licensed premises towards Southampton Row.

Community Impact Statement

28. Members are advised that under the Act, the only matter to which consideration may be given in this instance is the pursuit of the crime and disorder objective.
29. Each application is required by law to be considered upon its own individual merits with all relevant matters taken into account.

Southwark council statement of licensing policy

30. 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 which sets out the purpose and scope of the policy and reinforces the four licensing objectives
 - 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
 - Section 6 details other relevant council and government policies, strategies, responsibilities and guidance, including the relevant articles under the Human Rights Act 1998
 - Section 7 provides general guidance on dealing with crime and disorder and deals with licensing hours
 - Section 8 provides general guidance on ensuring public safety including safe capacities
 - Section 9 provides general guidance on the prevention of nuisance
 - Section 10 provides general guidance on the protection of children from harm.
31. 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

32. A fee of £23.00 has been paid by the applicant in respect of this application being the statutory fee payable for the transfer of a premises licence.

Consultation

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

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**Director of Law and Governance**

34. The sub-committee is asked to determine the application for the transfer of a premises licence under Section 42 of the Licensing Act 2003.
35. The principles which sub-committee members must apply are set out below.

Principles for making the determination

36. The general principle is that applications for the transfer of a premises licence must be granted unless a police objection notice is received. This is subject to the proviso that the applicant has complied with regulations in submitting the application.
37. An application to transfer a premises licence under section 42 shall be in the form and shall contain the information set out in the application and accompanied by the prescribed fee.
38. If a relevant police objection notice is received then the sub-committee must have regard to them, in determining whether it is necessary for the promotion of the licensing objectives.

Reasons

39. If the sub-committee determines that it is necessary to refuse the application to transfer the premises licence, it must give reasons for its decision.

Hearing procedures

40. Subject to the licensing hearing regulations, the licensing sub-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.
41. This matter relates to the determination of an application for a premises licence under section 42 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

42. 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.

43. 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.
44. 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.
45. 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.
46. The sub-committee can only consider matters within the application that have been raised through the objection notice submitted by the police. This will be decided on a case to case basis.
47. Under the Human Rights Act 1998, the sub-committee needs to consider the balance between the rights of the applicant and those making objection 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.
48. All interested parties 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

49. 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

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

BACKGROUND DOCUMENTS

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

APPENDICES

| No. | Title |
|------------|---|
| Appendix A | Copy of the transfer application and consent form |
| Appendix B | Premises licence |
| Appendix C | Police representation |
| Appendix D | Map |

AUDIT TRAIL

| | | |
|---|---|--------------------------|
| Lead Officer | Caroline Bruce, Strategic Director of Environment and Leisure | |
| Report Author | Andrew Heron, Principal Licensing Officer | |
| Version | Final | |
| Dated | 20 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 | 21 May 2021 | |

07/05/2021

Application to transfer premises licence to be granted under the Licensing Act 2003

Ref No. 1671420

Please enter the name/s who wishes to apply to transfer the premises licence under the section 42 of the Licensing Act 2003

| | |
|---|---------------------|
| Full name | Charles John Cleary |
| Full name (2nd Applicant if appropriate) | |

Premises licence number

| | |
|--|--------|
| | 868790 |
|--|--------|

Notes for Guidance

1. Describe the premises. For example the type of premises it is, its general situation and layout and any other information which would be relevant to the licensing objectives.

2. Right 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 which is not a limited liability partnership 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 on or after 6 April 2017 will lapse if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have the right to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensing 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 apply].
- 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, together 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 do the work in question.
 - A current Residence Card issued by the Home Office to a person who is not a national of an EEA 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 an EEA 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 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 an EEA 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 EEA family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - o evidence that the EEA 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 EEA nationals who are studying or financially independent must also provide evidence that the EEA 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.

3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
6. This is the address which we shall use to correspond with you about this application.

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

| | |
|-------------------------------|-------------------|
| Address Line 1 | ST GEORGES TAVERN |
| Address Line 2 | 14 COLEMAN ROAD |
| Town | LONDON |
| County | |
| Post code | SE5 7TG |
| ordnance survey map reference | |

Telephone Numbers (at premises)

| | |
|------------------|--|
| Telephone number | |
|------------------|--|

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

| | |
|--|--------------|
| | Public House |
|--|--------------|

Name of current premises licence holder

| | |
|--|-----------------|
| | Patrick Holland |
|--|-----------------|

Notes for Guidance

1. Describe the premises. For example the type of premises it is, its general situation and layout and any other information which would be relevant to the licensing objectives.

In what capacity are you applying for the premises licence to be transferred to you?

| | |
|--|---------------------------------|
| | a) an individual or individuals |
|--|---------------------------------|

If you have selected a) or b) above, 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 |
|--|---|

Personal Details

| | |
|----------------------------|--------------|
| Title | Mr |
| If other, please specify | |
| Surname | Cleary |
| First Names | Charles John |
| Date of birth (dd/mm/yyyy) | ████████ |
| Nationality | ███ |
| I am 18 years old or over | Yes |

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 guidance below)

| | |
|--------------|--|
| Please enter | |
|--------------|--|

Current Postal address if different from Premises address

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

Contact Details

| | |
|----------------------------------|----------------------|
| Daytime contact telephone number | ██████████ |
| Email Address | ████████████████████ |

Guidance notes

Do you wish to add a second individual applicant?

| | |
|--|----|
| | No |
|--|----|

[Click here to download consent form which must be signed by the previous licence holder and then scanned and upload here](#)

Are you the holder of the premises licence under an interim authority notice?

| | |
|--|----|
| | No |
|--|----|

Do you wish the transfer to have an immediate effect?

| | |
|--|-----|
| | Yes |
|--|-----|

If not, when would you like the transfer to take effect?

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

I have submitted the consent form signed by the existing premises licence holder

| | |
|---------------------|---|
| | Yes |
| | |
| Upload consent form |  |

Please give reasons for not providing the consent form

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

If this application is granted I would be in a position to use the premises during the application period for the licensable activity or activities authorised by the licence (see section 43 of the Licensing Act 2003)

| | |
|--|-----|
| | Yes |
|--|-----|

I will post the existing Premises Licence back

| | |
|--|-----|
| | Yes |
|--|-----|

If you unable to post us the original premises licence referred to above please give the reasons why not.

| | |
|--|------------------------------------|
| | premises licence to be posted back |
|--|------------------------------------|

Checklist

| | |
|--|---|
| | I have posted 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 I have submitted the consent form signed by the existing premises licence holder or my statement as to why it is not enclosed |
|--|---|

I confirm the Information I have submitted is true and accurate

| | |
|--|---------|
| | I agree |
|--|---------|

| | |
|---------------------------|--|
| PaymentDescription | Application to Transfer a Premises Licence |
| PaymentAmountInMinorUnits | ██████ |
| AuthCode | ██████ |
| LicenceReference | ██████████ |

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Please tick to indicate agreement

| | |
|--|---|
| | I am not a company or limited liability partnership |
|--|---|

[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 |
|--|-----|

Please upload your right to work documents. For more information see Guidance notes

| | |
|---------------|--|
| Please upload | ██ |
|---------------|--|

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

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.

Name of applicant or applicant's solicitor or other duly authorised agent. If submitting on behalf of the applicant please state in what capacity. (Please read guidance note 4)

| | |
|-------------------------------------|--|
| Name of Applicant | |
| Applicant's solicitor or other duly | |

| | |
|------------------|------------|
| authorised agent | |
| Capacity | |
| Date | 07/05/2021 |

Joint Applicants Names or Joint Applicant's solicitor or other duly authorised agent (Please read guidance notes 5)

| | |
|-------------|------------|
| Joint names | |
| Capacity | |
| Date | 07/05/2021 |

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

| | |
|--------------|--|
| Contact name | |
| Telephone | |
| Email | |

Postal address for correspondence associated with this application

| | |
|----------------|-------------------|
| Address Line 1 | ST GEORGES TAVERN |
| Address Line 2 | 14 COLEMAN ROAD |
| Town | LONDON |
| County | |
| Post code | SE5 7TG |

Guidance Notes

4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
6. This is the address which we shall use to correspond with you about this application.

