

Licensing Sub-Committee

Thursday 26 August 2021

10.00 am

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

Membership

Councillor Renata Hamvas (Chair)
Councillor Sunil Chopra
Councillor Kath Whittam

Reserves

Councillor Sunny Lambe

INFORMATION FOR MEMBERS OF THE PUBLIC

Access to information

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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: 17 August 2021



Licensing Sub-Committee

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Order of Business

Item No.	Title	Page No.
	PART A - OPEN BUSINESS	
1.	APOLOGIES	
	To receive any apologies for absence.	
2.	CONFIRMATION OF VOTING MEMBERS	
	A representative of each political group will confirm the voting members of the committee.	
3.	NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT	
	In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.	
4.	DISCLOSURE OF INTERESTS AND DISPENSATIONS	
	Members to declare any interests and dispensation in respect of any item of business to be considered at this meeting.	
5.	LICENSING ACT 2003: PONCE'S CORPORATION, ARCH 144 EAGLE YARD, HAMPTON STREET, LONDON SE1 6SP	1 - 73
	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: 17 August 2021

Item No. 5.	Classification: Open	Date: 26 August 2021	Meeting Name: Licensing Sub-Committee
Report Title		Licensing Act 2003: Ponce's Corporation, Arch 144 Eagle Yard, Hampton Street, London SE1 6SP	
Ward(s) of group(s) affected		North Walworth	
From		Strategic Director of Environment and Leisure	

RECOMMENDATION

1. That the Licensing Sub-Committee considers an application made by Ponce's Corporation Limited for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Ponce's Corporation, Arch 144 Eagle Yard, Hampton Street, London SE1 6SP.
2. Notes:
 - a) This application forms a new application for a premises licence, submitted under Section 17 of the Licensing Act 2003. The application is subject to representations from responsible authorities and is therefore referred to the Sub Committee for determination.
 - b) Paragraphs 8 to 11 of this report provide a summary of the application under consideration by the sub-committee. A copy of the full application is attached as Appendix A.
 - c) Paragraphs 12 to 17 of this report deal with the representations submitted in respect of the application and conciliation. Copies of the representation submitted by the responsible authorities and attached to this report in Appendix B and copies of representations from other persons attached in Appendix C. A map showing the location of the premises is attached to this report as Appendix E.
 - d) A copy of the council's approved procedure for hearings of the sub-committee in relation to an application made under the Licensing Act 2003, along with a copy of the hearing regulations, has been circulated to all parties to the meeting.

BACKGROUND INFORMATION

The Licensing Act 2003

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

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

KEY ISSUES FOR CONSIDERATION

The premises licence application

8. On 05 July 2021 Ponce's Corporation Limited applied for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Ponce's Corporation, Arch 144 Eagle Yard, Hampton Street, London SE1 6SP. The premises are described in the application as simply being:

"It's a Café and Restaurant, specialized in South American food"

9. The hours applied for are summarised as follows:
 - The sale by retail of alcohol (on sales):
 - Sunday to Thursday: 11:00 to 22:30
 - Friday and Saturday: 11:00 to 23:30
 - The provision of late night refreshment (indoors):
 - Friday and Saturday: 23:00 to 23:30
 - Opening hours:
 - Sunday to Thursday: 09:00 to 23:00
 - Friday and Saturday: 09:00 to 00:00

10. The designated premises supervisor is to be Luis Ernesto Barragan Ponce who holds a personal licence with the London Borough of Lambeth.
11. The premises licence application form provides the applicant's operating schedule. Parts A, B, C, E, F, G, H, I, J, K, L, and M of the operating schedule set out the proposed licensable activities, operating hours and operating control measures in full, with reference to the four licensing objectives as stated in the Licensing Act 2003. Should a premises licence be issued in respect of the application the information provided in part M of the operating schedule will form the basis of conditions that will be attached to any licence granted subsequent to the application. A copy of the application and premises plan is attached to this report in Appendix A.

Representations from responsible authorities

12. A representation has been submitted by the Metropolitan Police Service (Licensing Division) under the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance. The premises has been run unlicensed and at times when it did have temporary event notices (TENs) was run with breaches occurring contrary to Coronavirus Regulations. If the licence were to be granted by the sub-committee, additional conditions are sought.
13. Trading standards have made a representation under all four licensing objectives further to visits made to the premises.
14. A representation has been submitted by the licensing authority, in their role as a responsible authority. The licensing authority has asked for additional conditions, and a dispersal policy.
15. The representations from the responsible authorities are available in Appendix B.

Representations from other persons

16. Representations have been received from seven other persons. These are all residents in the immediate vicinity who provide details of how their lives are already negatively impacted by similarly licensed premises on the same parade and that they believe that the granting of another premises will only add to the problems of antisocial behaviour in the locality. Redacted versions of the representations are available in Appendix C.

Conciliation

17. All representations were sent to the applicant and at the point of publication of the report; none of the representations had been conciliated. An offer has been made for the Applicant to send mediatory correspondence to all parties.

Premises history

18. On 4 February 2016 Ponce's Corporation Limited applied for a new premises licence in respect of this premises. The Metropolitan Police Service and the council's environmental protection team (EPT) made representations. The application went before the Southwark licensing sub-committee on 19 April 2016 and the licence was granted with conditions.

19. On 22 December 2017 Ponce's Corporation Limited applied under section 34 of the Licensing Act 2003 to the council to vary the premises licence. This application received representations but was withdrawn before being heard by the sub-committee.
20. On 30 July 2018 an application to vary the designated premises supervisor was made along with a premises licence transfer to Sabor De Mi Tierra Limited.
21. Sabor De Mi Tierra Limited was dissolved on 3 March 2020. The licence had not been surrendered. No timely transfer was made and therefore the licence lapsed. A copy of the previous licence is available for members' information in Appendix D.
22. The following complaints have been received regarding the premises in the last 12 months:

Date	Complainant	Complaint	Action
17/08/2021	Local resident	Disturbance from patrons leaving	Visits to premises from night time economy team (NTE) – see licensing representation in Appendix B
20/08/2021	Local resident	<p>Since lockdown measures loosened, disregard to social distancing measures, excessive music/noise emanating from this establishment and anti-social behaviour observed in several forms.</p> <p>Every Friday, Saturday and Sunday, the disturbances are constant and patrons loiter and spill out onto the front entrance. They park their cars on privately owned land (believe the loading area belongs to Strata) and continue their loud music, chatter, drunken and nuisance behaviour well beyond licensing hours.</p>	Visits to premises from NTE (as above)
08/09/2021	Local Resident (Other Person F in the agenda)	On multiple occasions the premises allows large numbers of patrons to congregate outside the building into the early hours of the morning often till 4am. Loud music, breaches of Coronavirus Regulations, opening beyond hours.	Visits to premises from NTE (as above)

Date	Complainant	Complaint	Action
17/05/2021	Local Resident	Excess noise from premises	Visits to premises from NTE (as above)
18/05/2021	Local Resident (Other Person C in the agenda)	Premises operating without licence in place.	Visits to premises from NTE (as above)

23. The following temporary events notices (TENs) have been granted in the last 12 months:

Applicant	Activities	Times	Counter Notice?
Luis Ernesto Barragan Ponce	Sale by retail of alcohol (on sales)	22/03/2020 – 22/03/2020 from 00:00 to 04:00	No
Luis Ernesto Barragan Ponce	Sale by retail of alcohol (on sales)	23/08/2020 – 23/08/2020 from 00:00 to 04:00	No
Luis Ernesto Barragan Ponce	Sale by retail of alcohol (on sales) and Late Night Refreshment	04/06/2021 to 06/06/2021 from 11:00 to 23:30	No
Luis Ernesto Barragan Ponce	Sale by retail of alcohol (on sales) and Late Night Refreshment	11/06/2021 – 13/06/2021 from 11:00 to 23:30	No
Luis Ernesto Barragan Ponce	Sale by retail of alcohol (on sales) and Late Night Refreshment	18/06/2021 – 18/06/2021 from 11:00 to 00:00	No
Luis Ernesto Barragan Ponce	Sale by retail of alcohol (on sales) and Late Night Refreshment	26/05/2021 – 27/06/2021 from 11:00 to 00:00	No
Luis Ernesto Barragan Ponce	Sale by retail of alcohol (on sales)	02/07/2021 to 04/07/2021 from 11:00 to 00:00	No
Luis Ernesto Barragan Ponce	Sale by retail of alcohol (on sales) and Late Night Refreshment	09/07/2021 – 11/07/2021 from 11:00 to 00:00	No
Luis Ernesto Barragan Ponce	Sale by retail of alcohol (on sales) and Late Night Refreshment	30/07/2021 – 01/08/2021 from 11:00 to 00:00	Withdrawn

Map

24. A map showing the location of the premises is attached to this report as Appendix E. The following are a list of licensed premises in the immediate vicinity of the application:

Ivory Arch, 80-82 Walworth Road, London SE1 6SW:

- The sale by retail of alcohol (both on and off sales):
 - Monday to Sunday from 11:00 to 00:00 (midnight)
- The provision of late night refreshment (both indoors and outdoors):
 - Monday to Sunday from 23:00 to 00:00 (midnight).
- The provision of regulated entertainment in the form of live music, recorded music, films and plays:
 - Monday to Sunday from 11:00 to 00:00 (midnight).

Mamuska, 16 Elephant and Castle, London SE1 6TH

- The sale by retail of alcohol (both on and off sales):
 - Monday to Saturday from 10:00 to 02:00 (the following day)
 - Sunday from 12:00 (midday) to 23:00.
- The provision of late night refreshment (both indoors and outdoors):
 - Monday to Saturday from 23:00 to 02:30 (the following day)
 - Sunday from 23:00 to 23:30.
- The provision of regulated entertainment in the form of live music, recorded music, and performances of dance:
 - Monday to Saturday from 09:00 to 02:00 (the following day)
 - Sunday from 09:00 to 23:00.

Chatkhara Restaurant, 84 Walworth Road, London SE1 6SQ

- The provision of late night refreshment (indoors):
 - Monday to Sunday from 23:00 to 02:00 (the following day).

Corporation Ponce, Arch 144, Eagle Yard, Hampton Street, London SE1 6SP

- The sale by retail of alcohol (on sales):
 - Sunday to Monday from 14:00 to 22:30
 - Friday and Saturday from 14:00 to 23:30.

- The provision of late night refreshment (indoors):
 - Friday and Saturday from 23:00 to 23:30.
- The provision of regulated entertainment in the form of live music and recorded music:
 - Friday to Saturday from 14:00 to 23:30
 - Sunday from 14:00 to 22:30.

La Barra (Downstairs), Arch 147, Eagle Yard, Hampton Street, London SE1 6SP

- The sale by retail of alcohol (on sales):
 - Sunday to Thursday from 10:00 to 23:30
 - Saturday and Sunday from 10:00 to 00:00.
- The provision of late night refreshment (indoors):
 - Sunday to Thursday from 23:00 to 23:30
 - Saturday and Sunday from 23:00 to 00:00.

