

Licensing Sub-Committee

Thursday 31 August 2023

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 Jane Salmon (Vice-Chair, in the Chair)
Councillor Barrie Hargrove
Councillor Kath Whittam

Reserves

Councillor Sunny Lambe

INFORMATION FOR MEMBERS OF THE PUBLIC

Access to information

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

Babysitting/Carers allowances

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Access

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Contact

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

Members of the committee are summoned to attend this meeting

Althea Loderick

Chief Executive

Date: 22 August 2023



Licensing Sub-Committee

Thursday 31 August 2023
10.00 am

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Order of Business

Item No.	Title	Page No.
	PART A - OPEN BUSINESS	
1.	APOLOGIES	
	To receive any apologies for absence.	
2.	CONFIRMATION OF VOTING MEMBERS	
	A representative of each political group will confirm the voting members of the committee.	
3.	NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT	
	In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.	
4.	DISCLOSURE OF INTERESTS AND DISPENSATIONS	
	Members to declare any interests and dispensation in respect of any item of business to be considered at this meeting.	
5.	LICENSING ACT 2003: LANT STREET WINE COMPANY, 59-61 LANT STREET, LONDON SE1 1QN	1 - 65
	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: 22 August 2023

Item No. 5.	Classification: Open	Date: 31 August 2023	Meeting Name: Licensing Sub-Committee
Report Title		Licensing Act 2003: Lant Street Wine Company, 59-61 Lant Street, London SE1 1QN	
Ward(s) of group(s) affected		Borough and Bankside	
From		Strategic Director of Environment, Neighbourhoods and Growth	

RECOMMENDATION

1. That the licensing sub-committee considers an application made by Lant Street Wine Company Limited to vary the premises licence granted under the Licensing Act 2003 in respect of the premises known as the Lant Street Wine Company, 59-61 Lant Street, London SE1 1QN.
2. Notes:
 - a) The application seeks to vary the premises licence held in respect of the premises known as the Lant Street Wine Company, 59-61 Lant Street, London SE1 1QN under section 34 of the Licensing Act 2003. Existing permitted licensable activities are not under consideration at this meeting. The variation application is subject to representations submitted by a responsible authority and is therefore referred to the licensing sub-committee for determination.
 - b) Paragraph 8 of this report provides a summary of the current premises licence issued in respect of the premises. A copy of the current premises licence is attached as Appendix A.
 - c) Paragraphs 9 to 13 of this report provide a summary of the application. A copy of the application is attached to this report as Appendix B.
 - d) Paragraphs 14 to 24 of this report deal with the representations submitted in respect of the application. Copies of the representations are attached to this report as Appendices C. A map showing the location of the premises is attached to this report as Appendix F.
 - e) 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 procedure, 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 current premises licence

8. The current version of the premises licence issued in respect of the premises known as the Lant Street Wine Company, 59-61 Lant Street, London SE1 1QN was issued on 4 March 2021 and allows the following licensable activities:
 - **Films – indoors:**
 - Monday to Saturday: 08:00 to 23:00
 - Sunday: 10:00 to 22:30

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

Note: recorded music is exempt under the Licensing Act 2003 between 08:00 and 23:00 at a premises which holds a premises licence and on sales of alcohol are available, where the capacity is under 500 persons.

- **The sale of alcohol to be consumed on the premises:**
 - Monday to Saturday: 08:00 to 22:30
 - Sunday: 10:00 to 22:00
- **The sale of alcohol to be consumed off the premises:**
 - Monday to Saturday: 08:00 to 23:00
 - Sunday: 10:00 to 22:30
- **Opening hours:**
 - Monday to Saturday: 08:00 to 23:00
 - Sunday: 10:00 to 22:30.

9. A copy of the existing premises licence is attached as Appendix A.

The variation application

10. On 8 July 2023 Lant Street Wine Company Limited applied to this council to vary the premises licence granted under the Licensing Act 2003 in respect of the premises known as Lant Street Wine Company, 59-61 Lant Street, London SE1 1QN.