Consent of premises licence holder to transfer

I/we PATRICK MOLLANA
[full name of premises licence holder(s)]

the premises licence holder of premises licence number 868 790
[insert premises licence number]

relating to

ST GEORGES TAVERN, 14 COLEMAN ROAD, SESTTG
[name and address of premises to which the application relates]

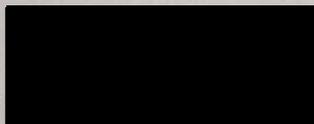
hereby give my consent for the transfer of premises licence number

868 790
[insert premises licence number]

to

CHARLES JOHN CLEARY
[full name of transferee]

signed
name
(please print)



dated

27.4.21

Licensing Act 2003 Premises Licence



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

Premises licence number

868790

Part 1 - Premises details

| | |
|---|-----------------------------|
| Postal address of premises, or if none, ordnance survey map reference or description | |
| ST GEORGES TAVERN St Georges Tavern 14 Coleman Road London SE5 7TG | |
| Ordnance survey map reference (if applicable), 533116177397 | |
| Post town London | Post code SE5 7TG |
| Telephone number | |

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

| |
|---|
| Licensable activities authorised by the licence |
| Live Music - Indoors Recorded Music - Indoors Entertainment Similar to live/recorded music - Indoors Late Night Refreshment - Indoors Sale by retail of alcohol to be consumed on premises Sale by retail of alcohol to be consumed off premises |

| |
|---|
| The opening hours of the premises |
| For any non standard timings see Annex 2 |

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

| |
|---|
| The times the licence authorises the carrying out of licensable activities |
| For any non standard timings see Annex 2 of the full premises licence |
| Live Music - Indoors |
| Friday 20:00 - 23:00 |

| | |
|----------|---------------|
| Saturday | 20:00 - 23:00 |
| Sunday | 16:00 - 22:00 |

Recorded Music - Indoors

| | |
|-----------|---------------|
| Monday | 10:00 - 23:00 |
| Tuesday | 10:00 - 23:00 |
| Wednesday | 10:00 - 23:00 |
| Thursday | 10:00 - 23:00 |
| Friday | 10:00 - 23:00 |
| Saturday | 10:00 - 23:00 |
| Sunday | 12:00 - 22:30 |

Entertainment Similar to live/recorded music - Indoors

| | |
|----------|---------------|
| Friday | 20:00 - 23:00 |
| Saturday | 20:00 - 23:00 |
| Sunday | 16:00 - 22:00 |

Late Night Refreshment - Indoors

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

Sale by retail of alcohol to be consumed on premises

| | |
|-----------|---------------|
| Monday | 10:00 - 23:00 |
| Tuesday | 10:00 - 23:00 |
| Wednesday | 10:00 - 23:00 |
| Thursday | 10:00 - 23:00 |
| Friday | 10:00 - 23:00 |
| Saturday | 10:00 - 23:00 |
| Sunday | 12:00 - 22:30 |

Sale by retail of alcohol to be consumed off premises

| | |
|-----------|---------------|
| Monday | 10:00 - 23:00 |
| Tuesday | 10:00 - 23:00 |
| Wednesday | 10:00 - 23:00 |
| Thursday | 10:00 - 23:00 |
| Friday | 10:00 - 23:00 |
| Saturday | 10:00 - 23:00 |
| Sunday | 12:00 - 22:30 |

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

Patrick Holland
St Georges Tavern,
14 Coleman Road,
Camberwell,
London, SE5 7TG
[REDACTED]

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**

Eilish Kemal
[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 London Borough of Southwark

Licence Issue date 02/07/2019

[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

109 Alcohol shall not be sold or supplied except during permitted hours, as stated elsewhere on this licence and on;

a. On New Year's Eve, except on a Sunday, 10.00.a.m. to 11.00.p.m.

b. On New Year's Eve on a Sunday, 12 noon to 10.30.p.m.

c. On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

The above restrictions do not prohibit;

i) Consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;

ii) The sale of alcohol to a trader or club for the purposes of the trade or club;

iii) The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of

Her Majesty's naval, military or air forces;

iv) The taking of alcohol from the premises by a person residing there; or

v) The supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by the persons so supplied; or

vi) The supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of alcohol so supplied, if the alcohol is supplied at the expense of their employer or the person carrying on, or in charge of, the business on the premises.

110 No statutory regulations for music and dancing shall apply so as to require any licence for the provision in the premises of public entertainment by the reproduction of wireless (including television) broadcasts or of programmes included in any programme service (within the meaning of the Broadcasting Act 1990) other than a sound or television broadcasting service, or of public entertainment by way of music and singing only

which is produced solely by the reproduction of recorded sound is permitted.

111 This licence provides for the provision of private music and dancing entertainment that is promoted for private gain;

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

a. With and for consumption at a meal supplied at the same time, consumed with the meal and paid for together with the meal;

b. For consumption by a person residing in the premises or his guest and paid for together with his accommodation;

c. To a canteen or mess.

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

789 An approved CCTV system to be installed both inside and outside of the premises with a 31-day tape library or hard drive storage.

794 That only bottles and glasses made from toughened glass shall be used during the sale or supply of any drinks, whether alcoholic or not, to customers.

810 That all external doors and windows (excepting any that have to be locked open to ensure public safety) shall be kept shut and under strict management supervision and allow access and egress only whilst entertainment is being provided.

811 That suitable notices shall be displayed, and announcements made at the end of each night's entertainment, requesting that customers leave the premises in a quiet and orderly manner with due regard to local residents.

812 That no outside parts of the curtilage shall be used for events of a licensable nature, or shall be used at all whilst events of regulated entertainment are in progress.

836 A personal licence holder being on the premises at all times that intoxicating liquor is sold or supplied.

840 That all staff concerned with the supply of intoxicating liquor undergo a recognised training scheme for such duties and a record of such training is kept and made available for inspection, on request, to officers of the Police or Council.

841 The adoption and implementation of a recognised Proof of Age scheme.

842 That any persons leaving the premises in order to smoke undertake that activity at a point relatively near to the premises. Any such person should not be permitted to take any open bottle or other open drinks container with them from the premises.

843 No live or recorded music shall be provided until the following works have been carried out and deemed satisfactory by the noise team.

844 The door on the corner of Rainbow and Coleman Street shall be used as an emergency exit only.

845 The main entrance of the pub shall be fitted with double lobby doors.

846 Air conditioning or other suitable ventilation to be installed.

847 All doors and windows are to be kept closed during the provision of regulated entertainment

Annex 4 - Plans - Attached

Licence No. 868790
Plan No. 05.262
Plan Date July 2005



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

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

Tel: 020 7232 6756
Email: SouthwarkLicensing@met.police.uk

Our reference: MD/21/114/21

Date: 12th May 2021

Dear Sir/Madam

Re:- Charles John Clearly, St Georges Tavern 14 Coleman Road SE57TG.
Application to Transfer Premises licence 868790

Police are in possession of an application from the above to transfer premises licence 868790 from Patrick Holland, the current premises licence holder.

The premises licence held by Mr Patrick Holland is the subject of a premises licence review submitted by Ray Moore of Southwark's Trading Standards. The review of the premises licence was submitted by Mr Moore on the 15th April 2021. The application to Transfer the premises licence was then received on the 7th May 2021 along with an application to vary the designated premises supervisor to a Mr Charles John Clearly.

I note from the application to Transfer the premises licence that the consent to Transfer was signed and dated by Mr Patrick Holland on the 27th April 2021, 12 days after the application to review the premises licence was made.

Police object to this transfer of this premises licence as we believe it is an attempt by the current premises licence holder to circumvent the natural course of the review process.

Applications for transfer of a premises licence following application for a review

98. This authority is concerned over the frequently observed practice of an application for a transfer of a premises licence being made following an application for a review of that same licence being lodged.

99. Where, such applications are made, this authority will require documented proof of transfer of the business / lawful occupancy of the premises, to the new proposed licence holder to support the contention that the business is now under new management control.

No such documented proof has been submitted by the applicant, it should also be noted that the proposed DPS change is to a male that has previous links to the premises. He was present and working at the premises when visited by officers where breaches of the premises licence were evidenced.

Police object to the transfer of the premises licence.

Submitted for consideration.

Yours Sincerely

PC Ian Clements 2362AS
Southwark Police Licensing Unit
Tel: 0207 232 6756



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| | | | |
|------------------------------------|--------------------------------|--|---|
| Item No. 7. | Classification: Open | Date: 10 June 2021 | Meeting name: Licensing Sub-Committee |
| Report Title | | Licensing Act 2003: St Georges Tavern, 14 Coleman Road, London SE5 7TG – Variation of Designated Premises Supervisor | |
| Ward(s) or groups affected: | | St Giles Ward | |
| From: | | Strategic Director of Environment and Leisure | |

RECOMMENDATION

1. That the licensing sub-committee considers an application made by the licence holder Patrick Holland to vary the designated premises supervisor (DPS) under the Licensing Act 2003 in respect of the premises known as St Georges Tavern, 14 Coleman Road, London SE5 7TG.

BACKGROUND INFORMATION

2. This is an application to vary the DPS of the existing premises licence, submitted under Section 37 of the Licensing Act 2003. The application is subject to an objection notice from the Metropolitan Police Service and is therefore referred to the Sub-Committee for determination.
3. Paragraphs 12 to 14 of this report provide a summary of the application under consideration by the sub-committee. A copy of the full application is attached as **Appendix A**.
4. Paragraphs 23 to 25 of this report deals with the police objection notice received to the vary DPS application. A copy of the relevant police objection notice is attached as **Appendix C**.
5. 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.