Rincon Tropical (Upstairs), Arch 147, Eagle Yard, Hampton Street, London SE1 6SP

- The sale by retail of alcohol (on sales):
 - Sunday to Thursday from 10:00 to 23:30
 - Saturday and Sunday from 10:00 to 00:00.
- The provision of late night refreshment (indoors):
 - Sunday to Thursday from 23:00 to 23:30
 - Saturday and Sunday from 23:00 to 00:00.

Chill Out Billards Pool Limited, Arch 148, Eagle Yard, Hampton Street, London SE1 6SP:

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

Pasaje Primavera, Arch 146, Eagle Yard, Hampton Street, London SE1 6SP

- The sale by retail of alcohol (on sales only):
 - Sunday to Thursday from 11:00 to 00:00
 - Thursday and Friday from 11:00 to 02:30
- The provision of late night refreshment (indoors):
 - Sunday to Thursday from 23:00 to 00:00
 - Friday and Saturday from 23:00 to 02:30
- Regulated entertainment in the form of live music and recorded music (indoors) and facilities for making music (indoors):
 - Monday to Sunday from 06:00 to 00:00.

Southwark Council statement of licensing policy

25. Council assembly approved Southwark's statement of licensing policy 2021-2026 on 25 November 2020 and came into effect on 1 January 2021.
26. Sections of the statement that are considered to be of particular relevance to the sub-committee's consideration are:
 - Section 3 - Purpose and scope of the policy. This reinforces the four licensing objectives and the fundamental principles upon which this Authority relies in determining licence applications.
 - Section 5 – Determining applications for premises licences and club premises certificates. This explains how the policy works and considers issues such as location; high standards of management; and the principles behind condition setting.
 - Section 6 – Local cumulative impact policies. This sets out this authority's approach to cumulative impact and defines the boundaries of the current special policy areas and the classifications of premises to which they apply. To be read in conjunction with Appendix B to the policy.
 - Section 7 – Hours of operation. This provides a guide to the hours of licensed operation that this Authority might consider appropriate by type of premises and (planning) area classification.
 - Section 8 – The prevention of crime and disorder. This provides general guidance on the promotion of the first licensing objective.
 - Section 9 – Public safety. This provides general guidance on the promotion of the second licensing objective.
 - Section 10 – The prevention of nuisance. This provides general guidance on the promotion of the third licensing objective.

- Section 11 – The protection of children from harm. This provides general guidance on the promotion of the fourth licensing objective.
27. The purpose of Southwark’s statement of licensing policy is to make clear to applicants what considerations will be taken into account when determining applications and should act as a guide to the sub-committee when considering the applications. However, the sub-committee must always consider each application on its own merits and allow exceptions to the normal policy where these are justified by the circumstances of the application.

Cumulative impact Area (CIA)

28. The premises is not situated in any of Southwark’s CIAs. The premises is situated in the Elephant and Castle major town centre area.
29. Under the Southwark statement of licensing policy 2021 - 2026 the following closing times are recommended as appropriate within this area for these categories of premises:
- Closing time for restaurants and cafes:
 - Sunday to Thursday to 00:00 (midnight)
 - Friday and Saturday to 01:00 (the following day)
 - Closing time for public houses, wine bars or other drinking establishments:
 - Sunday to Thursday to 23:00
 - Friday and Saturday to 00:00 (midnight).

Resource implications

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

Consultation

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

Community impact statement

32. 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

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

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

Principles for making the determination

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

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

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

38. Relevant representations are those which:

- Are about the likely effect of the granting of the application on the promotion of the licensing objectives
- Are made by an interested party or responsible authority
- Have not been withdrawn
- Are not, in the opinion of the relevant licensing authority, frivolous or vexatious.

39. If relevant representations are received then the sub-committee must have regard to them, in determining whether it is necessary for the promotion of the licensing objectives to:

- To grant the licence subject to:
 - The conditions mentioned in section 18 (2)(a) modified to such extent as the licensing authority considers necessary for the promotion of the licensing objectives
 - Any condition which must under section 19, 20 or 21 be included in the licence.
- To exclude from the scope of the licence any of the licensable activities to which the application relates.
- To refuse to specify a person in the licence as the premises supervisor.
- To reject the application.

Conditions

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

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

Reasons

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

Hearing procedures

46. 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.

47. This matter relates to the determination of an application for a premises licence under Section 17 of the Licensing Act 2003. Regulation 26(1) (a) requires the sub-committee to make its determination at the conclusion of the hearing.

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

48. 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.

49. 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.

50. 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.

51. 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.

52. 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.

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

54. 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.
55. 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

56. 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

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

BACKGROUND DOCUMENTS

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

APPENDICES

Name	Title
Appendix A	Application for a premises licence and plans
Appendix B	Representations submitted by Responsible Authorities
Appendix C	Representations submitted by Other Persons
Appendix D	Previous Licence
Appendix E	Map of the locality

AUDIT TRAIL

Lead Officer	Caroline Bruce, Strategic Director of Environment and Leisure	
Report Author	Andrew Heron, Principal Licensing Officer	
Version	Final	
Dated	13 August 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		13 August 2021

05/07/2021

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

Ref No. 1701230

Name of Applicant

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

Ponce's Corporation Ltd

Notes for Guidance

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

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

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

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

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

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

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

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

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

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

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

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

11. The application form must be signed.

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

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

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

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

from partnerships which are not limited liability partnerships:

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

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

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

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

Documents which demonstrate entitlement to work in the UK

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

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

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

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

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

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

 - o evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,

 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,

 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or

 - (iv) self-sufficient e.g. bank statements.

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

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

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

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

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

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

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

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

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

Home Office online right to work checking service

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

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

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

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

Premises Details

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

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

£	10500
	Band D and E only applies to premises which uses exclusively or primarily for the supply of alcohol for consumption on the premises

Premises trading name

	Ponce's Corporation
--	---------------------

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

Do you have a Southwark postcode?	Yes
Address Line 1	ARCH 144
Address Line 2	EAGLE YARD HAMPTON STREET
Town	LONDON
Post code	SE1 6SP
Ordnance survey map reference	
Description of the location	
Telephone number	

Applicant Details

Please select whether you are applying for a premises licence as

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

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

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

Other Applicants

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

Name - First Entry

	Ponce's Corporation Ltd
--	-------------------------

Address - First Entry

Street number or building name	Arch 144 Eagle Yard
Street Description	Hampton Street
Town	London
County	
Post code	SE1 6SP
Registered number (where applicable)	07237574

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

Contact Details - First Entry

Telephone number	[REDACTED]
Email address	[REDACTED]

Operating Schedule

When do you want the premises licence to start?

	04/08/2021
--	------------

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

--	--

General description of premises (see guidance note 1)

	Its a Café and Restaurant, specialized in South American food
--	---

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

	Less than 5000
--	----------------

Note 1

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

Operating Schedule part 2

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

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

Provision of regulated entertainment (Please read guidance note 2)

Provision of late night refreshment

	i) Late night refreshment
--	---------------------------

Supply of alcohol

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

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

I - Late Night Refreshment

Will the provision of late night refreshment take place indoors or outdoors or both? (Please read guidance note 3)

	Indoors
--	---------

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

	Late Night Refreshment Friday and Saturday from 23:00 until 23:30 (On). Our Business Is 's a Cafe and Restaurant
--	--

Standard days & timings for Late night refreshment (Late night start time is from 23.00, see guidance notes 7)

Day	Start	Finish
Mon		
Tues		
Wed		
Thur		
Fri	23:00	23:30
Sat	23:00	23:30
Sun		

State any seasonal variations for the provision of late night refreshment (Please read guidance note 5)

--	--

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

--	--

3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
7. Please give timings in 24 hour clock (e.g. 23:00) and only give details for the days of the week when you intend the premises to be used for the activity. Start time begins from 23:00

J - Supply of Alcohol

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

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

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

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

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

--	--

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

--	--

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

	PONCES-PLAN-PDF.pdf
--	---------------------

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

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

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

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

Premises Supervisor

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

Full name of proposed designated premises supervisor

First names	Luis Ernesto
Surname	Barragan Ponce

DOB

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

Address of proposed designated premises supervisor

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

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

Personal licence number (if known)	██████████
Issuing authority (if known)	London Borough Of Lambeth

K

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

	Not Applicable
--	----------------

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

L - Hours premises are open to public

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

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

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

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

Day	Start	Finish
Mon	09:00	23:00
Tues	09:00	23:00
Wed	09:00	23:00
Thur	09:00	23:00
Fri	09:00	00:00
Sat	09:00	00:00
Sun	09:00	23:00

State any seasonal variations (Please read guidance note 5)

--	--

Non standard timings. Where you intend to use the premises to be open to the public at different times from those listed. Please list, (Please read guidance note 6)

--	--

M - Steps to promote four licencing objectives

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

	No Proof, No Sale Poster will be displayed at the window and inside the shop Signage regarding the Under 25 will be displayed Staff Training regarding the Sell of Alcohol to all new staff Members - Details of that
--	---

	<p>Training will be recorded All staff will have a refresher training every 6 x months (Sale of Alcohol) CCTV will be installed with a memory data for 31 days. We will have always a staff member that will be familiar with the CCTV operation. CCTV Will have the image quality recommended by the authorities Alcohol will be bought from Approved Suppliers Premises License Holder and DPS will participate Pub Watch participation or with other Local Crime Prevention Associations. Drunk and Violent Costumers will not be served Beers/ Ciders/Ales/Stout on sale will not Exceed 6% ABV No Vertical Drinking. Alcohol to be served with food only (On License) No Irresponsible Promotions Alcohol Drinks to be served with food only</p>
--	---

b) the prevention of crime and disorder

	<p>Staff Training regarding the Sell of Alcohol to all new staff Members - Details of that Training will be recorded CCTV will be installed with a memory data for 31 days. We will have always a staff member that will be familiar with the CCTV operation Drunk and Violent Costumers will not be served Alcohol will be bought to Approved Suppliers</p>
--	---

c) public safety

	<p>All staff will have a refresher training every 6 x months (Sale of Alcohol) CCTV will be installed with a memory data for 31 days. We will have always a staff member that will be familiar with the CCTV operation Fire Extinguishers, Smoke Alarm, Emergency Light will be installed Business to comply with Health and Safety Regulation</p>
--	---

d) the prevention of public nuisance

	<p>Deliveries and Rubbish Collection to be done by the recommended times from the Council. Signage asking to our Customers do respect our neighbours when they leave the premises or smoking will be displayed. Deliveries and Rubbish collection to be done within the times by the local Authority,</p>
--	---

e) the protection of children from harm

	<p>Under 25 Challenge No Proof, No Sale Poster will be displayed at the window and inside the shop Signage regarding the Under 25 will be displayed Signage reminding costumer that buying alcohol to Under 18 it's an offence will be displayed, Staff Training regarding the Sell of Alcohol to all new staff Members - Details of that Training will be recorded All staff will have a refresher training every 6 x months (Sale of Alcohol)</p>
--	--

Guidance note 10

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

Please upload a plan of the premises

	PONCES-PLAN-PDF.1.pdf
--	-----------------------

Please upload any additional information i.e. risk assessments

	[REDACTED]
--	------------

Checklist

	I have enclosed the plan of the premises. I understand that if I do not comply with the above requirements my application will be rejected. I understand that I must now advertise my application (In the local paper within 14 days of applying)
--	---

Home Office Declaration

Please tick to indicate agreement

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

Declaration

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

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

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

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

I agree to the above statement

	Yes
PaymentDescription	[REDACTED]
PaymentAmountInMinorUnits	[REDACTED]
AuthCode	[REDACTED]
LicenceReference	[REDACTED]
PaymentContactEmail	

Please provide name of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 12). If completing on behalf of the applicant, please state in what capacity.