11. The application is summarised as follows:

- A Wine Bar at No. 59, adjoining a retail Wine Shop at No. 61.
No. 59 has been granted Change of Use, Planning Permission to operate "... the ground floor of No. 59 Lant Street from wine warehouse (Use Class B8) to a wine bar (Sui generis) in connection with the existing use of No. 61 Lant Street as a wine shop."
- Annex 2:
 - Remove Condition 125.
 - Remove Condition 127b
 - Condition 307: Increase the combined accommodation limit of No. 59-61 to 120 persons. The current capacity was set when the Premises operated solely as a Wine Shop at No. 61.

12. The application also asked for the sale of alcohol for both on and off the premises for the same times as the off sales, this indicates that the on sales are requested to increase to the following times:
 - **The sale of alcohol to be consumed on the premises:**
 - Monday to Saturday: 08:00 to 23:00
 - Sunday: 10:00 to 22:30
13. The applicant has subsequently stated that it was not his intention to extend the on sales of alcohol.
14. A copy of the application is attached to this report as Appendix B.

Representations from responsible authorities

15. Representations were received from two responsible authorities, the Metropolitan Police Service and the environmental protection team.
16. The police representations states that the premises is within Borough and Bankside cumulative impact area and is concerned that the application did not propose adequate control measures with regards to the prevention of crime and disorder to address the removal of conditions and increase in the times for on sales of alcohol.
17. The applicant stated that it was not his intention to increase the hours for the on sales of alcohol and agreed a number of conditions offered by the police.
18. The police therefore withdrew their representation.
19. The environmental protection team representation is concerned under the grounds of the prevention of public nuisance with only with the proposed amendment to condition 307 to increase the maximum customer capacity from 32 to 120 persons.
20. They state that the acoustic reports conducted reports by RBA Acoustics were based on the noise created by 32 patrons, not 120, and these reports were to show the performance of the sound insulation works to meet compliance with part of condition 843:
 - “That there shall be no on sales of alcohol at the premises until a scheme of noise isolation has been submitted to the EHO and approved. The details of the scheme thus approved shall be implemented in full and maintained permanently thereafter. The scheme shall ensure that a minimum airborne sound insulation of 55dB DnT,w + Ctr is provided between the ground and first floor premises.

Furthermore the solution shall ensure that a noise level of 25dBA Leq5mins is not exceeded in the first floor flat above the premises due to noise from the use of the premises.”

21. The environmental protection team have asked for further testing to be conducted to ascertain if the current sound insulation would meet the condition should the capacity be increased to 120 persons.
22. A copy of both representations submitted and the conditions agreed with the Metropolitan Police Service are attached as Appendix C.
23. A new acoustic report has been submitted by the applicant and is attached in Appendix C1.

Representations from other persons

24. There are no representations submitted by other persons.

Conciliation

25. The Metropolitan Police Service representation has been conciliated with the applicant with the addition of 11 conditions to promote the licensing objective for the prevention of crime and disorder.
26. At the time of the writing of this report the representation from the environmental protection team remains in place.

Premises licensing history

27. The original premises licence in respect of the premises was issued to Waterloo Wine Co on 6 August 2005 for 61 Lant Street.
28. The premises licence was transferred on 24 February 2015 to the current licence holder, Lant Street Wine Company Limited.
29. The premises licence was varied on 8 April 2019 to include on sales of alcohol and recorded music. It was also extended the premises to include 59 Lant Street.
30. An application to review the premises licence, submitted by an "other person" was determined by the licensing sub-committee on 4 March 2021. The decision was to place an additional seven conditions, including condition 843, on the licence.
31. A copy of the notice of decision from the licensing sub-committee meeting of 4 March 2021 is attached at Appendix D.
32. There have been no temporary event notices submitted in respect of the premises since January 2019.

Complaints

33. Since October 2019 eight complaints have been received by the licensing team regarding this premises from one local resident, six relate to public nuisance and two relate to the breach of licence conditions.

34. A number of visits to the premises by licensing officers investigating the allegations and are listed in Appendix E.
35. Three warning letters were sent dates 13 November 2019 for breach of condition 307, 23 December 2019 for breach of condition 307 and 12 October 2021 for breach of conditions 836, 840 and 941.