The Licensing Act 2003

6. The Licensing Act 2003 received Royal Assent on 10 July 2003. The Act provides a new licensing regime for:
 - The sale of and supply of alcohol

- The provision of regulated entertainment
 - The provision of late night refreshment.
7. Within Southwark, the licensing responsibility is wholly administered by this Council.
 8. 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.
 9. 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.
 10. The application to vary the DPS of a premises licence involves the provision of all relevant information required under the Act to the licensing authority. If the licensing authority receives a police objection notice that is not withdrawn, it must hold a hearing to consider the objection notice (unless all parties agree that this is unnecessary).
 11. The police may submit an objection notice to an application to vary the DPS of a premises licence when relevant to the promotion of the four licensing objectives.

KEY ISSUES FOR CONSIDERATION

Premises Licence Vary DPS Application

12. A premises licence vary DPS application was received on 6 May 2021 to remove Eilish Kemal as the DPS of St Georges Tavern, 14 Coleman Road, London, SE5 7TG; and to specify Declan Richard Sweeney as the new DPS. On 6 May 2021 consent was also received. The proposed DPS has a personal licence with the London Borough of Southwark.

13. The effect of an application to vary a DPS on a premises licence is that it will have immediate interim effect unless an objection is received from the police.
14. A copy of this application and consent is attached as **Appendix A**.

Premises History

15. A premises licence was first issued to the premises on 2 October 2005 to Chris Forde.
16. In May 2007, the licence was varied. On 21 December 2010, the licence was transferred to Paul Conway and Michael O'Brien. On 16 December 2011 it was again transferred to only Michael O'Brien. On 25 April 2012 it was transferred to Patrick Williams. On 15 May 2013 it was transferred to John Devly. On 9 April 2014 it was transferred to Fiona Conway. On 16 March 2015 it was transferred to Patrick Holland and the DPS was also varied to Eilish Kemal. On 19 October 2017, the DPS was varied to Leonard Lucas but changed back to Eilish Kemal on 2 July 2019, giving the current licence holder and DPS. The current premises licence is available in **Appendix B**.
17. On 7 October 2020 Patrick Holland applied for a minor variation to remove condition 836, stating that a DPS should be on the premises at all times that alcohol is served. However, this was rejected as the conditions appears in Annex 3 of the premises licence, conditions attached following a hearing. It would be commonplace for such amendments to be referred back to the licensing sub-committee via a full variation.
18. On 15 April 2021, a review application was submitted by Southwark's Trading Standards under Section 51 of the Licensing Act 2003. The review application was submitted in respect of the prevention of crime and disorder licensing objective and in summary states that the following has been witnessed and / or taken place at the premises:
 - On Friday 2 October 2020 at 21:25hrs, Trading Standards visited the premises with the Police Night Time Economy Team. The front door was locked with a security gate across but it was busy inside. They went to the side entrance which was also not accessible but the person in charge at the time opened it and let them in. Patrons were seated, including a long line of patrons around the bar. Hand sanitiser and QR codes were available along with a book for those who hadn't got the contact tracing app on their phone. It appeared that the premises were having a lock in after 22:00hrs. No one could operate CCTV. It was made clear to staff and people living on the premises that they could not use the bar between 22:00hrs and 05:00hrs the following day. No

personal license holder was present as is required by the license. There were two rooms at the back being used to smoke in contrary to the Health Act.

- Conditions breached: 789, 836 and 840.
- On 24 October 2020 at 22:20hrs, Trading Standards returned, accompanied by Night Time Economy Police. Karaoke had been reported to be taking place earlier in the day. Blackout boards had been put across the windows but patrons could be heard inside. The police banged on the door to open up and they were let in. The premises was full of patrons, with and no social distancing at the bar, beyond the 22:00hrs curfew. Staff were not wearing masks and there was no table service. Patrons were smoking at the bar. Management were issued a prohibition notice to close the premises and that it was not to re-open until such time as they were operating in a COVID secure way.
- On 21 February 2021 Night Time Economy Police visited and could hear people inside. No one would open the door and they had to break down door, finding patrons hiding in the kitchen.
- On 18 March 2021 Trading Standards visited the premises and issued a £1000 Fixed Penalty Notice. On no occasion has the premises license holder or designated premises supervisor been present.

19. Prevention of Crime and Disorder:

- 2 October 2020: Licensing Act 2003, Section 136 – breach of license Conditions 836 and 840 as well as breaches of smoke free legislation. Also possible breaches of COVID legislation in respect of seated table service – groups of 6 etc.;
- 24 October 2020: Similar Licensing Act 2003 offences and smoke free legislation + breach of Regulation 15 (1) of the Health Protection (Coronavirus, COVID-19 Alert Level) (High) (England) Regulations 2020 in respect of allowing the premises to be open between 22:00hrs and 05:00hrs;
- 21 February 2021: Patrons drinking on the premises when premises was required to be closed under the provisions of the Public Health (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020;
- 18 March 2021: £1000 fixed penalty notice issued to Patrick Holland. Paid 13 April 2021.

20. The review application has received supporting representations from the Police and Licensing Authority and will be heard by the Southwark licensing sub-committee on 10 June 2021.
21. On 6 May 2021, this vary DPS application was received, to change the name to Declan Sweeney and has also been objected to by the Metropolitan Police.
22. On 7 May 2021, a transfer application was received, to transfer the premises licence to Mr Charles Cleary. This also received representations from the Metropolitan Police and will be heard by the Licensing Sub Committee on 10 June 2021.

The Police Objection

23. The police, upon receipt of the application to vary the DPS, submitted an objection notice to the premises licence on 12 May 2021. A copy of the representation is available in **Appendix C**.
24. The representation notes that there is a current review application for the current premises licence. The proposed DPS has been found working at the premises at the times that breaches that led to the review have occurred.
25. It is for this reason that the police are of the opinion that there are exceptional circumstances on this occasion to object to varying the DPS of this premises licence.

Consideration by the Sub-Committee

26. It has not been possible to reach a negotiated outcome of this matter and the sub-committee is asked to consider whether the police objection notice is upheld under the necessity to promote the licensing objective of crime and disorder and refuse the application to vary the DPS.

The local area

27. A map of the local area is attached as **Appendix D**. There are no other licensed premises in the immediate vicinity (100m radius), though there are more licensed premises towards Southampton Row.

Community Impact Statement

28. Members are advised that under the Act, the only matter to which consideration may be given in this instance is the pursuit of the crime and disorder objective.

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

Southwark Council Statement of Licensing Policy

30. 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 which sets out the purpose and scope of the policy and reinforces the four licensing objectives
- 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
- Section 6 details other relevant council and government policies, strategies, responsibilities and guidance, including the relevant articles under the Human Rights Act 1998
- Section 7 provides general guidance on dealing with crime and disorder and deals with licensing hours
- Section 8 provides general guidance on ensuring public safety including safe capacities
- Section 9 provides general guidance on the prevention of nuisance
- Section 10 provides general guidance on the protection of children from harm.

31. 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

32. A fee of £23.00 has been paid by the applicant in respect of this application being the statutory fee payable for a vary DPS application.

Consultations

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

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Governance

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

Principles for making the determination

36. The general principle is that applications for the vary DPS of a premises licence must be granted unless a police objection notice is received. This is subject to the proviso that the applicant has complied with regulations in submitting the application.
37. An application to vary DPS a premises licence under section 37 shall be in the form and shall contain the information set out in the application and accompanied by the prescribed fee.
38. If a relevant police objection notice is received then the sub-committee must have regard to them, in determining whether it is necessary for the promotion of the licensing objectives.

Reasons

39. If the sub-committee determines that it is necessary to refuse the application to vary the DPS the premises licence, it must give reasons for its decision.

Hearing procedures

40. Subject to the licensing hearing regulations, the licensing sub-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.
41. This matter relates to the determination of an application for a premises licence under section 42 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

42. 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.
43. 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.

44. 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.
45. 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.
46. The sub-committee can only consider matters within the application that have been raised through the objection notice submitted by the police. This will be decided on a case to case basis.
47. Under the Human Rights Act 1998, the sub-committee needs to consider the balance between the rights of the applicant and those making objection 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.
48. All interested parties 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

49. 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

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

BACKGROUND DOCUMENTS

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

APPENDICES

| No. | Title |
|------------|--|
| Appendix A | Copy of the variation of designated premises supervisor application and consent form |
| Appendix B | Premises licence |
| Appendix C | Police representation |
| Appendix D | Map |

AUDIT TRAIL

| | | |
|---|---|--------------------------|
| Lead Officer | Caroline Bruce, Strategic Director of Environment and Leisure | |
| Report Author | Andrew Heron, Principal Licensing Officer | |
| Version | Final | |
| Dated | 20 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 | 21 May 2021 | |

06/05/2021

Application to vary a premises licence to specify designated premises supervisor
Ref No. 1671066**APPENDIX A**

Application to vary a premises licence to specify an individual as designated premises supervisor under the Licensing Act 2003

I / we (full name(s) of the current licence holders)

| | |
|--|---|
| | Patrick Holland |
| | being the premises licence holder, apply to vary a premises licence to specify the individual named in this application as the premises supervisor under section 37 of the Licensing Act 2003 |

Premises licence number

| | |
|--|--------|
| | 868790 |
|--|--------|

Guidance notes

1. Describe the premises. For example the type of premises it is.
2. The application form must be signed.
3. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
4. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
5. This is the address which we shall use to correspond with you about this application.