Full name	Manuel Rocha
Date (DD/MM/YYYY)	05/07/2021
Capacity	Agent

Where the premises licence is jointly held, enter the 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (guidance note 13). If completing on behalf of the applicant state in what capacity

Full name	
Date (DD/MM/YYYY)	05/07/2021
Capacity	

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

Contact name and address for correspondence	[REDACTED]
Telephone No.	[REDACTED]
If you prefer us to correspond with you by e-mail, your email address (optional)	[REDACTED]

GUIDANCE NOTES

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

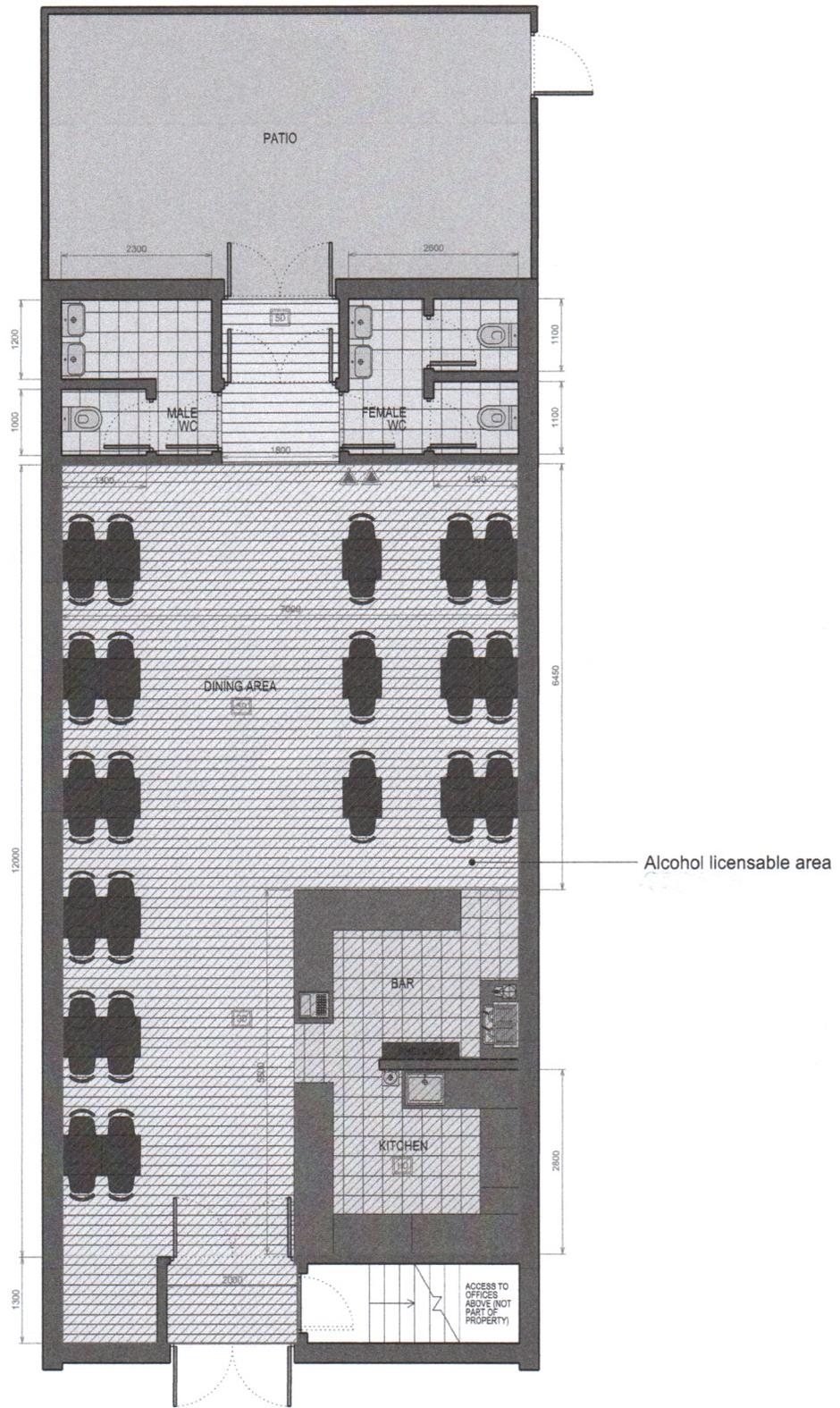
13. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.

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

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

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

The information you provide will be used fairly and lawfully and Southwark Council will not knowingly do anything which may lead to a breach of the Data Protection Act 1998.



- | | | | | | |
|--|---|---|--|--|-------------------|
|  APPLICATION AREA |  1 Hour fire compartment |  Emergency light & exit sign |  Smoke detector | FF Fridge freezer | GR Grill |
|  Fire blanket |  9 Litre water fire extinguisher |  Emergency lighting |  Gas Interlock System | FG Fridge | FY Fryer |
|  5kg CO2 Extinguisher |  Fire door locked (5mm letters) |  Primary escape route |  Fire Alarm Control Panel | FZ Freezer | FD Fridge Display |
| | |  Secondary escape route |  Central alarm | OV Oven | CK Cooker |
| | |  Heat detector (To BS5839) |  CCTV |  CCTV | TO Toaster |

 All fire doors to be 30/30 with self closers and intumescent strips

Cafe and Bar Alcohol Licence - Off Licence Ground Floor Plan

Jose Manuel Rocha
 Unit 35 Battersea Business Centre 99-109 Lavender Hill London SW11 5QL
 Tel: +44 (0) 7868 697778 - Email: manuelrocha01@hotmail.com



Applicant
 Ponce's Corporation,
 Arch 144, Eagle Yard Arch,
 Hampton Street, London,
 SE1 6SN

Number
 JR_128_001

Scale @ A4 / A2
 1:100 / 1:50

Date
 11/06/21



APPENDIX B POLICE

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: 0207 232 6756

Email: SouthwarkLicensing@met.police.uk

Date: 2nd August 2021

Re:- Corporation Ponce Arch 144 Eagle Yard Hampton Street SE16SP

Dear Sir/Madam

Police are in receipt of an application from the above a new premises licence for the sale of alcohol and late night refreshments on the premises. The premises is described as a Café and Restaurant, specialized in South American food, however the applicant has not offered any conditions to restrict the use of the premises to that of a restaurant. The premises is situated in the Elephant & Castle major town centre as detailed in Southwark's statement of licensing policy. The hours applied for are within those recommended for restaurants within the policy.

The Police object to the granting of this application on the grounds that it undermines the prevention of crime and disorder & public nuisance licensing objectives. The grounds for the objection are as follows.

This premises previously held a premises licence, however the company holding the premises licence went into liquidation in November 2020. As the premises licence was not transferred within the time limits the licence no longer exists. The premises have been running on occasions under the provision of a TEN.

On the 21st May 2021 Police attended the venue following reports it was operating without a premises licence. It was established that the premises were open and providing licensable activities without the correct permissions in place. No premises licence and no TEN in place. The premises were issued with a Sec 19 Closure notice and advised to close.

On the 25th June 2021 Police attended the premises, it was operating under a TEN. Police witnessed patrons sat at the bar with alcohol being served to customers at the bar, others were standing and or walking around the premises without face coverings. Loud amplified music was being played and a general lack of any Covid control measures in place. A prohibition notice was issued under Regulation 7 of the Covid Regulations 2021.

These two contraventions occurred during a period where no licence was in place and or the premises were operating under a TEN.

Previously in 2020 whilst a premises licence was in place there were further incidents that would undermine the prevention of crime and disorder licensing objective.

On the 11th July 2020 during a the covid pandemic the premises were found to be operating as bar/club with music and dancing taking place, no social distancing and no face coverings. The premises was also operating in contravention of the premises licence condition 840. This condition restricts the use of the premises to that of a restaurant with food served ancillary to table meals. At the time of visiting no food was seen and patrons were dancing and listening to amplified music.

On the 19th September 2020 the premises were again found operating in contravention of the Covid regulations. No social distancing in place, no face coverings being worn by patrons or staff, loud amplified music being played.

The applicant has shown a complete disregard for the then Covid regulations and for the conditions of the then premises licence. This licensed premises sits in an area that has been subject of a number of complaints from local residents due to an increase in Anti-social behaviour, some of which has been attributed to the operation of Corporation Ponce.

For the above reasons Police object to this application and is likely to undermine the prevention of crime and disorder and public nuisance licensing objectives.

If the committee decide to grant the licence we would like to see the following conditions on the licence as a minimum.

1. That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV System must be capable of capturing a clear facial image of every person who enters the premises
2. All CCTV footage be kept for a period of 31 days and shall on request be made immediately available to officers of the police and the council.
3. A member of staff should be on duty at all times the premises is open that is trained in the use of the CCTV and able to view and download images to a removable device on request of Police or council officer.
4. That all staff are trained in their responsibilities under the licensing act 2003 and training records to be kept and updated every 6 months and shall, upon request, be made immediately available to Officers of the Police and the Council.
5. Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such person as an ancillary to his meal.
6. The accommodation limit for the premises shall not exceed ???? persons (excluding staff)

7. Customers shall use no outside area after 21.00hrs other than those who temporarily leave the premises to smoke a cigarette and No more than 3 people at one any time
8. That alcohol sold, for consumption on the premises, will be by waiter / waitress service only and all customers shall be seated whilst consuming alcohol.

Yours Sincerely

PC Graham White 2288AS

Licensing Officer
Southwark Police Licensing Unit

**TRADING
STANDARDS**

From: Moore, Ray <Ray.Moore@southwark.gov.uk>
Sent: Monday, August 2, 2021 5:35 PM
To: Regen, Licensing <Licensing.Regen@southwark.gov.uk>
Subject: Representations License application for Ponce's Corporation, Arch 144, Eagle Yard, Hampton Street

Trading Standards as a responsible authority is putting in representation with respect to this application under all four licensing objectives.

These matters are in relation to numerous visits made to the premises over the last few years in relation to night time economy visits and recent work with respect to Covid legislation.

Full details of these matters will be submitted tomorrow.

Ray MOORE

Principal Trading Standards Enforcement Officer

MEMO: Licensing Unit

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

Subject Re: Corporation Ponce, Arch 144 Eagle Yard, Hampton Street, London, SE1 6SP
– Application for a premises licence

I write with regards to the above application for a premises licence, submitted by Ponce's Corporation Limited under the licensing Act 2003, which seeks the following licensable activities:

- Late night refreshment (indoors) on Friday and Saturday from 23:00 to 23:30
- Supply of alcohol (on the premises) on Sunday to Thursday from 11:00 to 22:30 and on Friday and Saturday from 11:00 to 23:30
- The opening hours will be on Sunday to Thursday from 09:00 to 23:00 and on Friday and Saturday from 09:00 to 00:00

The premises is described within the application as *'It's a café and restaurant, specialized in South American Food'*.