Map

36. A map showing the location of the premises is attached to this report as Appendix F. Nearby licensed premises are listed with their terminal hour:
 - The Gladstone, 64 Lant Street, London SE1 (Sunday to Thursday until 23:30 and Friday and Saturday until 00:30)
 - Joes Kitchen, 5-7 Marshalsea Road, London SE1 (Monday to Sunday until 23:00)
 - Trinity Public House, 202 Borough High Street, London SE1 (Monday to Wednesday until 00:30, Thursday to Saturday until 02:30 and Sunday until 00:00)
 - Amo La Pasta, 218-220 Borough High Street, London SE1 (Monday to Sunday until 23.00)
 - Chicken Cottage, 226 Borough High Street, London SE1 (Monday to Wednesday until 00:00 and Thursday to Saturday until 03:00)
 - Supersave Express, 223-237 Borough High Street, London SE1 (Monday to Sunday 24 hours per day).

Southwark Council statement of licensing policy

37. Council assembly approved Southwark's statement of licensing policy 2021-2026 on 25 November 2020 and it came into effect on 1 January 2021.
38. 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.
39. 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.
40. Members should take into consideration both the Southwark statement of licensing policy and the Section 182 Guidance when making decisions. The links for these are below:

Southwark policy:

<https://www.southwark.gov.uk/business/licences/business-premises-licensing/licensing-and-gambling-act-policy>

Section 182 Guidance:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018.pdf

Cumulative impact area (CIA)

41. The premises are situated in the Borough and Bankside cumulative impact area.
42. The premises also falls within the Borough and Bankside strategic cultural area and the Bankside and Borough district town centre area.

43. Under the Southwark's statement of licensing policy 2021 - 2026 the following closing times are recommended as appropriate within this area for the categories of premises stated:

- Restaurants and cafes:
 - Sunday to Thursday: 00:00
 - Friday and Saturday: 01:00
- Public houses, wine bars or other drinking establishments:
 - Sunday to Thursday: 23:00
 - Friday and Saturday: 00:00
- Off-licences and alcohol sales in grocers and supermarkets:
 - Monday to Sunday: 00:00.

Climate change implications

44. Following council assembly on 14 July 2021, the council is committed to considering the climate change implications of any decisions.

45. Climate change is not a legal factor in the consideration of a grant of a premises license under the current licensing objectives, however members can make enquiries and request an agreement from applicants to promote the reduction of the impact of climate change that may be caused by the operation of the premises.

46. Examples of such agreements may be:

- Not use single use plastics, such as disposable plastic glasses, when selling alcohol at the premises.
- Encourage patrons not to drive to venues by providing details of public transport on their webpages/tickets.

47. The council's climate change strategy is available at:

<https://www.southwark.gov.uk/assets/attach/48607/Climate-Change-Strategy-July-2021-.pdf>

Community, equalities (including socio-economic) and health impacts

Community impact statement

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

Equalities (including socio-economic) impact statement

49. This report does not result in a policy decision and each application is required to be considered upon its own individual merits with all relevant matters taken into account. In considering the recommendations of this report, due regard must be given to the public sector equality duty set out in section 149 of the Equality Act 2010. This requires the council to consider all individuals when carrying out its functions.
50. Importantly, the council must have due regard to the need to eliminate discrimination, harassment, victimisation, or other prohibited conduct; advance equality of opportunity and foster good relations between people who have protected characteristics and those who do not. The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. The public sector equality duty also applies to marriage and civil partnership, but only in relation to the need to eliminate discrimination, harassment, victimisation, or other prohibited conduct.
51. The equalities impact statement for licensing decisions is contained within the Southwark statement of licensing policy 2021 – 2026 at:

<https://www.southwark.gov.uk/business/licences/business-premises-licensing/licensing-and-gambling-act-policy>

52. The equalities impact assessment is available at:

<https://moderngov.southwark.gov.uk/documents/s92016/Appendix%20F%20-%20Equalities%20Impact%20Assessment.pdf>

Health impact statement

53. Health impacts cannot be considered by law when making decisions under the Licensing Act 2003.

Resource implications

54. 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 E.