Part 1 &ndash; Premises details

| | |
|-------------------------------|-------------------|
| Address Line1 | ST GEORGES TAVERN |
| Address Line 2 | 14 COLEMAN ROAD |
| Town | LONDON |
| County | |
| Post code | SE5 7TG |
| Ordnance survey map reference | |
| Telephone number (if any) | |
| Email | |

Description of premises (please read guidance note 1)

| | |
|--|--------------|
| | public house |
|--|--------------|

Guidance Note 1

Describe the premises. For example the type of premises it is.

Full name of proposed designated premises supervisor

| | |
|------------|----------------|
| First name | Declan Richard |
| Surname | Sweeney |

Please state your nationality

| | |
|--|---|
| | █ |
|--|---|

Please state your place of birth

| | |
|--|---|
| | █ |
|--|---|

Please state your date of birth (dd/mm/yyyy)

| | |
|--|---|
| | █ |
|--|---|

Personal licence number of proposed designated premises supervisor and issuing authority of that licence (if any)

| | |
|----------------------|-----------|
| Personal licence no. | █ |
| Issuing authority | Southwark |

Full name of existing designated premises supervisor (if any)

| | |
|------------|--------|
| First name | Eilish |
| Surname | Kemal |

Please select the appropriate option

| | |
|--|---|
| | I would like this application to have immediate effect under section 38 of the Licensing Act 2003 |
| | (If I cannot post the premises licence or relevant part of it, please give reasons why not below) |

Please scan and upload a copy of your premises licence and send the hard copy in the post

| | |
|--|---|
| | █ |
|--|---|

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

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

If you wish to sell alcohol, the application must be accompanied by a consent form from the proposed DPS to show that they consent to taking on this responsible role. Please download the consent form. The DPS must be signed by the individual and submitted with the application.

Please select the appropriate option(s)

| | |
|---------------------|--|
| | I will give a copy of this form to the existing premises supervisor, if any rejected I have posted the premises licence, or relevant part of it |
| Upload consent form |  |

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Name of applicant or applicant's solicitor or other duly authorised agent. If submitting on behalf of the applicant please state in what capacity. (Please read guidance note 3)

| | |
|--|-----------------|
| Name of Applicant | Patrick Holland |
| Applicant's solicitor or other duly authorised agent | n/a |
| Capacity | |
| Date | 06/05/2021 |

Joint Applicants Names or Joint Applicant's solicitor or other duly authorised agent (Please read guidance notes 4)

| | |
|-------------|--|
| Joint names | |
| Capacity | |
| Date | |

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

| | |
|--------------|--|
| Contact name | |
| Telephone | |
| Email | |

Postal address for correspondence associated with this application

| | |
|----------------|-------------------|
| Address Line 1 | ST GEORGES TAVERN |
| Address Line 2 | 14 COLEMAN ROAD |
| Town | LONDON |
| County | |
| Post code | SE5 7TG |

Guidance Notes

- 3. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
- 4. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
- 5. This is the address which we shall use to correspond with you about this application.

I agree that the Information i've submitted is true and accurate

| | |
|---------------------------|--|
| | I agree |
| PaymentDescription | Application to vary a premises licence to specify designated premises supervisor |
| PaymentAmountInMinorUnits | ██████ |
| AuthCode | ██████ |
| LicenceReference | ██████████ |

I HEREBY DECLARE that the information provided is accurate and correct

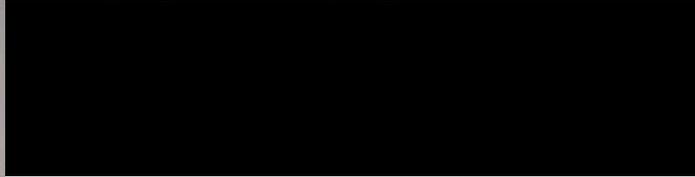
I agree to the above statement

| | |
|--|---------|
| | I agree |
|--|---------|

Consent of individual to being specified as premises supervisor

I DECLAN RICHARD SWEENEY
[full name of prospective premises supervisor]

of



[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

VARY A PREMISES LICENCE TO SPECIFY DPS
[type of application]

by

PATRICK HOLLAND
[name of applicant]

relating to a premises licence 868790
[number of existing licence, if any]

for

ST GEORGES TAVERN, 14 COLEMAN RD, SE5 7FG
[name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made by

PATRICK HOLLAND
[name of applicant]

concerning the supply of alcohol at

ST GEORGES TAVERN, 14 COLEMAN ROAD, SE5 7TG.
[name and address of premises to which application relates]

I also confirm that I am entitled to work in the United Kingdom and am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

873774
[insert personal licence number, if any]

Personal licence issuing authority

~~873774~~ SOUTHWARK COUNCIL.
[insert name and address and telephone number of personal licence issuing authority, if any]

Signed



Name (please print)

Declan Richard Sweeney.

Date

6/5/21

Licensing Act 2003 Premises Licence



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

Premises licence number

868790

Part 1 - Premises details

| | |
|---|-----------------------------|
| Postal address of premises, or if none, ordnance survey map reference or description | |
| ST GEORGES TAVERN St Georges Tavern 14 Coleman Road London SE5 7TG | |
| Ordnance survey map reference (if applicable), 533116177397 | |
| Post town London | Post code SE5 7TG |
| Telephone number | |

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

| |
|---|
| Licensable activities authorised by the licence |
| Live Music - Indoors Recorded Music - Indoors Entertainment Similar to live/recorded music - Indoors Late Night Refreshment - Indoors Sale by retail of alcohol to be consumed on premises Sale by retail of alcohol to be consumed off premises |

| |
|---|
| The opening hours of the premises |
| For any non standard timings see Annex 2 |

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

| |
|---|
| The times the licence authorises the carrying out of licensable activities |
| For any non standard timings see Annex 2 of the full premises licence |
| Live Music - Indoors |
| Friday 20:00 - 23:00 |

| | |
|----------|---------------|
| Saturday | 20:00 - 23:00 |
| Sunday | 16:00 - 22:00 |

Recorded Music - Indoors

| | |
|-----------|---------------|
| Monday | 10:00 - 23:00 |
| Tuesday | 10:00 - 23:00 |
| Wednesday | 10:00 - 23:00 |
| Thursday | 10:00 - 23:00 |
| Friday | 10:00 - 23:00 |
| Saturday | 10:00 - 23:00 |
| Sunday | 12:00 - 22:30 |

Entertainment Similar to live/recorded music - Indoors

| | |
|----------|---------------|
| Friday | 20:00 - 23:00 |
| Saturday | 20:00 - 23:00 |
| Sunday | 16:00 - 22:00 |

Late Night Refreshment - Indoors

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

Sale by retail of alcohol to be consumed on premises

| | |
|-----------|---------------|
| Monday | 10:00 - 23:00 |
| Tuesday | 10:00 - 23:00 |
| Wednesday | 10:00 - 23:00 |
| Thursday | 10:00 - 23:00 |
| Friday | 10:00 - 23:00 |
| Saturday | 10:00 - 23:00 |
| Sunday | 12:00 - 22:30 |

Sale by retail of alcohol to be consumed off premises

| | |
|-----------|---------------|
| Monday | 10:00 - 23:00 |
| Tuesday | 10:00 - 23:00 |
| Wednesday | 10:00 - 23:00 |
| Thursday | 10:00 - 23:00 |
| Friday | 10:00 - 23:00 |
| Saturday | 10:00 - 23:00 |
| Sunday | 12:00 - 22:30 |

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

Patrick Holland
St Georges Tavern,
14 Coleman Road,
Camberwell,
London, SE5 7TG
[REDACTED]

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**

Eilish Kemal
[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 London Borough of Southwark

Licence Issue date 02/07/2019

[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

109 Alcohol shall not be sold or supplied except during permitted hours, as stated elsewhere on this licence and on;

a. On New Year's Eve, except on a Sunday, 10.00.a.m. to 11.00.p.m.

b. On New Year's Eve on a Sunday, 12 noon to 10.30.p.m.

c. On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

The above restrictions do not prohibit;

i) Consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;

ii) The sale of alcohol to a trader or club for the purposes of the trade or club;

iii) The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of

Her Majesty's naval, military or air forces;

iv) The taking of alcohol from the premises by a person residing there; or

v) The supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by the persons so supplied; or

vi) The supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of alcohol so supplied, if the alcohol is supplied at the expense of their employer or the person carrying on, or in charge of, the business on the premises.