The premises is situated in The Elephant and Castle Major Town Centre Area.

My representation is based on the Southwark Statement of Licensing policy 2021 – 2026 and relates to the licensing objectives for the prevention of crime and disorder and the prevention of public nuisance.

This premises has previously held a premises licence, the licensee company was Sabor De Mi Tierra Limited and the company was dissolved on 03/11/2020 Mr Luis Ernesto Barragan Ponce was the named DPS on the previous licence. Mr Luis Ernesto Barragan Ponce is also the named DPS on this application and a company director of the licensee company Ponce's Corporation Limited.

I have concerns with Mr Luis Ernesto Barragan Ponce's ability to promote the licensing objectives or whether he will be able to adhere to any conditions placed upon the premises licence as the premises has been found to be in breach of several licensed conditions in the past and also other related legislation. I attached to this representation a log of officer visits, complaints and temporary event notices applied for.

Further to this, the operating schedule is lacking and the licensing objectives have not been fully addressed, in particular dispersal of patrons into the area and how the impact upon local residents could be reduced. Due to this limited information I would also ask the applicant to provide the following information:

- An accommodation limit for the premises
- To provide a written dispersal policy for the premises

Should the licensing sub- committee be of a mind to grant a licence I would recommend the following conditions are added to the premises licence:

- The accommodation limit for the premises shall not exceed ??? persons (excluding staff)
- The written dispersal policy shall be kept at the premises with the licence and made available for inspection by authorised council officers or the police. All relevant staff shall be trained in the implementation of the dispersal policy
- Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking a table meal and by consumption of such persons as an ancillary to their meal

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

I may submit further comments once all the information has been provided.

Southward'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

Officer visits – Corporation Ponce Arch 144 Eagle Yard, Hampton Street, London, SE1 6SP

date	desc	officer	text
09/02/2019	22:30 NTE Visit	Justin Williams	Visit to premises to view CCTV following last inspection to ensure premises is compliant, viewed CCTV footage for 31 days as per conditions:352353 CCTV operating in good working order. Premises is compliant.
16/08/2019	22:18 NTE Visit	Richard Kalu	Visit to premises with Clarissa O'Toole to discuss resident complaint about doors and windows being left open while regulated entertainment is taking place at the premises. Discussed complaint with Luis Ponce – [REDACTED] and was advised that the premises does not have windows and doors. Advised that as we could see the premises is operational with an acoustic lobby and there was minimal sound escape from the premises. We were advised that they would now ensure that the front lobby entrance doors were kept close at all times to minimise any sound escape from the premises. At the time of the visit there was amplified music however this could barely be heard when stood outside the front of the premises when both the entrance door and acoustic lobby area door were closed. Advised by Luis Ponce that since CCTV cameras had been installed in the courtyard of eagle yard there was now very minimal ASB issues in his opinion. He stated that he welcomed the CCTV cameras as it was an aide to assist him to defend his premises in the event that any allegations were made in relation to the premises operating outside of their hours or their patrons actions being regarded as public nuisance.
17/08/2019	23:25 NTE Visit	Charlie Jerrom	Visit to the premises with Farhad Chowdhury. We observed the outside area, all windows and doors were closed, no music was audible and the outside area was completely empty. We waited around to continue to observe. The premises remained quiet with no one coming outside. Action: Append to complaints
23/08/2019	22:40 NTE Visit	Richard Kalu	Visit to premises with Adam Burchett at request of Justin Williams to discuss resident complaints in relation to the premises allegedly using residents bins to discard their own commercial waste. Advised by the operator of the premises Luis Ernesto Barragan Ponce that this was not happening. He advised us that eagle yard was now covered by extensive CCTV cameras and if someone had taken refuse from his premises and 'dumped' rubbish in residents refuse bins that this would have been captured by CCTV and they would have been notified. I asked if it was possible that this had occurred without his knowledge and I was advised that none of his staff would do this. Mr Ponce has requested CCTV to be checked to establish who had dumped this waste and if it was any member of his staff that had done this they would be disciplined. I requested Mr Ponce speak to all his staff and advise them that it was unacceptable to use residents bins to discard commercial waste.
07/09/2019	20:23 NTE Visit	Andrew Heron	Visit with Police and TS to Corporation Ponce, as current application. Met DPS Luis Ernesto Barragan Ponce (Lambeth: [REDACTED]). Summary and full licence ok. CCTV took some time to work, but was eventually operational and recording for more than 31 days. C343 and C344 - Sound limiter, music was not being played through it -says that there is a problem with the electrical feed into it.

			The music was noticeably loud in the premises, through it was gradually turned down as we were there.C840 - Alcohol should be ancillary to food, however the premises was full, hardly any tables had food when we arrived, but all had alcohol with bottled beers in buckets and small bottles of rum. DPS says that they had already eaten. By 20:55, no tables had food). I advised that he has applied to remove this condition, that the premises should be used as a restaurant not a club, that it appears that he is already running it as a club rather than a restaurant.C351 and C362 - No staff training records. There was a sheet that staff members had signed, but it made no reference to the training that they had received.C365 - No refusals book.C354 - There was an incident book, but there was not a single incident entered in, just which SIA staff had worked each night. Warning Letter Sent.
21/09/2019	21:19 NTE Visit	Charlie Jerrom	Visit to the premises with Roy Fielding, Maria O'Mahoney and Jonathan Ducker, a full inspection was previously done by Jonathan and a S19 was issued on the licence holder for breaches of conditions. ATOV there were still breaches found, Jonathan will be writing a statement. Conditions 351, 356, 357, 362, 840 and 841 were found to be in breach. Warning letter to be sent. Action: Append to APP
22/09/2019	00:12 NTE Visit	Charlie Jerrom	Visit to the premises with Roy Fielding, premises closed ATOV. Action: Append to APP
18/10/2019	21:20 NTE Visit	Richard Kalu	Visit to premises with Ray Moore (Trading Standards Officer). Observations of premises undertaken with Ray Moore. X1 SIA member of staff carrying out searches of patron entering the premises. No patrons located outside. Acoustic lobby at the front of the premises in use as we could not hear any amplified music from our vantage point stood outside the front of the premises.
19/10/2019	23:35 NTE Visit	Charlie Jerrom	Visit to the premises with Ray Moore, we arrived and introduced ourselves to the person in charge ATOV; I explained I was there to do a re-inspection of the premises, as a warning letter was issued previously to do with breaches of licence conditions. The licence holder has corrected conditions 343, 344, 351 and 362, however 840 was still in breach. During the visit I witness alcohol on almost every table no substantial meal on any which is a clear breach of condition 840. Whilst I was there I also witness sales of alcohol at the bar area, beers were sold to customers and money was given, during the sale no food was provided. A witness statement from me and Ray Moore will be done in regards to the visit. I informed the owner he continued to operate in breach of condition 840, to which he replied it will not happen again. We left the premises at 00:02.Action: Append to APP/produce warning letter
02/11/2019	00:30 NTE Visit	Charlie Jerrom	Visit to the premises with Ken Andrews and Jonathan Ducker. Premises was closed ATOV. Action: Append to APP
03/11/2019	00:30 NTE Visit	Charlie Jerrom	Visit to the premises with John. Observations to check whether the premises were closed. The premises was closed ATOV. Action: Append to APP
09/11/2019	01:30 NTE Visit	Richard Kalu	Visit to premises with Farhad Chowdhury (Principal Health & Safety Officer) Observations of premises following resident complaints about the operation of the premises. Observation of dispersal. Premises closed ATOV no ASB in the immediate vicinity of the premises ATOV.

23/04/2020	20:10 COVID Visit	Charlie Jerrom	Shut ATOV.
14/05/2020	13:58 NTE Visit	Charlie Jerrom	Premise open at time of observation - not good social distancing -passed to the Police to visit.
22/05/2020	18:30 NTE Visit	Justin Williams	closed atov
11/07/2020	22:35 (SPOC)Covid 19	Jayne Tear	22:36 Call from CAJ RE CORPORATION PONCE, Arch 144, Eagle Yard Hampton Street,SE1 6SP. Told me flashing lights on outside, SIA on the door, premises packed) with people (no social distancing) and could hear music from the premises which was quite loud. Email sent to NTE police with licence link attached, asking them to visit. Called John to make sure they had the email. Said they did not have the iPad with them so I verbally told him of the complaint. He said they will visit.
11/07/2020	22:36 NTE Visit	Charlie Jerrom	Premises open, SIA door staff and customers standing outside, the inside looks full of people with music playing, couldn't get close enough to take a pic. Passed to Jayne to contact police
11/07/2020	23:48 (SPOC)Covid 19	Jayne Tear	23:48 Called NTE Police. Got update RE CORPORATION PONCE, Arch 144, Eagle Yard Hampton Street, SE1 6SP. He said they visited and have served a prohibition notice on the premises. Also breaches of licence conditions witnessed including breaches of the restaurant condition (840 - That intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking a substantial table meal there and for consumption by such persons as ancillary to their meal.)Jon said they had a disco and premises was packed. He has got bodycam evidence for this and said the police may look to submit a review.
12/07/2020	16:38 NTE Visit	Richard Kalu	Visit to premises to carry out licensing observation of premises in light of government Covid 19 lockdown restrictions being eased. No issues noted ATOV. No patrons located within the premises. X2 members of staff sat outside in the main eagle yard square on chairs speaking to each other
18/07/2020	23:21 NTE Visit	Farhad Chowdhury	18/ 7/2020 23:21 FRC23:21 Corporation ponce, Eagle yard SE1. Premises was open and very busy lots of customers inside about 30-40people. Met manager Mr Luis requested his risk assessments showed us, appeared okay said they are doing track and trace and they take Temperature of all customers he has purchased 3 digital thermometers. He has reduced his capacity from 120 to 60 persons now, said he is trying his very best and apologised for last weekend he didn't know about the legislation nobody dancing now he is operating now as a bar. I advised to make sure people are sitting down not standing and tables and chairs are 2m distanced from each other we then left.
29/08/2020	8:20pm NTE Visit	Justin Williams	Spoke to Mr Ponce licence holder, explained to him recent complaints from residents in relation to when patrons leave the premises the noise the make. I explained to him that better control measures need to be in place to ensure that when his customers leave they leave quietly and have consideration for the residents. Mr Ponce explained he was aware his SIA staff also acknowledged the issue that he ensures that customers leave the vicinity immediately. Mr Ponce explained that last weekend when he had the TENs about 150 people turned up from an event in Kennington and they