Consultation

55. 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 at both the front and rear of the premises.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Assistant Chief Executive – Governance and Assurance

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

Principles for making the determination

58. The sub-committee is asked to determine the application for a premises licence under section 17 of the Licensing Act 2003.
59. The principles which sub-committee members must apply are set out below.
60. 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.
61. 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.
62. 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

63. 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.
64. The four licensing objectives are:
- The prevention of crime and disorder
 - Public safety
 - The prevention of nuisance
 - The protection of children from harm.
65. 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.
66. 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.
67. 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

68. 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

69. 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.

70. 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

71. 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.
72. 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.
73. 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.

74. 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.
75. 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.
76. 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.
77. 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.
78. 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

79. 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, Finance

80. 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	The current premises licence issued in respect of the premises
Appendix B	The variation application
Appendix C	Representations from responsible authorities
Appendix C1	Acoustic report
Appendix D	Premises licence review notice of decision 4 March 2021
Appendix E	Licensing officer visits to the premises
Appendix F	Map showing the location of the premises

AUDIT TRAIL

Lead Officer	Caroline Bruce, Strategic Director of Environment, Neighbourhoods and Growth	
Report Author	David Franklin, Principal Licensing Officer	
Version	Final	
Dated	14 August 2023	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Assistant Chief Executive – Governance and Assurance	Yes	Yes
Strategic Director, Finance	Yes	Yes
Cabinet Member	No	No
Date final report sent to Constitutional Team		21 August 2023

Licensing Act 2003 Premises Licence



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

Premises licence number

874038

Part 1 - Premises details

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

Where the licence is time limited the dates

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

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

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

The times the licence authorises the carrying out of licensable activities

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

Films - Indoors

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

Recorded Music - Indoors

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

Sale by retail of alcohol to be consumed on premises

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

Sale by retail of alcohol to be consumed off premises

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

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

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

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

08980025

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

David Wilcock

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

Licence No. 
Authority. London Borough of Barnet

Licence Issue date 04/03/2021



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

Annex 1 - Mandatory conditions

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

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

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

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

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

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

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

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

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

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

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

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

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

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

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

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

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

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

489 The responsible person shall ensure that -

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

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

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

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

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

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

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula

$$P = D + (D \times V),$$

where-

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

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

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

(i) the holder of the premises licence;

(ii) the designated premises supervisor (if any) in respect of such a licence; or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(iv) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

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

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

4. (1) Sub-paragraph (2) applies where the permitted price given by paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax; (2) the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 - Conditions consistent with the operating Schedule

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

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

The above restrictions do not prohibit:

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

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

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

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

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

305 That clear legible signage shall be prominently displayed where it can be easily seen and read, requesting that alcohol sold as 'off sales' should not be opened and consumed in the vicinity of the premises.

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

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

840 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.

841 That 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.

842 That 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.

826 That all staff are trained in their responsibilities under the licensing act 2003 and training records to be kept and updated every six months and shall, upon request, be made immediately available to officers of the police and the council.

804 That signs shall be displayed in the window with the telephone number of the manager on duty.

836 That a personal licence holder will be on the premises at all times when intoxicating liquor is being offered for on sales.

843 That there shall be no on sales of alcohol at the premises until a scheme of noise isolation has been submitted to the EHO and approved. The details of the scheme thus approved shall be implemented in full and maintained permanently thereafter. The scheme shall ensure that a minimum airborne sound insulation of 55dB DnT,w + Ctr is provided between the ground and first floor premises.

Furthermore the solution shall ensure that a noise level of 25dBA Leq5mins is not exceeded in the first floor flat above the premises due to noise from the use of the premises.”

Access is to be provided to the first floor flat in order to establish:

- a) Existing base line performance.
- b) Performance level achieved and efficiency of measures during works phase.
- c) Final performance following completion of works.

If such access is not provided then the level will be deemed acceptable and satisfied in full and on sales of alcohol shall be permitted to be carried out at the premises.

The resident of the first floor flat above the premises will cooperate with providing of access to his premises, the request of which will be made in writing giving seven days notice.