110 No statutory regulations for music and dancing shall apply so as to require any licence for the provision in the premises of public entertainment by the reproduction of wireless (including television) broadcasts or of programmes included in any programme service (within the meaning of the Broadcasting Act 1990) other than a sound or television broadcasting service, or of public entertainment by way of music and singing only

which is produced solely by the reproduction of recorded sound is permitted.

111 This licence provides for the provision of private music and dancing entertainment that is promoted for private gain;

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

a. With and for consumption at a meal supplied at the same time, consumed with the meal and paid for together with the meal;

b. For consumption by a person residing in the premises or his guest and paid for together with his accommodation;

c. To a canteen or mess.

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

789 An approved CCTV system to be installed both inside and outside of the premises with a 31-day tape library or hard drive storage.

794 That only bottles and glasses made from toughened glass shall be used during the sale or supply of any drinks, whether alcoholic or not, to customers.

810 That all external doors and windows (excepting any that have to be locked open to ensure public safety) shall be kept shut and under strict management supervision and allow access and egress only whilst entertainment is being provided.

811 That suitable notices shall be displayed, and announcements made at the end of each night's entertainment, requesting that customers leave the premises in a quiet and orderly manner with due regard to local residents.

812 That no outside parts of the curtilage shall be used for events of a licensable nature, or shall be used at all whilst events of regulated entertainment are in progress.

836 A personal licence holder being on the premises at all times that intoxicating liquor is sold or supplied.

840 That all staff concerned with the supply of intoxicating liquor undergo a recognised training scheme for such duties and a record of such training is kept and made available for inspection, on request, to officers of the Police or Council.

841 The adoption and implementation of a recognised Proof of Age scheme.

842 That any persons leaving the premises in order to smoke undertake that activity at a point relatively near to the premises. Any such person should not be permitted to take any open bottle or other open drinks container with them from the premises.

843 No live or recorded music shall be provided until the following works have been carried out and deemed satisfactory by the noise team.

844 The door on the corner of Rainbow and Coleman Street shall be used as an emergency exit only.

845 The main entrance of the pub shall be fitted with double lobby doors.

846 Air conditioning or other suitable ventilation to be installed.

847 All doors and windows are to be kept closed during the provision of regulated entertainment

Annex 4 - Plans - Attached

Licence No. 868790
Plan No. 05.262
Plan Date July 2005



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

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

Tel: 020 7232 6756

Email: SouthwarkLicensing@met.police.uk

Our reference: MD/21/115/21

Date: 12th May 2021

Dear Sir/Madam

Re:- Declan Richard Sweeney, St Georges Tavern 14 Coleman Road SE57TG.
Application vary the DPS for premises licence 868790

Police are in possession of an application from Mr Patrick Holland to vary the designated premises supervisor in relation to PL 868790 to a Mr Declan Sweeney.

The premises licence held by Mr Patrick Holland is the subject of a premises licence review submitted by Ray Moore of Southwark's Trading Standards. The review of the premises licence was submitted by Mr Moore on the 15th April 2021. The application to vary the DPS was received on the 5th May followed by an application to Transfer the premises licence received on the 7th May 2021.

I note from the application to Transfer the premises licence that the consent to Transfer was signed and dated by Mr Patrick Holland on the 27th April 2021, 12 days after the application to review the premises licence was made. It is clear that as of the 27th April 2021 Mr Holland intended to transfer the premises licence and therefore no longer responsible for that premises, he then submits the Transfer and DPS change on the 5th & 7th of May respectively.

The proposed DPS Mr Sweeney has been present and working at the premises at times when officers visited the premises and found it to be operating in breach of the premises licence as well as offences in relation to the smoke free legislation.

Every person working at a licensed premises authorised to sell alcohol should be aware of their responsibilities under the licensing act and health and safety legislation.

It is on those grounds that the Police object to the application to vary the DPS of the St Georges Tavern as submitted by Mr Patrick Holland.

Submitted for consideration.

Yours Sincerely

PC Ian Clements 2362AS
Southwark Police Licensing Unit
Tel: 0207 232 6756



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| | | | |
|------------------------------------|--------------------------------|---|---|
| Item No. 8. | Classification: Open | Date: 10 June 2021 | Meeting Name: Licensing Sub-Committee |
| Report title: | | Licensing Act 2003: St Georges Tavern, 14 Coleman Road, London SE5 7TG - Review | |
| Ward(s) or groups affected: | | St Giles Ward | |
| From: | | Strategic Director of Environment and Leisure | |

RECOMMENDATION

1. That the licensing sub-committee considers an application submitted by the Southwark's Trading Standards Department in their role as Responsible Authority under Section 51 of the Licensing Act 2003 (the Act) for the review of the premises licence held by Patrick Holland in respect of the premises known as St Georges Tavern, 14 Coleman Road, London, SE5 7TG.
2. Notes:
 - a) The grounds for the review are stated in paragraphs 12 to 15 of this report. A copy of the premises licence review application is attached as **Appendix A**.
 - b) The review application is supported by representations submitted by the Metropolitan Police and the Licensing Authority in their roles as Responsible Authorities. Copies of the representations are attached as **Appendix B**. Details of the representations are provided in paragraphs 16 to 20, including a supporting representation made by one other person and available in **Appendix C**.
 - c) A copy of the current premises licence issued in respect of the premises is attached to this report as **Appendix D**. A map of the area that the premises are located in is attached as **Appendix E**.
 - d) A copy of the Council's approved procedure for hearings of the sub-committee in relation to an application made under the Licensing Act 2003, along with a copy of the hearing regulations, has been circulated to all parties to the meeting.

BACKGROUND INFORMATION

The Licensing Act 2003

3. The Licensing Act 2003 provides a licensing regime for:
 - The sale of and supply of alcohol
 - The provision of regulated entertainment
 - The provision of late night refreshment

4. Within Southwark, the licensing responsibility is wholly administered by this council.
5. The Act requires the licensing authority to carry out its functions under the Act with a view to promoting the four stated licensing objectives. These are:
 - The prevention of crime and disorder
 - The promotion of public safety
 - The prevention of nuisance
 - The protection of children from harm.
6. In carrying out its licensing functions, a licensing authority must also have regard to:
 - The Act itself
 - The guidance to the act issued under Section 182 of the Act
 - Secondary regulations issued under the Act
 - The licensing authority's own statement of licensing policy
 - The application, including the operating schedule submitted as part of the application
 - Relevant representations.
7. The applications process involves the provision of all relevant information required under the Act to the licensing authority with copies provided by the applicant to the relevant responsible bodies. The application must also be advertised at the premises and in the local press. The responsible authorities and other persons within the local community may make representations on any part of the application where relevant to the four licensing objectives.
8. The premises licence once issued remains valid for the life of the business unless surrendered or revoked. However, under section 51 of the Act it remains open to any Responsible Authority or other person to apply to the local Licensing Authority for a review of the premises licence where there are ongoing concerns regarding one or more of the four stated licensing objectives.

KEY ISSUES FOR CONSIDERATION

The premises licence

9. The premises licence allows the provision of licensable activities as follows:
 - The sale of alcohol to be consumed both on and off the premises:
 - Monday to Saturday 10:00 to 23:00
 - Sunday 12:00 to 22:30
 - The provision of late night refreshment (indoors):
 - Monday to Sunday 23:00 to 23:30

- The provision of regulated entertainment in the form of recorded music (indoors):
 - Monday to Saturday 10:00 to 23:00
 - Sunday 12:00 to 22:30
 - The provision of regulated entertainment in the form of live music (indoors):
 - Friday and Saturday 20:00 to 23:00
 - Sunday 16:00 to 22:00
 - The provision of regulated entertainment in the form of entertainment similar to live and recorded (indoors):
 - Friday and Saturday 20:00 to 23:00
 - Sunday 16:00 to 22:00.
10. The licence is subject to the mandatory conditions set down under the Act and further conditions consistent with the operating schedule submitted with the application for the licence. A copy of the full premises licence is attached as **Appendix C**.

Designated Premises Supervisor (DPS)

11. The current Designated Premises Supervisor (DPS) named on the licence is Eilish Kemal, who has a personal licence with the London Borough of Southwark.