			tried to enter his premises. Mr Ponce was concerned and called the police. The following day one of the residents came to Mr Ponce to explain what they had seen and Mr Ponce explained the incident to the resident that those people were not his customers.
24/09/2020	19:40 NTE Visit		Observed 5 patrons seated inside the premises on tables no issues observed.
27/09/2020	18:42 NTE Visit	Charlie Jerrom	Premises was operating table service only. ATOV the outside was packed with customers waiting to be seated; there is a small issue with social distancing as members of the public walking by are not able to do so without being very close to customers waiting outside.
23/10/2020	22:42 NTE Visit	Charlie Jerrom	– Premises closed ATOV
24/10/2020	21:27 NTE Visit	Farhad Chowdhury	24/10/2020 21:27 FRC joint visit with Ray Moore and PC Maria O'Mahoney, very overcrowded inside approx. 65-70 people inside too many for social distancing tables too close to each other. Loud music being played, DJ disappeared as we arrived. Spoke to Luis Barragan-ponce licensee advised him that I am not happy with the capacity inside he needs to reduce it to maximum 40 or less and to get rid of extra tables and chairs to allow free movement without people touching each other's tables. Requested to send me his risk assessments which he did not have to hand, also advised we would be returning next weekend to check compliance. email: [REDACTED]
25/10/2020	22:35 NTE Visit	Farhad Chowdhury	25/10/2020 22:35 FRC closed no activity.
01/11/2020	22:08 NTE Visit	Farhad Chowdhury	1/11/2020 22:08 FRC open staff cleaning up throwing away rubbish customers all left.
05/11/2020	20:45 NTE Visit	Farhad Chowdhury	5/11/2020 20:45 FRC Due to government announcement that non-essential shops should be closed from 5th November 2020. The premises was closed atov.
06/11/2020	20:15 NTE Visit	Charlie Jerrom	Premises open for takeaway service only.
06/11/2020	22:12 NTE Visit	Farhad Chowdhury	6/11/2020 22:12 FRC closed atov.
08/11/2020	20:00 NTE Visit	Farhad Chowdhury	8/11/2020 20:00 FRC due to government announcement that non-essential shops should be closed from 5th November 2020. Op Moskvich Deployment premises open customers outside in cars waiting for orders. Blacked out windows can't see inside.
15/11/2020	20:03 NTE Visit	Charlie Jerrom	Premises Closed ATOV
29/11/2020	17:15 NTE Visit	Farhad Chowdhury	29/11/2020 17:15 FRC premises closed.
29/11/2020	19:25 NTE Visit	Charlie Jerrom	Premises Closed ATOV

11/12/2020	21:40 NTE Visit	Richard Kalu	Visit to premises to premises with Farhad Chowdhury (Principal Health& Safety Officer) to carry out observations following amendment to government Covid - 19 lockdown restrictions.X1 SIA member of staff carrying out searches on patrons arriving at the premises. Could clearly see X6 patrons sat at a table drinking and eating from my vantage point within my car.
11/12/2020	21:40 NTE Visit	Farhad Chowdhury	11/12/2020 21:40 FRC Barriers up outside , door searches appears to be operating as a nightclub looks overcrowded didn't enter without Police and risk of Covid.
12/12/2020	22:55 NTE Visit	Charlie Jerrom	Premises Closed ATOV
13/12/2020	21:03 NTE Visit	Farhad Chowdhury	13/12/2020 21:03 FRC very busy premises open disco lights and lots of people inside can see two SIA door staff outside.
18/12/2020	22:00 NTE Visit	Charlie Jerrom	Premises closed ATOV
20/12/2020	16:50 NTE Visit	Farhad Chowdhury	20/12/2020 16:50 FRC Due to government announcement that London is now in Tier 4 checking to see if business are compliant with the coronavirus regulations. Premises open all quiet
27/12/2020	21:45 NTE Visit	Farhad Chowdhury	27/12/2020 21:45 FRC closed
28/12/2020	20:24 NTE Visit	Farhad Chowdhury	28/12/2020 20:24 FRC closed all shut
31/12/2020	19:00 NTE Visit	Richard Kalu	Visit to location to carry out observations following amendment to government Covid - 19 lockdown restrictions. No UME taking place in the location. Drive around the locality and no activity suggesting any events due to be set up.
02/01/2021	20:07 NTE Visit	Farhad Chowdhury	2/ 1/2021 20:07 FRC closed all shut
02/01/2021	22:00 NTE Visit	Richard Kalu	Visit to location to carry out observations following amendment to government covid - 19 lockdown restrictions. Premises closed and non-operational.
08/01/2021	22:15 NTE Visit	Richard Kalu	Visit to premises to carry out observations following amendment to government Covid - 19 lockdown restrictions (Tier 4).Premises closed ATOV.
09/01/2021	21:50 NTE Visit	Farhad Chowdhury	9/ 1/2021 21:50 FRC closed all shut
09/01/2021	23:14 NTE Visit	Richard Kalu	Visit to premises to carry out observations following amendment to government Covid - 19 lockdown restrictions (Tier 4).Premises closed ATOV.
09/01/2021	23:44 NTE Visit	Charlie Jerrom	Premises Closed ATOV
10/01/2021	21:22 NTE Visit	Richard Kalu	Visit to premises to carry out observations following amendment to government Covid - 19 lockdown restrictions (Tier 4).Premises closed ATOV.
15/01/2021	22:42 NTE Visit	Richard Kalu	Visit to premises to carry out observations following amendment to government Covid - 19 lockdown restrictions (Tier 4).Premises closed ATOV.

16/01/2021	12:53 NTE Visit	Charlie Jerrom	Premises open for takeaway
16/01/2021	21:30 NTE Visit	Justin Williams	Premises closed.
16/01/2021	23:18 NTE Visit	Richard Kalu	Visit to premises to carry out observations following amendment to government Covid - 19 lockdown restrictions (Tier 4).Premises closed ATOV.
17/01/2021	22:54 NTE Visit	Richard Kalu	Visit to premises to carry out observations following amendment to government Covid - 19 lockdown restrictions (Tier 4).Premises closed ATOV.
20/02/2021	22:33 Covid Observations	Richard Kalu	Visit to premises to carry out observations following amendment to government Covid - 19 lockdown restrictions (Tier 4).Premises closed ATOV.
26/02/2021	20:33 Covid Observations	Richard Kalu	Visit to premises to carry out observations following amendment to government Covid - 19 lockdown restrictions (Tier 4).Premises closed ATOV.
27/02/2021	20:54 Covid Observations	Richard Kalu	Visit to premises to carry out observations following amendment to government Covid - 19 lockdown restrictions (Tier 4).Premises closed ATOV.
28/02/2021	20:32 Covid Observations	Richard Kalu	Visit to premises to carry out observations following amendment to government Covid - 19 lockdown restrictions (Tier 4).Premises closed ATOV.
14/03/2021	21:53 Covid Observations	Richard Kalu	Visit to premises to carry out observations following amendment to government Covid - 19 lockdown restrictions (Tier 4).Premises closed ATOV.
21/03/2021	17:00 Covid Observations	Justin Williams	Premises closed
09/05/2021	17:49 Covid Observations	Richard Kalu	Visit to premises to carry out observations following amendment to government Covid - 19 lockdown restrictions (Tier 4).Premises closed ATOV.
16/05/2021	17:22 Covid Observations	Richard Kalu	Visit to premises to carry out observations following amendment to government Covid - 19 lockdown restrictions (Tier 4).Premises closed ATOV.
21/05/2021	(22:55) SPOC Covid 19	Andrew Heron	Premises open with customers and disco lights. Customers stood drinking. PLH: Sabor De Mi Tierra Limited dissolved November 2020, so no premises licence. Ray Moore attending with NTE Police.
22/05/2021	19:50 (SPOC) Covid 19	Andrew Heron	PC Maria - Corporation Ponce – Open and trading again. Will contact Bronze to use additional closure powers, as we can do prosecution, but will take time. Asked to get ID from management. Working on her own at the moment, will get PC Dempster there.
31/05/2021	16:48 Covid Observations	Farhad Chowdhury	31/ 5/2021 16:48 FRC Visit to premises to carry out observations following amendment to government Covid - 19 regulations. Seen 3 people going in premises open.
19/06/2021	17:31 Covid Observations	Richard Kalu	Visit to premises to carry out observations following amendment to government covid - 19 lockdown restrictions (Tier 4 – Steps 3).Premises non-operational ATOV.
20/06/2021	18:24 Covid Observations	Richard Kalu	Visit to premises to carry out observations following amendment to government covid - 19 lockdown restrictions (Tier 4 – Steps 3).Premises operational however no patrons within the premises ATOV. Noted X2 staff within the premises setting up tables.

Complaints received – Corporation Ponce Arch 144 Eagle Yard, Hampton Street, London, SE1 6SP

refno	action	rdate	catg
907588	A01 Service Request/Complaint Follow	12/08/2019	L72 Public nuisance
907605	A01 Service Request/Complaint Follow	12/08/2019	L72 Public nuisance
909508	A01 Service Request/Complaint Follow	03/09/2019	L72 Public nuisance
910437	A01 Service Request/Complaint Follow	16/09/2019	L72 Public nuisance
912871	A01 Service Request/Complaint Follow	22/10/2019	L72 Public nuisance
913288	A01 Service Request/Complaint Follow	29/10/2019	L72 Public nuisance
913292	A01 Service Request/Complaint Follow	29/10/2019	L72 Public nuisance
913294	A01 Service Request/Complaint Follow	29/10/2019	L72 Public nuisance
929671	A01 Service Request/Complaint Follow	11/03/2020	L72 Public nuisance
933009	A01 Service Request/Complaint Follow	17/08/2020	L72 Public nuisance
933318	A01 Service Request/Complaint Follow	20/08/2020	L72 Public nuisance
934867	A01 Service Request/Complaint Follow	08/09/2020	L72 Public nuisance
951477	A01 Service Request/Complaint Follow	17/05/2021	L72 Public nuisance

Tens – Corporation Ponce Arch 144 Eagle Yard, Hampton Street, London, SE1 6SP

refno	name	uwstr1	start_date	end_date	times	max no people	sale of alcohol	for consumption	reg. ent	LNR	police obj	ept obj
866451	Corporation Ponce	Ground Floor	20/01/2019	20/01/2019	00:00. to 04:00.	65	Yes	On Premises	No	No	No	No
866460	Corporation Ponce	Ground floor area	26/01/2019	26/01/2019	00:00 to 04:00	65	Yes	On Premises	No	No	No	No
866824	Corporation Ponce	Ground floor only	17/02/2019	17/02/2019	00:00 to 04:00	65	Yes	On Premises	No	No	No	No
867007	Corporation Ponce	Ground floor only	03/03/2019	03/03/2019	00:00 to 04:00	65	Yes	On Premises	No	No	No	No
867246	Corporation Ponce	Ground floor only	24/03/2019	24/03/2019	00:00 to 04:00	65	Yes	On Premises	No	No	No	No
867778	Corporation Ponce	Ground floor only	24/03/2019	24/03/2019	00:00 to 04:00	65	Yes	On Premises	No	No	No	No
868008	Corporation Ponce	Ground floor only	12/05/2019	12/05/2019	00:00.- 04:00.	70	Yes	On Premises	No	No	No	No
868071	Corporation Ponce	Ground floor only	19/05/2019	19/05/2019	00:00.- 04:00.	70	Yes	On Premises	No	No	No	No
868167	Corporation Ponce	Ground floor only	26/05/2019	26/05/2019	00:00.- 04:00.	70	Yes	On Premises	No	No	No	No
868332	Corporation Ponce	Ground floor only	09/06/2019	09/06/2019	00:00.-04:00.	65	Yes	On Premises	No	No	No	No
868427	Corporation Ponce	Ground floor only	16/06/2019	16/06/2019	00:00.-04:00	65	Yes	On Premises	No	No	No	No
868525	Corporation Ponce	Ground floor only	23/06/2019	23/06/2019	00:00.-04:00	65	Yes	On Premises	No	No	No	No
869248	Corporation Ponce	Ground floor only	11/08/2019	11/08/2019	00:00-04:00 am	65	Yes	On Premises	No	No	No	No
869507	Corporation Ponce	Ground floor only	25/08/2019	25/08/2019	00:00-04:00.	70	Yes	On Premises	No	No	No	No
871562	Corporation Ponce	Ground floor only	26/01/2020	26/01/2020	00:00-04:00	70	Yes	On Premises	No	No	No	No