Annex 4 - Plans - Attached

Licence No. 874038
Plan No. Lant St Bar - GF Plan
Lant St Bar - Furniture Plan
Plan Date 08/02/2019

Application to vary a premises licence under the Licensing Act 2003**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

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

We Lant Street Wine Company Limited

(Insert name(s) of applicant)

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

Premises licence number 874038
--

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description 59-61 Lant Street			
Post town	London	Postcode	SE1 1QN

Telephone number at premises (if any)	██████████
Non-domestic rateable value of premises	£20,000

Part 2 – Applicant details

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

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? Yes NoIf not, from what date do you want the variation to take effect?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) Yes No**Please describe briefly the nature of the proposed variation** (Please see guidance note 2)

- A Wine Bar at No. 59, adjoining a retail Wine Shop at No. 61.
- No. 59 has been granted Change of Use, Planning Permission to operate "... the ground floor of No. 59 Lant Street from wine warehouse (Use Class B8) to a wine bar (Sui generis) in connection with the existing use of No. 61 Lant Street as a wine shop."

Annex 2:

- Remove Condition 125. See explanation below.
- Remove Condition 127b. See explanation below.
- Condition 307: Increase the combined accommodation limit of No. 59-61 to 120 persons. The current capacity was set when the Premises operated solely as a Wine Shop at No. 61.

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

Part 4 Operating Schedule

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

Provision of regulated entertainment (Please see guidance note 3) Please tick all that apply

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

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

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

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 8)			Will the performance of a play take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue			State any seasonal variations for performing plays (please read guidance note 6)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon	08:00	23:00	<u>Please give further details here</u> (please read guidance note 5)		
Tue	08:00	23:00			
Wed	08:00	23:00	<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 6)		
Thur	08:00	23:00			
Fri	08:00	23:00	<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat	08:00	23:00			
Sun	10:00	22:30			

C

Indoor sporting events Standard days and timings (please read guidance note 8)			<u>Please give further details</u> (please read guidance note 5)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 6)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 7)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 6)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 7)		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon	08:00	23:00			
Tue	08:00	23:00			
			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 6)		
Wed	08:00	23:00			
Thur	08:00	23:00			
			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Fri	08:00	23:00			
Sat	08:00	23:00			
Sun	10:00	22:30			

G

Performances of dance Standard days and timings (please read guidance note 8)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 5)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 6)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 8)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
Tue			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 6)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 7)		
Fri					
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 6)		
Mon	08:00	23:00			
Tue	08:00	23:00			
Wed	08:00	23:00			
Thur	08:00	23:00			
Fri	08:00	23:00			
Sat	08:00	23:00			
Sun	10:00	22:30			
			<u>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		

K

<p>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 10).</p> <p>None</p>
--

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)
Day	Start	Finish	
Mon	08:00	23:00	
Tue	08:00	23:00	
Wed	08:00	23:00	
Thur	08:00	23:00	
Fri	08:00	23:00	
Sat	08:00	23:00	
Sun	10:00	22:30	

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

Annex 2:

Remove Condition 125:

This Condition contradicts the Licensable Activities which are permitted under the Premises Licence. As a wine bar, alcohol WILL be served in open containers, on the Premises. The Condition was imposed when the Premises operated solely as a retail Off Licence at No. 61.

Remove Condition 127b:

There are not, nor will be, any persons residing in the Premises.

Please tick as appropriate

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

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

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

- The Licensing Objectives are not adversely affected by this Variation, as there will be no changes to any of the Licensable Activities already granted and conducted in compliance, under the Premises Licence.

b) The prevention of crime and disorder

- Security measures are as in the original Premises Licence, including the retention of a Logs, recording (A) all Incidents of C&D & ASB and (B) all Refusals and made available for inspection by Officers of Police and Council.
- CCTV covering the entire Premises area is installed with downloadable images retained for a minimum of 31 days and available for inspection by Officers of Police and Council.

c) Public safety

- The Premises has, recently, been re-inspected by the Fire Authority, after the Change of Use, with no areas of concern identified.

d) The prevention of public nuisance

- The Premises Licence Holder has spent considerable sums to comply with the noise reduction measures required by the Council's Planning Department.
- Fully compliant sound-proofing has been installed, to the standard demanded by Council Planning, to eliminate noise "leakage" to the first floor apartment.
- Signage is displayed reminding patrons to behave responsibly when leaving the Premises.

e) The protection of children from harm

- Children under 16 years of age will only be admitted when accompanied by a responsible adult.
- All staff are trained in Responsible Sales of Alcohol and training records are kept and updated.
- A "Challenge 25" Policy is in place, requiring acceptable forms of I.D. as proof of age.