The Review Application

12. On 15 April 2021, an application was submitted by Southwark's Trading Standards under Section 51 of the Licensing Act 2003, for the review of the premises known as St Georges Tavern – 14 Coleman Road, London, SE5 7TG.
13. The review application was submitted in respect of the prevention of crime and disorder licensing objective and in summary states that the following has been witnessed and / or taken place at the premises:
- “On Friday 02 October 2020 at 21:25hrs, Trading Standards visited the premises with the Police Night Time Economy Team. The front door was locked with a security gate across but it was busy inside. They went to the side entrance which was also not accessible but the person in charge at the time opened it and let them in. Patrons were seated, including a long line of patrons around the bar. Hand sanitiser and QR codes were available along with a book for those who hadn't got the contact tracing app on their phone. It appeared that the premises would be having a lock in after 22:00hrs. No one could operate CCTV. It was also made clear that staff and people living on the premises could not use the bar between 22:00hrs and 05:00hrs the following day. No personal license holder was present as is required by the license. There were two rooms at the back being used to smoke in contrary to the Health Act.

- Conditions breached 789; 836 and 840.
- On 24th October 2020 at 22:20hrs, Trading Standards returned, accompanied by Night Time Economy Police. Karaoke had been reported to be taking place earlier in the day. Blackout boards had been put across the windows but patrons could be heard inside. The police banged on the door to open up and they were let in. The premises was full of patrons, with and no social distancing at the bar, beyond the 22:00hrs curfew. Staff were not wearing masks and there was no table service. Patrons were smoking at the bar. Management were issued a prohibition notice to close the premises and that it was not to re-open until such time as they were operating in a COVID secure way.
- On 21 February 2021 Night Time Economy Police visited and could hear people inside. No one would open the door and they had to break down door, finding patrons hiding in the kitchen.
- On 18 March 2021 Trading Standards visited the premises and issued a £1000 Fixed Penalty Notice. On no occasion has the premises license holder or designated premises supervisor been present.”

14. Prevention of Crime and Disorder:

- 2 October 2020: Licensing Act 2003, Section 136 – breach of license Conditions 836 & 840 as well as breaches of smoke free legislation. Also possible breaches of COVID legislation in respect of seated table service – groups of 6 etc.;
- 24 October 2020: Similar Licensing Act 2003 offences and smoke free legislation + breach of Regulation 15 (1) of the Health Protection (Coronavirus, COVID-19 Alert Level) (High) (England) Regulations 2020 in respect of allowing the premises to be open between 22:00hrs and 05:00hrs;
- 21 February 2021: Patrons drinking on the premises when premises was required to be closed under the provisions of the Public Health (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020;
- 18 March 2021: £1000 fixed penalty notice issued to Patrick Holland. Paid 13 April 2021.

15. Full details of the grounds for the review are provided within review the application. A copy of the review application is attached as **Appendix A**.

Representations from Responsible Authorities

16. There are supporting representations submitted in support of the review application by the Metropolitan Police and the Licensing Authority.
17. The Metropolitan Police supports the review and raises concerns regarding the breaches of licence conditions and the use of the premises contrary to Coronavirus legislation and the smoke-free legislation.

18. The Licensing Authority's representation is made in support of the Police review and draws attention to the history of the premises, breaches of conditions.
19. Copies of the representations are attached as **Appendix B**.

Representations from Other Persons

20. One representation has been received by one other person against the review and in support of the premises stating that the premises is an asset to the community. This representation is attached in **Appendix C**.

Operating History

21. A premises licence was first issued to the premises on 2 October 2005 to Chris Forde.
22. In May 2007, the licence was varied. On 21 December 2010, the licence was transferred to Paul Conway and Michael O'Brien. On 16 December 2011 it was again transferred to only Michael O'Brien. On 25 April 2012 it was transferred to Patrick Williams. On 15 May 2013 it was transferred to John Devly. On 09 April 2014 it was transferred to Fiona Conway. On 16 March 2015 it was transferred to Patrick Holland and the DPS was also varied to Eilish Kemal. On 19 October 2017, the DPS was varied to Leonard Lucas but changed back to Eilish Kemal on 2 July 2019, giving the current licence holder and DPS.
23. On 7 October 2020 Patrick Holland applied for a minor variation to removed condition 836, stating that a DPS should be on the premises at all times that alcohol is served. However, this was rejected as the conditions appears in Annex 3 of the premises licence, conditions attached following a hearing. It would be commonplace for such amendments to be referred back to the licensing sub-committee via a full variation.
24. On 15 April 2021, the current review application was submitted by Southwark's Trading Standards under Section 51 of the Licensing Act 2003.
25. On 6 May 2021, a vary DPS application was received, to change the name to Declan Sweeney. This has been objected to by the Metropolitan Police and will be heard by the Licensing Sub Committee on 10 June 2021.
26. On 07 May 2021, a transfer application was received, to transfer the premises licence to Charles Cleary. This has also been objected to by the Police and will also be heard by the Licensing Sub Committee on 10 June 2021.
27. There have been no TEN applications in the last year.
28. List of recent complaints regarding the premises:

| Date | Complainant | Complaint |
|-------------|---------------------|---|
| 24/03/2020 | Anon Local Resident | Premises still open during lockdown, that if you knock on the door, you will be allowed in. |
| 14/0/2020 | Local Resident | Complaint of loud karaoke with large gatherings. Visit by Licensing 24/10/2020 – Prohibition Notice served. |

| | | |
|----------------------------------|----------------|---|
| 20/10/2020 at 18:17 and 19:40 | Local Resident | Complaint of loud music from the premises to Noise Team. |
|----------------------------------|----------------|---|

The local area

29. A map of the local area is attached as **Appendix E**. There are no other licensed premises in the immediate vicinity (100m radius), though there are more licensed premises towards Southampton Row.

Southwark Council Statement of Licensing Policy

30. 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, Which 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 - Which 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, which 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, which 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, which provides general guidance on the promotion of the first licensing objective
 - Section 9 – Public Safety, which provides general guidance on the promotion of the second licensing objective
 - Section 10 – The Prevention of Nuisance, which provides general guidance on the promotion of the third licensing objective
 - Section 11 – The Protection of Children from Harm, which provides general guidance on the promotion of the fourth licensing objective.
31. 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.

32. Within Southwark's Statement of Licensing Policy, the premises is outside of a Cumulative Impact Policy Area and within a residential area. Under the Southwark Statement of Licensing policy 2021 – 2026, the following closing times are recommended as appropriate within this area for this categories of premises indicated:

- Closing time for restaurants and public houses is 23:00 daily.

Resource implications

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

Consultations

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

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.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Governance

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

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

Principles for making the determination

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

39. The four licensing objectives are:

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

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

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

Reasons

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

Hearing procedures

47. Subject to the licensing hearing regulations, the licensing committee may determine its own procedures. Key elements of the regulations are that:
- The hearing shall take the form of a discussion led by the authority. Cross examination shall not be permitted unless the authority considered that it is required for it to consider the representations

- Members of the authority are free to ask any question of any party or other person appearing at the hearing
 - The committee must allow the parties an equal maximum period of time in which to exercise their rights to:
 - Address the authority
 - If given permission by the committee, question any other party.
 - In response to a point which the authority has given notice it will require clarification, give further information in support of their application.
 - The committee shall disregard any information given by a party which is not relevant:
 - To the particular application before the committee, and
 - The licensing objectives.
 - The hearing shall be in public, although the committee may exclude the public from all or part of a hearing where it considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in private
 - In considering any representations or notice made by a party the authority may take into account documentary or other information produced by a party in support of their application, representations or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing.
48. This matter relates to the review of the premises licence under section 51 of the Licensing Act 2003. Regulation 26(1) (a) requires the sub-committee to make its determination at the conclusion of the hearing.

Council's multiple roles and the role of the licensing sub-committee

49. Sub-committee members will note that, in relation to this application, the council has multiple roles. Council officers from various departments have been asked to consider the application from the perspective of the council as authority responsible respectively for environmental health, trading standards, health and safety and as the planning authority.
50. Members should note that the licensing sub-committee is meeting on this occasion solely to perform the role of licensing authority. The sub-committee sits in quasi-judicial capacity, and must act impartially. It must offer a fair and unbiased hearing of the application. In this case, members should disregard the council's broader policy objectives and role as statutory authority in other contexts. Members must direct themselves to making a determination solely based upon the licensing law, guidance and the council's statement of licensing policy.
51. As a quasi-judicial body the licensing sub-committee is required to consider the application on its merits. The sub-committee must take into account only relevant factors, and ignore irrelevant factors. The decision must be based on

evidence, that is to say material, which tends logically to show the existence or non-existence of relevant facts, or the likelihood or unlikelihood of the occurrence of some future event, the occurrence of which would be relevant. The licensing sub-committee must give fair consideration to the contentions of all persons entitled to make representations to them.