871563	Corporation Ponce	Ground floor only	02/02/2020	02/02/2020	00:00-04:00	0	Yes	On Premises	No	No	No	No
872306	Corporation Ponce	Ground floor only	22/03/2020	22/03/2020	00:00-04:00	70	Yes	On Premises	No	No	No	No
873092	Corporation Ponce	Ground floor only	23/08/2020	23/08/2020	00:00-04:00	60	Yes	On Premises	No	No	No	No
874850	Corporation Ponce	the Bar and Seating area of the restaurant.	04/06/2021	06/06/2021	4,5.6/06/21)(11:00 Am Until 23:30)	90	Yes	On Premises	No	Yes	No	No
874899	Corporation Ponce	bar and seating area of restaurant	11/06/2021	13/06/2021	alcohol 11:00-23:30 late night refreshment 23:00-23:30	90	Yes	On Premises	No	Yes	No	No
874933	Corporation Ponce	bar and seating area of restaurant	18/06/2021	18/06/2021	11:00-00:00 Daily	90	Yes	On Premises	No	Yes	No	No
874990	Corporation Ponce	bar and seating area of restaurant	25/06/2021	27/06/2021	11:00-00:00 Daily	90	Yes	On Premises	No	Yes	No	No
875044	Corporation Ponce	bar and seating area of restaurant	02/07/2021	04/07/2021	11:00-00:00 Daily	90	Yes	On Premises	No	No	No	No
875046	Corporation Ponce	bar and seating area of restaurant	09/07/2021	11/07/2021	11:00-00:00 Daily	90	Yes	On Premises	No	Yes	No	No
875183	Corporation Ponce	bar and seating area of restaurant	30/07/2021	01/08/2021	11:00-00:00 Daily	90	Yes	On Premises	No	Yes	Yes	No

OTHER PERSON A

From: [REDACTED]
Sent: Sunday, August 1, 2021 6:31 PM
To: Regen, Licensing <Licensing.Regen@southwark.gov.uk>
Subject: Applications for Premises Licences, Club Registrations, and Reviews
Details for Licence Number: 875108

Dear Sir or Madam,

I am writing to express my concern in relation with to Ponce's Corporation Ltd application for a new premises licence.

I object to the application, mainly due to the third licensing objective: the prevention of public nuisance.

I live in [REDACTED] My flat is on the 16 floor, directly facing the viaduct which houses the arch were this business is located.

I have lived at this address since February 1989: more than 32 years. When I moved in, the arches under this section of the viaduct were used as workshops and warehouses, and those businesses on the whole were active Mon-Fri and closed by 19:00.

Recently, particularly during the warm season, I have been awoken on several occasions by noise associated with late night activity at this location.

The racket at times comes from patrons gathered outside having loud conversations and disputes with raised voices, and also from staff disposing of rubbish (including bottles) after the business is closed to the public.

The sound dynamics of the space mean that even when customers are standing directly next to the viaduct, noise travels across the yard and causes a disturbance to neighbouring residents.

Licensing sub-committees convened by the council have in recent months considered several applications relating to premises in Eagle Yard (aka Maldonado Walk).

Whereas the other premises are shielded from their neighbours by Crossway Church, Corporacion Ponce's premises opens directly onto the servicing yard, so the impact of the behaviour of people leaving the venue is felt directly by residents in Draper House and Wollaston Close (both part of the Draper Estate) and the Strata tower.

More recently, residents from the Draper Estate and Strata have been cooperating to respond to the problems caused by customers at the Maldonado Walk venues, most notably Corporacion Ponce.

I am aware that the venue has a chequered licensing compliance record, and that my neighbours called the police on a number of occasions to raise concerns about activity in the bar during the period when COVID-19 lockdown measures were in force.

As neighbours, we have limited confidence that licensing conditions will be adhered to in future.

I am chair of our TRA, the Draper Residents Association, and many of my neighbours have spoken to me of how inconvenienced they are by the noise emanating from crowds entering and exiting these premises, and loitering outside.

I note that the licence being sought is slightly more limited in hours and activities than the licence previously associated with this venue, which is to be welcomed.

However, two obvious points of difference from the previous licence conditions are evident.

The current application:

- Makes no provision for SIA registered door supervisors
- Has no condition requiring customers ordering alcohol to be consuming a substantial table meal

On the SIA point, I would note that whilst the previous licence required door supervisors on Friday and Saturday nights, the rowdiest night at Ponce's in recent years was actually Sunday (as my neighbours will confirm). If that is likely to be the case in future, the council should consider whether Sundays should be treated the same as Fridays and Saturdays when looking at potential conditions.

Given that the current application seems to be more restaurant-oriented than the previous one, I would suggest that a condition requiring substantial table meals might be reasonable here too.

I would ask the council to set suitable conditions on the licence to protect the amenity of residential neighbours. These should include a formal dispersal policy (similar to the requirement on neighbouring licences) which should consider the cumulative impact of dispersing customers from all the venues in Maldonado Walk.

As residents, our primary issue is with the way that customers disperse (or fail to disperse) from the premises, rather than with nuisance from what takes place inside the venue.

For other venues, conditions as to the times at which rubbish can be processed and placed outside have been imposed by the council, and I would ask that this is also considered here.

Please keep me updated on the progress of this application. I would like to attend any sub-committee meeting. If such a meeting is to be held remotely, please ensure that it is hosted on a platform that will work on all operating systems (ie not only accessible to those running Windows on their computers). I would recommend Zoom instead.

Best regards,

██████████
██████████
██████████████████
██████████

From: [REDACTED]
Sent: Friday, July 30, 2021 3:29 PM
To: Regen, Licensing <Licensing.Regen@southwark.gov.uk>
Subject: Corporation Ponce licence application no 875108

Dear officers and councillors

Re Corporation Ponce licence application no 875108.

Ponce's Corporation
Arch 144, Eagle Yard Hampton Street
SE1 6SP

I urge you not to renew the license of the above establishment. It has been a centre for crime and disorder and anti-social behaviour for a number of years and is a blight on the community of draper estate and strata building.

Crime and disorder

On so many numerous occasions, I have seen people taking drugs outside the establishment.

I have witnessed on numerous occasions people leaving the establishment and having verbal arguments while extremely drunk.

I have witnessed on numerous occasions, people completely drunk and completely incapable of walking because of the amount of alcohol they have consumed.

Anti social behaviour

On so many numerous occasions I have been woken up by people, shouting and arguing with each other while leaving the club. (it is a club not a restaurant)

On numerous occasions, I have seen the door man stand by, while people were standing outside smoking and shouting and laughing creating nuisance and anti social behaviour. The door men never intervene to stop this.

On numerous occasions, I have seen men urinating after leaving the club.

I was told by another witness that the chef came out of club and urinated outside.

On numerous occasions, I have seen and heard, music emanating from persons cars who have left ponce and getting into their cars parked outside of club. Then, sitting for long periods of time with music on high volume.

Health and safety

On numerous occasions, I have seen men urinating after leaving the club. The area stinks of urine behind Crossways church.

People on the estate fear for their safety when ponce is open because the area has become a centre for crime and anti social behaviour, since ponce was opened.

Protection of children from harm

The constant noise and anti social behaviour from ponce, is making difficult for children to sleep at night.

For the sake of our health and safety and so we can have a peaceful area again, please do not grant this organisation a licence again.

They have got absolutely no respect for the local residents and have made no attempt whatsoever to contact the local community to liaise with us re any problems.

I also urge the committee, see photos of area which show the very close proximity of ponce to residential areas, and consider a saturation policy for immediate area. Strictly limiting licensing hours for this area of Eagle Yard.

██████████
██████████████████
██████████

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Sunday 1 August 2021

Dear Sir/Madam

Re: licence application 875108

I write in connection with the application by Ponce's Corporation Ltd for a new premises licence.

I object to the application, primarily in connection with the third licensing objective: namely, the prevention of public nuisance.

I live in [REDACTED] My flat is on the first floor, directly opposite the premises which is on the other side of the servicing yard at the rear of the Strata SE1 tower.

I have lived at this address for more than six years.

In recent years - especially during the summer months - I have been disturbed on multiple occasions by noise associated with late night activity at this premises.

The noise sometimes comes from patrons gathered outside having loud conversations and disputes with raised voices, and sometimes from staff dealing with rubbish - including bottles - after the premises has closed.

The acoustic qualities of the space mean that even when customers are standing directly next to the railway arches, noise travels across the yard and causes a disturbance to neighbouring residents.

Licensing sub-committees convened by the council have in recent months considered several applications relating to premises in Eagle Yard (aka Maldonado Walk).

Whereas the other premises are shielded from their neighbours by Crossway Church, Corporacion Ponce's premises opens directly onto the servicing yard, so the impact of the behaviour of people leaving the venue is felt directly by residents in Draper House and Wollaston Close (both part of the Draper Estate) and the Strata tower.

I have been in contact twice (in 2019 and 2020) with the North Walworth councillors regarding the problems with noise from venues under the railway arches, and have made representations on several licensing and planning applications.

More recently, residents from the Draper Estate and Strata have been cooperating to respond to the problems caused by customers at the Maldonado Walk venues, most notably Corporacion Ponce.

I am aware that the venue has a chequered licensing compliance record, and that my neighbours called the police on a number of occasions to raise concerns about activity in the bar during the period when COVID-19 lockdown measures were in force.

As neighbours, we have limited confidence that licensing conditions will be adhered to in future.

I note that the licence being sought is slightly more limited in hours and activities than the licence previously associated with this venue, which is to be welcomed.

However, two obvious points of difference from the previous licence conditions are evident.

The current application:

- Makes no provision for SIA registered door supervisors
- Has no condition requiring customers ordering alcohol to be consuming a substantial table meal

On the SIA point, I would note that whilst the previous licence required door supervisors on Friday and Saturday nights, the rowdiest night at Ponce's in recent years was actually Sunday (as my neighbours will confirm). If that is likely to be the case in future, the council should consider whether Sundays should be treated the same as Fridays and Saturdays when looking at potential conditions.

Given that the current application seems to be more restaurant-oriented than the previous one, I would suggest that a condition requiring substantial table meals might be reasonable here too.