Checklist:

Please tick to indicate agreement

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

IT IS AN OFFENCE, 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.

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	<i>D Michael</i>
Date	
Capacity	Licensing Consultant

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 14). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)

59-61 Lant Street

Post town London

Post code SE1 1QN

Telephone number (if any)

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

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. 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.
3. 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:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - 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.
 - 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.
 - 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.
 - 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:

- 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.
 - 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.
 - 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:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - 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;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - 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.
4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 5. For example state 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.
 6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 8. 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.
 9. 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'.
 10. 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.
 11. Please list here steps you will take to promote all four licensing objectives together.
 12. The application form must be signed.
 13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
 14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.

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

APPENDIX C

From: Prickett, Mark <Mark.Prickett@southwark.gov.uk>
Sent: Thursday, June 22, 2023 3:57 PM
To: Regen, Licensing <Licensing.Regen@southwark.gov.uk>
Cc: [REDACTED]
Subject: EPT representation - Full variation licence consultation 59-61 Lant Street

Dear Licensing,

Southwark's Environmental Protection Team (EPT) have reviewed the variation application for Lant Street Wine Company, 59-61 Lant Street, SE1 1QN.

EPT have no objections to the removal of condition 125 & 127b.

EPT raise concerns with regards to the variation of condition 307 with regards to capacity.

EPT have been involved with Lant St Wine's previous planning permissions with regards to the granting of relevant planning use for the 59 wine bar space. This involved numerous acoustic reports and meetings with Lant St Wine & RBA acoustics.

In May 2021, planning application 21/AP/0148 was granted for '*Change of use of the front part of the ground floor of no 59 Lant Street from wine warehouse (Use Class B8) to a wine bar (Sui generis) in connection with the existing use of no 61 Lant Street as a wine shop (Use Class E(a)).*' The application can be found here: <https://planning.southwark.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QMZJENKBKQ600>

It was made clear within this application that the capacity of the venue was 32 and this would continue to be into the future. Please refer to the introduction, para 5 within RBA Acoustic note (ref: 10369.ATN01.IBF.0, dated: 22 March 2021). All acoustic predictions and subsequent installation of relevant insulation has been based off this assumption of 32 persons using the wine bar.

In December 2022, planning application 22/AP/3306 was granted for '*Variation of condition 5 (hours of use) of the planning permission 21/AP/0148 granted for: (Change of use of the front part of the ground floor of no 59 Lant Street from wine warehouse (Use Class B8) to a wine bar (Sui generis) in connection with the existing use of no 61 Lant Street as a wine shop) - to allow extension of the hours of use as follows: -Monday to Saturday 08:00 to 23:00 and Sunday 10:00 to 22:30*'. The application can be found here: <https://planning.southwark.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RIHXVBKBISJ00>

Section 42 of the officers report stated: "*The Application Form also seeks "To set the attendance capacity at 120 persons". Correctly, the council has not treated the application as seeking to vary the number of patrons, as there is no applicable condition to vary. This appears to be an omission from planning permission 21/AP/0148 as the Premises Licence limits the number of patrons to 32.*".

From EPT's understanding, the accommodation limit is specified on the current licence under condition 307. All previous and relevant planning permissions (via the RBA acoustic reports) have referenced this 32 person limit. The noise insulation subsequently installed is based on predictions with 32 persons using the space.

As such EPT have concerns that the increased capacity to 120 people could generate public nuisance by way of noise disturbance to surrounding residents as the noise insulation may not contain the noise levels generated by 120 people.

EPT would request a note from RBA Acoustics to assess the noise level from 120 persons using the space and the noise impact this would have, taking into account the insulation already installed.

In the meantime EPT raise objection to this variation application.