52. The licensing sub-committee is entitled to consider events outside of the premises if they are relevant, i.e. are properly attributable to the premises being open. The proprietors do not have to be personally responsible for the incidents for the same to be relevant. However, if such events are not properly attributable to the premises being open, then the evidence is not relevant and should be excluded. Guidance is that the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public, living, working or engaged in normal activity in the area concerned.
53. Members will be aware of the council's code of conduct which requires them to declare personal and prejudicial interests. The code applies to members when considering licensing applications. In addition, as a quasi-judicial body, members are required to avoid both actual bias, and the appearance of bias.
54. The sub-committee can only consider matters within the application that have been raised through representations from other persons and responsible authorities.
55. Under the Human Rights Act 1998, the sub-committee needs to consider the balance between the rights of the applicant and those making representations to the application when making their decision. The sub-committee has a duty under section 17 Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the borough.
56. Other persons, responsible authorities and the applicant have the right to appeal the decision of the sub-committee to the magistrates' court within a period of 21 days beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against.

Guidance

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

Strategic Director of Finance and Governance

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

BACKGROUND DOCUMENTS

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

APPENDICES

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

AUDIT TRAIL

| | | |
|---|---|--------------------------|
| Lead Officer | Caroline Bruce, Strategic Director of Environment and Leisure | |
| Report Author | Andrew Heron, Principal Licensing Officer | |
| Version | Final | |
| Dated | 20 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 | 28 May 2021 | |

[Insert details including name and address of licensing authority and application reference if any (optional)]

Application for the review of a premises licence or club premises certificate 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 Ray Moore (On behalf of Trading Standards)

(Insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below

Part 1 – Premises or club premises details

| | |
|--|-------------------------------------|
| Postal address of premises or, if none, ordnance survey map reference or description Patrick Holland (PLH) T/A "St Georges Tavern" 14 Coleman Road | |
| Post town London | Post code (if known) SE5 7TG |

| |
|--|
| Name of premises licence holder or club holding club premises certificate (if known) Patrick Holland |
|--|

| |
|---|
| Number of premises licence or club premises certificate (if known) 868790 |
|---|

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises

- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title (for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address

Southwark Council – Trading Standards

Ray MOORE
 Principal Trading Standards Enforcement Officer
 Regulatory Services
 3rd Floor Hub 1
 PO Box 64529
 London SE1P 5LX

Telephone number (if any)

[REDACTED]

E-mail address (optional)

[REDACTED]

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

On Friday 2nd October 2020 Ray MOORE from the Trading Standards team was doing visits with officers from the police Night Time Economy Team. At 21:25 they visited the St Georges Tavern, 14 Coleman Road, SE5 7TG. The front door was locked with a security gate across but it was obviously busy inside. They went to the side entrance which was also not accessible but the person in charge at the time ([REDACTED]) opened it and let us in. Although everyone was seated that included a long line of them all around the bar... hand sanitiser and QR codes were available along with a book for those who hadn't got the contact tracing app on their phone. The general impression was that they would be having a lock in after 10 and it was made clear that the customers had to be out by ten. No one could operate CCTV. It was also made clear that staff and people living on the premises could not use the bar between 10pm and 5am. Dealt with [REDACTED] He got his daughter on the phone who is also the designated premises supervisors (Elish Kemal [REDACTED]) He said Kirty Read had says it was ok for him to run it for a couple of weeks while his daughter moved house. No personal license holder was present as is required by the license. The person behind bar

██████████ said he was doing the exams Oct 22nd. The premises license holder is Patrick Holland. There was no sign of him or contact details. There were two rooms at the back being used to smoke in... and it was made clear that they could not do that. Mr MOORE got Farhad CHOUDHARY from the Health and Safety Team to come over to deal with the smoking issue, (he was working nearby at the time). The cellar was flooded with beer barrels standing in the water. They did not go down there as looked unsafe and simply observed from the top of the stairs. Conditions breached 789; 836 and 840. The police issued a sec 19. E-mail details for designated premises supervisor given ██████████

On 24th October 2020 Ray MOORE and Justin MILLER from the trading standards team returned, again accompanied by night time economy police. Justin WILLIAMS from the licensing team had previously reported that Karaoke was on earlier as he could see it through the window via the gaps in the curtains. When they arrived blackout boards had been put across the windows but people could be heard inside. The police banged on the door to open up and they were let in. The place was full and there was no social distancing at the bar They arrived at 10:20hrs and it was open after the 10pm curfew. It was obviously going to go on until much later; staff not wearing masks; not waited service etc People were smoking at the bar and not just tobacco. This was all in spite of previous advice. Mr MOORE informed ██████████ ██████████ who was in charge again – that he was giving a prohibition notice to close the premises and that it was not to re-open until such time as they were operating in a COVID secure way. He then told him that he needed to get everyone out – they all left in silence.

Any attempts to contact them after this were met with silence. There was no response from the e-mails held by the licensing as contact for Patrick HOLLAND. There was also no response from the contact details given for Eilish KEMAL.

Ray MOORE and the Night Time Economy police returned on 30th October 2020 and there was no sign of any activity at the premises.

On 21st February 2021 Night Time Economy police visited and could hear people inside. No one would open the door. They had to break down door and found them hiding in the kitchen.

On 18th March 2021 ray MOORE visited the premises and handed a £1000 Fixed Penalty Notice to [REDACTED] for Patrick HOLLAND.

On no occasion has the premises license holder or designated premises supervisor been present. Person in charge is always [REDACTED]

Prevention of Crime and disorder –

2nd October 2020: Licensing Act 2003, section 136 – breach of license conditions 836 & 840 as well as breaches of smoke free legislation. Also possible breaches of COVID legislation in respect of seated table service – groups of 6 etc.

24th October 2020: Similar Licensing Act 2003 offences and smoke free legislation + breach of Regulation 15 (1) of the Health Protection (Coronavirus, COVI-19 Alert Level) (High) (England) Regulations 2020 in respect of allowing the premises to be open between 22:00hrs and 05:00hrs.

21st February 2021: People drinking on the premises when premises was required to be closed under the provisions of the Public Health (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020.

18th March 2021: £1000 fixed penalty notice issued to Patrick Holland. Paid

13th April 2021. Contact e-mail given on payment details was

████████████████████

Please tick yes

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

If yes please state the date of that application

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

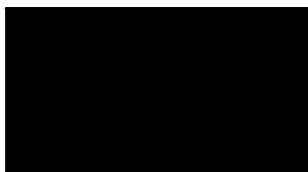
Please tick yes

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

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 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant’s solicitor or other duly authorised agent
(See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**



Signature

.....

Date 15 April 2021

.....

Capacity Trading Standards Officer acting on behalf of Southwark Council

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.



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

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

Tel: 020 7232 6756

Email: SouthwarkLicensing@met.police.uk

Our reference: MD/21/113/21

Date: 12th May 2021

Dear Sir/Madam

Re:- St Georges Tavern 14 Coleman Road SE57TG. Application for a review of the premises licence 868790

Police are in possession of an application from Mr Ray Moore on behalf of Southwark Councils Trading Standards team for a review of the premises licence for St Georges Tavern, 14 Coleman Road SE5 7TG. The review of the premises licence was submitted by Mr Moore on the 15th April 2021.

Mr Moore provides evidence that the premises has been found operating on a number of occasions in breach of the premises licence, in contravention of the Health Protection Coronavirus regulations 2020 and the health and safety smoke free regulations.

The application is submitted on the grounds of the prevention of crime and disorder.

Having considered the evidence provided by Mr Moore, Police fully support this application to review the premises licence. The premises has demonstrated a complete disregard to the conditions of the premises licence and more worrying the flagrant breach of the Health protection coronavirus regulations 2020/21.

At a time where the world is in the middle of a pandemic and the health of the general public is under threat, the least we could expect from a responsible premises licence holder would be to do their utmost to protect its staff and customers.

It is clear from the evidence provided by Mr Moore that this operator is willing to break those laws designed to protect the health of the wider community.

Of note is the complete lack of contact from the premises licence holder and or the DPS for the premises during the period as detailed in the application.

Whilst the committee has all options available to them when considering the most appropriate action to take, Police take the view that this premises licence holder is not suitable to operate a licensed premises in Southwark. I recommend that this premises licence is revoked.

Submitted for consideration.

Yours Sincerely

PC Ian Clements 2362AS

Southwark Police Licensing Unit

Tel: 0207 232 6756

MEMO: Licensing Unit

To Licensing Unit Date 13 May 2021

From Jayne Tear

Email jayne.tear@southwark.gov.uk

Subject Re: St George Tavern, 14 Coleman Road, London, SE5 7TG

- Application to review the premises licence

I write with regards to the above application to review the premises licence under the Licensing Act 2003, submitted by Southwark Trading Standards Unit as a responsible authority.

The application is concerned with the prevention of crime and disorder and the grounds for the review are concerned with breaches of the Coronavirus Regulations; the Health Act (allowing smoking on the premises) and further breaches of the Licensing Act 2003 (breaches of the premises licence conditions).

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

The current licence holder is Patrick Holland and the designated premises supervisor (DPS) is Eilish Kemal.