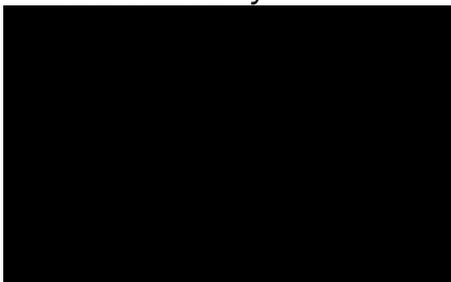
I would ask the council to set suitable conditions on the licence to protect the amenity of residential neighbours. These should include a formal dispersal policy (similar to the requirement on neighbouring licences) which should consider the cumulative impact of dispersing customers from all the venues in Maldonado Walk.

As residents, our primary issue is with the way that customers disperse (or fail to disperse) from the premises, rather than with nuisance from what takes place inside the venue.

For other venues, conditions as to the times at which rubbish can be processed and placed outside have been imposed by the council, and I would ask that this is also considered here.

Please keep me updated on the progress of this application. I would like to attend any sub-committee meeting.

Yours sincerely



OTHER PERSON D

From: [REDACTED]
Sent: Tuesday, July 27, 2021 2:41 AM
To: Regen, Licensing <Licensing.Regen@southwark.gov.uk>
Subject: 875108

Dear sir/madam,

I would like to object to the above application on the following grounds.

These premises have caused me and my fellow residents endless trouble.

The owners/management have no respect for the community or the law.

During two lockdowns this venue regularly held large scale raves and we had to call the police out to close them down, then they would do the very same thing the next night. I believe we had to call the police around 8 times in around 2 weeks.

This venue was supposed to be a restaurant but I can assure the committee it is just a cover for a nightclub.

The patrons stand outside shouting , cars pull up with loud music .

They have been regular fights with constant screaming from patrons.

The venue draws in patrons that make the residents feel unsafe.

On their big party night they employ a security guard outside, in practice restaurants don't have security on the door.

Not that it does any good because the security just play around with the patrons, it is just a show.

Yours sincerely

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

OTHER PERSON E

From: [REDACTED]
Sent: Friday, July 30, 2021 9:08 AM
To: Regen, Licensing <Licensing.Regen@southwark.gov.uk>
Subject: objection to license no. 875108

Friday 30th July 2021

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

To whom it may concern,

I am writing to object to the current licence application for the following:

Ponce's Corporation
Arch 144, Eagle Yard Hampton Street
SE1 6SP
Licence number: 875108

The reasons are as follows:

prevention of crime and disorder and public safety

At present, the 100m pedestrian walk has already four or five premises licensed to sell alcohol with live and or recorded music. Similar premises next to the applicant's venue have been attracting considerable amount of people, causing nuisance (for example shouting outside my window) and when Ponce was operating last time, many residents had to endure spontaneous parties outside their windows or at worst, loud fights. These gatherings often happened and still happen after closing hours, with the knowledge of the premises' management and despite conditions that should prevent this from happening. Several reports have been filed by local residents to the noise team as well as the police and anti-social behaviour team.

In the past Ponce also allowed punters to regularly leave premises with drinks in cups (I have several videos and photographs documenting this), further encouraging anti-social behaviour.

prevention of public nuisance

Vandalism has been noted in the immediate adjacent area, including the Crossway Church; I often witness people freely urinating outside my window. There is now widespread of littering and food waste along Maldonado Walk and often see broken bottles on the ground in the morning. When Ponce was operating, this was even worse.

Furthermore, I'm concerned about the section of prevention of public nuisance in the application. This is what it entails:

'Deliveries and Rubbish Collection to be done by the recommended times from the Council. Signage asking to our Customers do respect our neighbours when they leave the premises or smoking will be displayed. Deliveries and Rubbish collection to be done within the times by the local Authority'.

To me, these are lax conditions, for instance, no condition is set to a limit of people smoking outside, no condition of limiting the amount of people inside the premises, no condition of having security at the door (only two doors down, there was a stabbing recently) and no condition asking the premises to keep a record of complaints and incidents. The posters advising people to leave considerably are just not enough as historically this venue has caused many incidents of public nuisance in the past. I'm also concerned about the late opening on a Sunday: people have a right to rest and be ready to function on a Monday morning (I have to get up at 6 am, for example). Closing at 11 pm on a Sunday means people dispersing loudly until 11:30/midnight and that 's not good enough.

The local residents are already suffering due to the nuisance caused by current venues. Additional licences further worsen the frankly current intolerable conditions in what is largely a residential area.

Your sincerely,

██████████

OTHER PERSON F

From: [REDACTED]
Sent: Monday, August 2, 2021 1:36 PM
To: Regen, Licensing <Licensing.Regen@southwark.gov.uk>
Cc: [REDACTED]
Subject: Ref license application 875108

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
Monday 2nd August 2021

Dear Sir/Madam

Re: licence application 875108

I write in connection with the application by Ponce's Corporation Ltd for a new premises licence.

I object to the application, primarily in connection with the third licensing objective: namely, the prevention of public nuisance.

I live in Draper House, and live on the other side of the establishment.

Whilst I cannot say I am directly affected by the noise and antisocial behaviour from the premises in question, as Vice Chair of the resident association, I have been affected by late night requests for advice in our WhatsApp group on what to do about such situations and have followed up such events with emails to the relevant bodies on behalf of my neighbours. I have also taken it upon myself on two occasions to go downstairs to see what is being reported. On occasions when asked I have always advised residents to call the police and to keep a diary of dates, times and activity and if possible photos or videos.

The following are things that have been reported.

Patrons gathered outside either smoking or not during the evenings having loud conversations and sometimes arguments.

Draper and Strata House are built in a way that appears to create a situation that amplifies sound and whilst the noise may sound reasonable on ground level it sounds much louder from the flats higher up in Draper House. Since Covid, it has no longer been possible for residents to get the noise team into their properties to assess the noise level which has added to their frustrations.

Whereas the other premises are shielded from their neighbours by Crossway Church, Corporation Ponce's premises opens directly onto the servicing yard, so the impact of the behaviour of people leaving the venue is felt directly by residents in Draper House and Wollaston Close (both part of the Draper Estate) and the Strata tower.

Last year, I was in contact with local police ward officers, Southwark's license team and the police's license team for assistance. All were very helpful in what they could do. The police advised residents to call the police when necessary.

Since last summer residents from the Draper Estate and Strata have been working together and responding to the problems caused by customers at the Maldonado Walk venues, most notably Corporacion Ponce.

I am aware that the venue has a chequered licensing compliance record, and that my neighbours called the police on a number of occasions to raise concerns about activity in the bar during the period when COVID-19 lockdown measures were in force.

As neighbours, we have limited confidence that licensing conditions will be adhered to in future.

I note that the licence being sought is slightly more limited in hours and activities than the licence previously associated with this venue, which is to be welcomed.

However, two obvious points of difference from the previous licence conditions are evident.

The current application:

-
-
- Makes no provision for SIA registered door supervisors
-
-
- Has no condition requiring customers ordering alcohol to be consuming a substantial table meal
-

On the SIA point, I would note that whilst the previous licence required door supervisors on Friday and Saturday nights, the rowdiest night at Ponce's in recent years was actually Sunday (as my neighbours will confirm). If that is likely to be the case in future, the council should consider whether Sundays should be treated the same as Fridays and Saturdays when looking at potential conditions.

Given that the current application seems to be more restaurant-oriented than the previous one, I would suggest that a condition requiring substantial table meals might be reasonable here too.

I would ask the council to set suitable conditions on the licence to protect the amenity of residential neighbours. These should include a formal dispersal policy (similar to the requirement on neighbouring licences) which should consider the cumulative impact of dispersing customers from all the venues in Maldonado Walk.

As residents, our primary issue is with the way that customers disperse (or fail to disperse) from the premises, rather than with nuisance from what takes place inside the venue.

For other venues, conditions as to the times at which rubbish can be processed and placed outside have been imposed by the council, and I would ask that this is also considered here.

Yours sincerely

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

OTHER PERSON G

From: [REDACTED]
Sent: Monday, August 2, 2021 9:14 PM
To: Regen, Licensing <Licensing.Regen@southwark.gov.uk>
Subject: objection licence application 875108

Dear Sir/Madam

Re: licence application 875108

I write in connection with the application by Ponce's Corporation Ltd for a new premises licence.

I object to the application, primarily in connection with the third licensing objective: namely, the prevention of public nuisance.

I live in Strata. My flat is on the 6th floor, directly with windows to the premises on the left and service yard in front.

I have lived at this address for more than ten years.

In recent years - especially during the summer months - I have been disturbed on multiple occasions by noise associated with late night activity at this premises.

The noise sometimes comes from patrons gathered outside having loud conversations and disputes with raised voices, urinating and sometimes from staff dealing with rubbish - including bottles - after the premises has closed or in early hours of the morning outside of agreed hrs of collection.

The acoustic qualities of the space mean that even when customers are standing directly next to the railway arches, noise travels across the yard and causes a disturbance to neighbouring residents.

Licensing sub-committees convened by the council have in recent months considered several applications relating to premises in Eagle Yard (aka Maldonado Walk).

Whereas the other premises are shielded from their neighbours by Crossway Church, Corporacion Ponce's premises opens directly onto the servicing yard, so the impact of the behaviour of people leaving the venue is felt directly by residents in Draper House and Wollaston Close (both part of the Draper Estate) and the Strata tower.

I have been in contact multiple times with the North Walworth councillors regarding the problems with noise from venues under the railway arches, and have made representations on several licensing and planning applications.

More recently, residents from the Draper Estate and Strata have been cooperating to respond to the problems caused by customers at the Maldonado Walk venues, most notably Corporacion Ponce.

I am aware that the venue has a chequered licensing compliance record, and that my neighbours called the police on a number of occasions to raise concerns about activity in the bar during the period when COVID-19 lockdown measures were in force.

As neighbours, we have limited confidence that licensing conditions will be adhered to in future.

I note that the licence being sought is slightly more limited in hours and activities than the licence previously associated with this venue, which is to be welcomed.

However, two obvious points of difference from the previous licence conditions are evident.

The current application:

-
-
- Makes no provision for SIA registered door supervisors
-
-
- Has no condition requiring customers ordering alcohol to be consuming a substantial table meal
-

On the SIA point, I would note that whilst the previous licence required door supervisors on Friday and Saturday nights, the rowdiest night at Ponce's in recent years was actually Sunday (as my neighbours will confirm). If that is likely to be the case in future, the council should consider whether Sundays should be treated the same as Fridays and Saturdays when looking at potential conditions.

Given that the current application seems to be more restaurant-oriented than the previous one, I would suggest that a condition requiring substantial table meals might be reasonable here too.

I would ask the council to set suitable conditions on the licence to protect the amenity of residential neighbours. These should include a formal dispersal policy (similar to the requirement on neighbouring licences) which should consider the cumulative impact of dispersing customers from all the venues in Maldonado Walk.

As residents, our primary issue is with the way that customers disperse (or fail to disperse) from the premises, rather than with nuisance from what takes place inside the venue.

For other venues, conditions as to the times at which rubbish can be processed and placed outside have been imposed by the council, and I would ask that this is also considered here.

I would also like to make you aware that the sound system of the venue was upgraded, we could witness that during the weekend licencing that was granted by the council. The venue kept their doors open till the late hrs of the night and noise was bouncing around the yard.

We also had youth gathering around premises we didnt have before with alcohol and drugs being consumed around the premises and behind the church

Please keep me updated on the progress of this application. I would like to attend any sub-committee meeting.