Kind regards

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

Postal address: Southwark Council, Environmental Protection Team, Regulatory Services,
3rd Floor Hub 1, PO Box 64529, London, SE1P 5LX
Office address (By appointment only): Southwark Council, 160 Tooley Street, London,
SE1 2QH

Air Quality web pages: <http://www.southwark.gov.uk/air-quality>
Construction web pages: <http://www.southwark.gov.uk/construction>
Centre for Low Emission Construction - <http://www.clec.uk/>

airTEXT - a free subscription service: daily information on pollution and more, by text, email, voicemail, or mobile phone app; download from: <http://www.airtext.info/>



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

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

Tel: 020 7232 6756

Email: SouthwarkLicensing@met.police.uk

Our reference: MD/23/229

Date: 08/062023

Dear Sir/Madam

Re: Lant Street Wine Company 59-61 Lant Street SE1 1QN

Police are in possession of an application from the above for a full variation to their premises Licence for supply of alcohol on sales and remove a number of licence conditions. The operating schedule describes it as a wine bar. The venue is situated in Borough and Bankside district Town Centre area and is also within the Cumulative Impact Zone. The extended hours requested as per the application are

Supply of Alcohol for sale by retail on sale
 Mon-Sat-0800hrs-2300hrs
 Sun-1000hrs-2230hrs

The premises are also situated in the Borough and Bankside Cumulative impact Zone (CIZ) as designated by Southwark Council. The High Court approval of Cumulative impact policies came in Westminster City Council v Middlesex Crown Court. In brief, it stated 'A licence could be refused on the sole ground that the area was already saturated with licensed premises'

The applicant has asked for a number of licence conditions to be removed as well as increasing the venues accommodation limit, they have also sought to extend the terminal hour for supply of alcohol on sales . In view of these amendments the application provides minimal additional control measures to address all of the licensing objectives in particular that of prevention of crime and disorder, we would like to see more robust measures as the venue sits within the cumulative impact zone. It should be noted that The Home office guidance issued under Sec 182 of the licensing Act 2003 General principles' state that it is important in setting the parameters within which the premises may operate. Conditions precise and enforceable.

Police object to the granting of this licence in its current form as the control measures offered do not address the licensing objectives sufficiently in particular the prevention of crime and disorder. Police welcome the opportunity to progress this application.

Submitted for your consideration.
Yours Sincerely

PC Mark Lynch 2246AS
Southwark Police Licensing Unit
Tel: 0207 232 6756/6639

From: mark.A.Lynch@met.police.uk <mark.A.Lynch@met.police.uk>
Sent: Wednesday, June 28, 2023 7:23 AM
To: Regen, Licensing <Licensing.Regen@southwark.gov.uk>
Cc: [REDACTED]; Franklin, David <David.Franklin@SOUTHWARK.GOV.UK>
Subject: Lant Street Wine co 59-61 Lant Street SE1 1QN

Good Morning

Following further discussions with the applicant in regards to the application, the specific wording of conditions proposed initially have now been amended with the applicants approval . The police representation is withdrawn based on the applicants acceptance of the below conditions in red .Please can this be passed to the case officer ,

1. No alcohol supplied by the venue shall be consumed in Lant Street and/or Lant Estate. This shall be controlled by staff.
2. There shall be no use of the outside area to the front of the venue with the exception of those wishing to smoke, this area shall be clearly marked.
3. The CCTV system will record footage of evidential quality in all lighting conditions . All public areas will be covered by the CCTV system including the bar and smoking areas. The premises shall not be open at any time when the CCTV is not operating correctly.
4. That management shall risk assess the requirement for SIA on any day and implement accordingly.
5. When the venue holds events then a risk assessment shall be completed and kept on the premises for inspection by authorised council officers and police.
6. No open containers of alcohol shall be removed from the premises at any time.
7. All Licensable Activities shall cease 30 minutes prior to the terminal hour.
8. That staff shall monitor the internal and external areas of the premises and take any necessary action to prevent patrons causing any nuisance or disturbance to their neighbours.
9. That clearly legible signage shall be prominently displayed where it can easily be seen and read by customers, at all exits from the premises and in any external areas, requesting to the effect that customers leave the premises and locale in a quiet and orderly manner with respect to local residents. Such signage shall be kept free from obstructions at all times.
10. The Premises must have a welfare and vulnerability policy and all staff must receive this training. All new staff must receive this training before starting their role and all staff must have refresher training every 12 months. All training must be recorded and these records must be available on immediate request by the police or authorised council officers.
11. That there shall be no DJ or music events held at the venue