Trading Standards officers witnessed breaches of the following conditions:

- 789** - An approved CCTV system to be installed both inside and outside of the premises with a 31-day tape library or hard drive storage.
- 836** - A personal licence holder being on the premises at all times that intoxicating liquor is sold or supplied.
- 840** - That all staff concerned with the supply of intoxicating liquor undergo a recognised training scheme for such duties and a record of such training is kept and made available for inspection, on request, to officers of the Police or Council.

Following the breaches witnessed, the Trading Standards officer attempted to contact the licensee and DPS to no avail and the Trading Standards officer states the following within the application:

'Any attempts to contact them after this were met with silence. There was no response from the e-mails held by the licensing as contact for Patrick Holland. There was also no response from the contact details given for Eilish Kemal.'

A premises licence holder or DPS commits an offence under section 33 of the Licensing Act 2003 if he/she fails (without reasonable excuse) to notify the issuing authority of any change in name and address of either the premises licence holder or the personal licence holder named as DPS on the premises licence. Under section 127 of the Licensing Act 2003 a

personal licence holder commits an offence if they fail (without reasonable excuse) to notify the issuing authority of any change of name and address.

Furthermore, the conditions breached during the trading standards visit, were added to the premises licence by the licensing sub-committee in 2007, at a previous LSC hearing regarding an application to vary the premises licence. At the time of that application the licensee was a Mr Chris Forde.

It would seem that during the Trading Standards enforcement visit, the premises was being controlled by a Mr Chris Foden.

I have no confidence in the current management, licensee or DPS to adhere to the licensed conditions or any other existing related legislation.

As the licensee and DPS did not respond to the Trading Standard officer who tried to engage with them following the enforcement visits, it causes serious concerns regarding who is actually in charge of the premises and it is clear that whoever that is has no intention of promoting any of the licensing objectives and as a result has put public safety at risk.

I therefore submit this representation and fully support the Trading Standards responsible authority in bringing this review and I recommend to the licensing sub-committee that the premises licence is revoked.

I may submit further supporting information at a later stage.

Southwark's Statement of Licensing Policy 2021 – 2026 can be found on the following link:
<https://www.southwark.gov.uk/business/licences/business-premises-licensing/licensing-and-gambling-act-policy>

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

**APPENDIX C
OTHER PERSONS**

From: [REDACTED]
Sent: Thursday, May 13, 2021 2:28 PM
To: Regen, Licensing <Licensing.Regen@southwark.gov.uk>
Subject: REPRESENTATION ST GEORGES TAVERN COLEMAN ROAD

To Southwark Trading Standards

I write in support of St Georges Tavern 14 Coleman Road London SE5 7TG regarding the review of the premises licence.

My family and I fully support the continuing operation of the Georges Tavern, a facility which we all use on a regular basis. We have been living on Rainbow Street since May 1988, and have seen the many Landlords and changes in the operation of this Pub.

The Georges Tavern participates annually in the Rainbow Street Party a cultural event which brings the entire community together each Summer. This would be a sad loss for us all in the event of the Georges Closure.

I would sincerely ask the Licensing Authority to review this application favourably, as a loss would impact direly on our community.

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

[REDACTED]
[REDACTED]

Licensing Act 2003 Premises Licence



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

Premises licence number

868790

Part 1 - Premises details

| | |
|---|-----------------------------|
| Postal address of premises, or if none, ordnance survey map reference or description | |
| ST GEORGES TAVERN St Georges Tavern 14 Coleman Road London SE5 7TG | |
| Ordnance survey map reference (if applicable), 533116177397 | |
| Post town London | Post code SE5 7TG |
| Telephone number | |

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

| |
|---|
| Licensable activities authorised by the licence |
| Live Music - Indoors Recorded Music - Indoors Entertainment Similar to live/recorded music - Indoors Late Night Refreshment - Indoors Sale by retail of alcohol to be consumed on premises Sale by retail of alcohol to be consumed off premises |

| |
|---|
| The opening hours of the premises |
| For any non standard timings see Annex 2 |

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

| |
|---|
| The times the licence authorises the carrying out of licensable activities |
| For any non standard timings see Annex 2 of the full premises licence |
| Live Music - Indoors |
| Friday 20:00 - 23:00 |

| | |
|----------|---------------|
| Saturday | 20:00 - 23:00 |
| Sunday | 16:00 - 22:00 |

Recorded Music - Indoors

| | |
|-----------|---------------|
| Monday | 10:00 - 23:00 |
| Tuesday | 10:00 - 23:00 |
| Wednesday | 10:00 - 23:00 |
| Thursday | 10:00 - 23:00 |
| Friday | 10:00 - 23:00 |
| Saturday | 10:00 - 23:00 |
| Sunday | 12:00 - 22:30 |

Entertainment Similar to live/recorded music - Indoors

| | |
|----------|---------------|
| Friday | 20:00 - 23:00 |
| Saturday | 20:00 - 23:00 |
| Sunday | 16:00 - 22:00 |

Late Night Refreshment - Indoors

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

Sale by retail of alcohol to be consumed on premises

| | |
|-----------|---------------|
| Monday | 10:00 - 23:00 |
| Tuesday | 10:00 - 23:00 |
| Wednesday | 10:00 - 23:00 |
| Thursday | 10:00 - 23:00 |
| Friday | 10:00 - 23:00 |
| Saturday | 10:00 - 23:00 |
| Sunday | 12:00 - 22:30 |

Sale by retail of alcohol to be consumed off premises

| | |
|-----------|---------------|
| Monday | 10:00 - 23:00 |
| Tuesday | 10:00 - 23:00 |
| Wednesday | 10:00 - 23:00 |
| Thursday | 10:00 - 23:00 |
| Friday | 10:00 - 23:00 |
| Saturday | 10:00 - 23:00 |
| Sunday | 12:00 - 22:30 |

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

Patrick Holland
St Georges Tavern,
14 Coleman Road,
Camberwell,
London, SE5 7TG
[REDACTED]

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**

Eilish Kemal
[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 London Borough of Southwark

Licence Issue date 02/07/2019

[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

109 Alcohol shall not be sold or supplied except during permitted hours, as stated elsewhere on this licence and on;

a. On New Year's Eve, except on a Sunday, 10.00.a.m. to 11.00.p.m.

b. On New Year's Eve on a Sunday, 12 noon to 10.30.p.m.

c. On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

The above restrictions do not prohibit;

i) Consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;

ii) The sale of alcohol to a trader or club for the purposes of the trade or club;

iii) The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of

Her Majesty's naval, military or air forces;

iv) The taking of alcohol from the premises by a person residing there; or

v) The supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by the persons so supplied; or

vi) The supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of alcohol so supplied, if the alcohol is supplied at the expense of their employer or the person carrying on, or in charge of, the business on the premises.

110 No statutory regulations for music and dancing shall apply so as to require any licence for the provision in the premises of public entertainment by the reproduction of wireless (including television) broadcasts or of programmes included in any programme service (within the meaning of the Broadcasting Act 1990) other than a sound or television broadcasting service, or of public entertainment by way of music and singing only

which is produced solely by the reproduction of recorded sound is permitted.

111 This licence provides for the provision of private music and dancing entertainment that is promoted for private gain;

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

a. With and for consumption at a meal supplied at the same time, consumed with the meal and paid for together with the meal;

b. For consumption by a person residing in the premises or his guest and paid for together with his accommodation;

c. To a canteen or mess.

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

789 An approved CCTV system to be installed both inside and outside of the premises with a 31-day tape library or hard drive storage.

794 That only bottles and glasses made from toughened glass shall be used during the sale or supply of any drinks, whether alcoholic or not, to customers.

810 That all external doors and windows (excepting any that have to be locked open to ensure public safety) shall be kept shut and under strict management supervision and allow access and egress only whilst entertainment is being provided.

811 That suitable notices shall be displayed, and announcements made at the end of each night's entertainment, requesting that customers leave the premises in a quiet and orderly manner with due regard to local residents.

812 That no outside parts of the curtilage shall be used for events of a licensable nature, or shall be used at all whilst events of regulated entertainment are in progress.

836 A personal licence holder being on the premises at all times that intoxicating liquor is sold or supplied.

840 That all staff concerned with the supply of intoxicating liquor undergo a recognised training scheme for such duties and a record of such training is kept and made available for inspection, on request, to officers of the Police or Council.

841 The adoption and implementation of a recognised Proof of Age scheme.

842 That any persons leaving the premises in order to smoke undertake that activity at a point relatively near to the premises. Any such person should not be permitted to take any open bottle or other open drinks container with them from the premises.

843 No live or recorded music shall be provided until the following works have been carried out and deemed satisfactory by the noise team.

844 The door on the corner of Rainbow and Coleman Street shall be used as an emergency exit only.

845 The main entrance of the pub shall be fitted with double lobby doors.

846 Air conditioning or other suitable ventilation to be installed.

847 All doors and windows are to be kept closed during the provision of regulated entertainment

Annex 4 - Plans - Attached

Licence No. 868790
Plan No. 05.262
Plan Date July 2005



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