Best wishes

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

Licensing Act 2003 Premises Licence

APPENDIX D



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

Premises licence number

864230

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Ponce's Coporation Ltd Arch 144, Eagle Yard Hampton Street London SE1 6SP	
Ordnance survey map reference (if applicable), 532057178730	
Post town London	Post code SE1 6SP
Telephone number [REDACTED]	

Where the licence is time limited the dates

Licensable activities authorised by the licence

Live Music - Indoors
Recorded Music - Indoors
Late Night Refreshment - Indoors
Sale by retail of alcohol to be consumed on premises

The opening hours of the premises

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

Monday	09:00 - 23:00
Tuesday	09:00 - 23:00
Wednesday	09:00 - 23:00
Thursday	09:00 - 23:00
Friday	09:00 - 00:00
Saturday	09:00 - 00:00
Sunday	09:00 - 23:00

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

The times the licence authorises the carrying out of licensable activities

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

Live Music - Indoors

Friday	14:00 - 23:30
Saturday	14:00 - 23:30
Sunday	14:00 - 22:30

Recorded Music - Indoors

Friday	14:00 - 23:30
Saturday	14:00 - 23:30
Sunday	14:00 - 22:30

Late Night Refreshment - Indoors

Friday	23:00 - 23:30
Saturday	23:00 - 23:30

Sale by retail of alcohol to be consumed on premises

Monday	14:00 - 22:30
Tuesday	14:00 - 22:30
Wednesday	14:00 - 22:30
Thursday	14:00 - 22:30
Friday	14:00 - 23:30
Saturday	14:00 - 23:30
Sunday	14:00 - 22:30

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

Sabor De Mi Tierra Limited
Arch 144, Eagle Yard,
Hampton Street,
London,
SE1 6SP
[REDACTED]

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

11365743

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

Luis Ernesto Barragan Ponce
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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

Licence No. [REDACTED]
Authority L.B. Lambeth

Licence Issue date 30/07/2018

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

Annex 1 - Mandatory conditions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

489 The responsible person shall ensure that -

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

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

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

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

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

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

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula $P = D + (D \times V)$, where-

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

- (i) the holder of the premises licence;
- (ii) the designated premises supervisor (if any) in respect of such a licence; or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (iv) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(v) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

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

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

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

Annex 2 - Conditions consistent with the operating Schedule

- 340** That no noise shall emanate from the premises, nor vibration be transmitted through the structure of the premises, which gives rise to a nuisance.
- 341** That the applicant shall adequately ventilate the premises to allow doors and windows to remain closed during licensed entertainment.
- 342** That the applicant shall close all entrance doors when regulated entertainment takes place except for the purpose of immediate access and egress of persons to and from the premises. All externally facing windows must be kept shut at any time that regulated entertainment is provided at the premises.
- 343** That the applicant shall install a sound limiter device which shall be set and maintained to ensure that the maximum sound level of amplified music, song or speech at the premises does not cause a public nuisance in the vicinity of the premises or intrude inside the nearest noise sensitive premises.
- 344** That the applicant shall route any sound generating / amplification equipment used at the premises through the sound limiter device.
- 345** That the applicant shall prominently display clearly legible signage at all patron exits requesting that patrons leave the premises in a quiet and orderly manner that is respectful to the neighbours.
- 346** That the applicant shall employ suitably experienced person(s) at all times during licensable activities to ensure that patrons do not cause a nuisance in the vicinity of the premises.
- 347** That there shall be no more than five customers permitted to smoke outside the premises at any one time after 21:00 hours.
- 348** That the applicant shall not permit patrons to take drinks outside the premises at any time.
- 349** That the applicant shall keep the pavement in the immediate vicinity of the premises free from litter emanating from the premises while the premises are open.
- 350** That the applicant shall properly present and place out all waste for collection no earlier than 30 minutes before the scheduled collection times.
- 351** That all staff shall be trained in respect of the terms and conditions of this licence and their responsibilities in respect of the sale of alcohol. A record of such training shall be kept / be accessible at the premises at all times and will be made immediately available to council or police officers on request. The training record shall include the trainee's name (in block capitals), the trainer's name (in block capitals), the signature of the trainee, the signature of the trainer, the date(s) of training and a declaration that the training has been received. Staff shall receive documented refresher training every 6 months.
- 352** That a CCTV system be installed at the premises, be maintained in full working order and be continually recording at all times the premises are in use. The CCTV system shall have a minimum of 9 cameras.
- 353** That all CCTV footage be kept for a period of 31 days and shall be made immediately available to officers of the police and the council on request.

354 An incident book / incident recording system shall be maintained at the premises to record details of any of the following occurrences at the premises:

- Instances of anti-social or disorderly behaviour
- Violence
- Calls to the police or fire brigade
- Abuse of staff and / or customers
- Ejections of people from the premises
- Visits to the premises by the local authority, police or fire brigade
- Refused sales of alcohol
- Any malfunction in respect of the CCTV system
- Any other relevant incidents

The incident book / incident recording system shall record the time, date, location and description of each incident, the printed and signed name of the person reporting the incident and any action taken in respect of the incident. The incident book / incident recording system shall be available / be accessible at the premises at all times that the premises are in use and shall be made available to officers of the council, police or fire brigade on request.

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

356 That a register of refused sales of alcohol shall be maintained in order to demonstrate effective operation of the challenge 25 policy. The register shall be clearly and legibly marked on the front cover as a register of refused sales, with the address of the premises and with the name and address of the licence holder. The register shall be kept / be accessible at the premises at all times. The register shall be made immediately available to council or police officers on request. At any time, the preceding 12 months refusal register details shall be available at the premises.

357 That all staff shall be trained in the emergency procedures & emergency evacuation procedure(s) at the premises. A record of such training shall be kept / be accessible at the premises at all times and will be made immediately available to council or police officers on request. The training record shall include the trainee's name (in block capitals), the trainer's name (in block capitals), the signature of the trainee, the signature of the trainer, the date(s) of training and a declaration that the training has been received.

358 That all waste from the premises shall be deposited into suitable receptacles.

359 That any waste in the immediate external area around the premises arising from the operation of the premises shall be cleared away at the end of trade on each day.

361 That all entrances and exits, emergency exits and emergency escape routes shall be kept free from obstructions at all times that the premises are in use.

362 That all staff involved in the sale of alcohol shall be trained in the challenge 25 scheme in operation at the premises. A record of such training shall be kept / be accessible at the premises at all times and be made immediately available for inspection at the premises to council or police officers on request. The training record shall include the trainee's name (in block capitals), the trainer's name (in block capitals), the signature of the trainee, the signature of the trainer, the date(s) of training and a declaration that the training has been received. Staff shall receive documented refresher training every 6 months.

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

840 That intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking a substantial table meal there and for consumption by such persons as ancillary to their meal.

841 That a comprehensive dispersal policy shall be produced and implemented at the premises, with all staff trained on the most up to date policy. A record of staff training on the dispersal policy shall be kept at the premises and made available to officers of the council or the police on request.

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

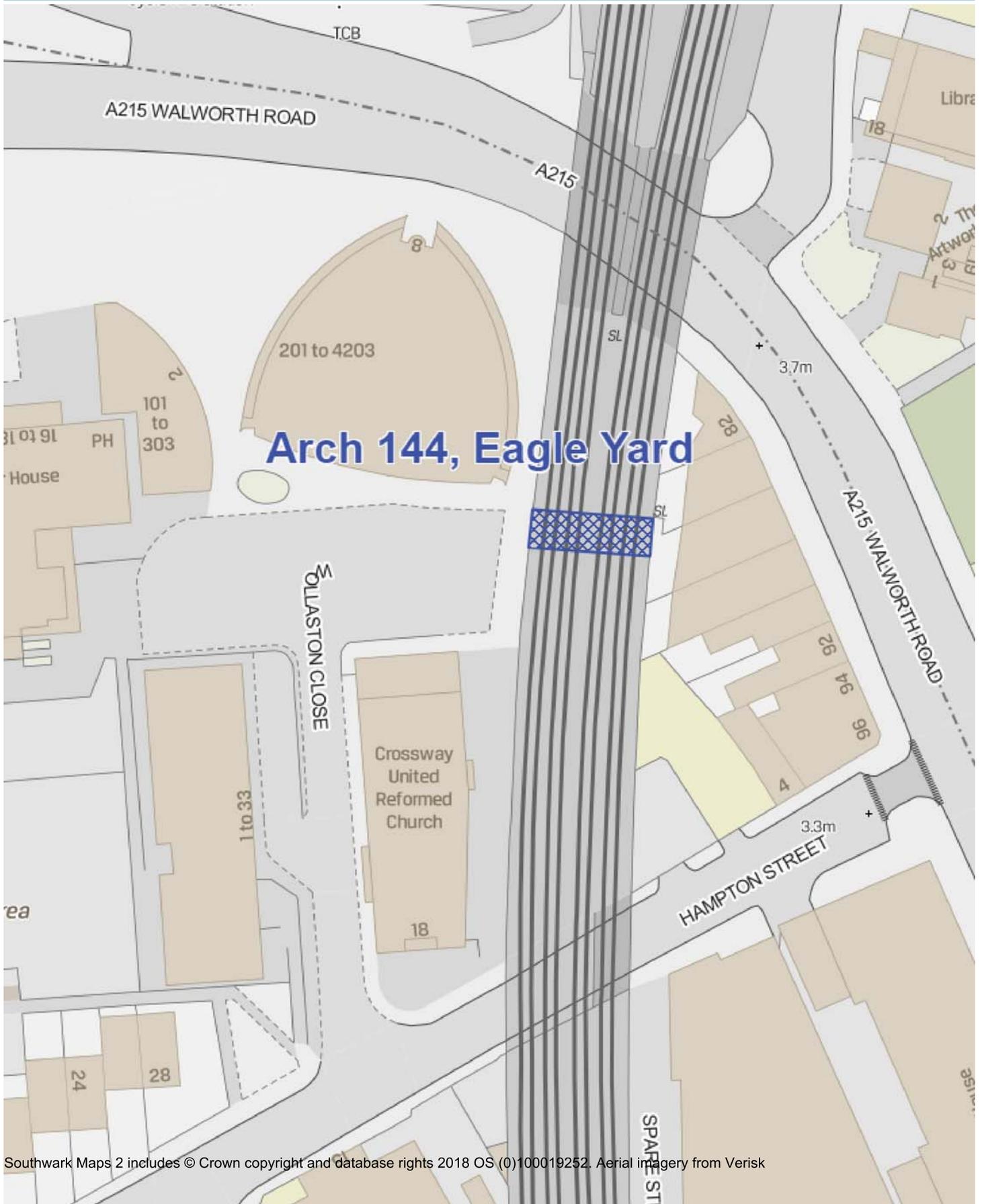
843 That on Fridays and Saturdays one SIA registered door supervisor shall patrol the outside the areas of the premises between the hours of 21:00 and 00:00 to monitor the patrons and number of smokers outside the premises.

Annex 4 - Plans - Attached

Licence No. 864230

Plan No. 01

Plan Date 16/07/2011



Arch 144, Eagle Yard

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