Kind regards

Mark Lynch 2246AS | Police Constable

Central South BCU – Southwark | **Licensing Team**

Email: mark.lynch6@met.police.uk

Address: Southwark Police Station

From [REDACTED]

Sent: 27 June 2023 17:33

To: Lynch Mark A - AS-CU <mark.A.Lynch@met.police.uk>

Subject: Re: Lant Street Wine co 59-61 Lant Street SE1 1QN

Hi Mark - Sorry for the delay

I can now confirm that the Applicants will adopt all the Conditions 1.-11. in red below.

Regards, Des

On 24 June 2023 at 17:44 mark.A.Lynch@met.police.uk wrote:

Afternoon Des

Apologies for this error , before I speak to the LA can you and the applicant look at the below, you will see I have removed any amendments to conditions already on the licence however I have submitted new conditions that do not conflict or amend the original ones merely adds a condition to support the original .

Please let me know your thoughts

1. No alcohol supplied by the venue shall be consumed in Lant Street and/or Lant Estate. This shall be controlled by staff.
2. There shall be no use of the outside area to the front of the venue with the exception of those wishing to smoke, this area shall be clearly marked.
3. The CCTV system will record footage of evidential quality in all lighting conditions . All public areas will be covered by the CCTV system including the bar and smoking areas. The premises shall not be open at any time when the CCTV is not operating correctly.
4. That management shall risk assess the requirement for SIA on any day and implement accordingly.
5. When the venue holds events then a risk assessment shall be completed and kept on the premises for inspection by authorised council officers and police.
6. No open containers of alcohol shall be removed from the premises at any time.
7. All Licensable Activities shall cease 30 minutes prior to the terminal hour.
8. That staff shall monitor the internal and external areas of the premises and take any necessary action to prevent patrons causing any nuisance or disturbance to their neighbours.
9. That clearly legible signage shall be prominently displayed where it can easily be seen and read by customers, at all exits from the premises and in any external areas, requesting to the effect that

customers leave the premises and locale in a quiet and orderly manner with respect to local residents. Such signage shall be kept free from obstructions at all times.

10. The Premises must have a welfare and vulnerability policy and all staff must receive this training. All new staff must receive this training before starting their role and all staff must have refresher training every 12 months. All training must be recorded and these records must be available on immediate request by the police or authorised council officers.
11. That there shall be no DJ or music events held at the venue.

Kind regards

Mark Lynch 2246AS | Police Constable

Central South BCU – Southwark | **Licensing Team**

Email: mark.lynch6@met.police.uk

Address: Southwark Police Station

ACOUSTIC TECHNICAL NOTE

Reference:	[REDACTED]
From:	[REDACTED]
Date:	24 July 2023
Project:	Lant Street Wine, SE1
Subject:	Proposed Capacity Increase

1.0 INTRODUCTION

Following discharge of Condition 4 of the planning permission for the use of the front part of the ground floor of no 59 Lant Street as a wine bar (Sui generis) in connection with the existing use of no 61 Lant Street as a wine shop (Use Class E(a)) as a result of the RBA Acoustics measurement and assessment report dated 25 May 2022, it is now proposed to increase the maximum capacity of the premises from 32 patrons to 120 patrons. The proposed 120 patron capacity is below the 133 capacity which we are advised would be permitted for the venue based upon premises size.

For the sake of clarity, aside from the capacity change, there is no change to the proposed hours nor nature of trading.

Officers of London Borough of Southwark have requested an acoustic assessment be undertaken of the implications of the proposed capacity increase to 120 patrons and this report seeks to provide the relevant information.

2.0 BACKGROUND

The relevant planning and licensing conditions for the low-key bar area at the Lant Street wine premises in the previous approval contained a requirement for the floor separating the commercial area and the residential flat directly above to be commensurate with providing minimum level of airborne sound insulation of 55dB $D_{nT,w} + C_{tr}$. In addition, there is a requirement to ensure that noise transfer from the ground floor usage into the residential flat does not exceed a level of 25dB L_{Aeq} .

Following extensive acoustic treatment works to the floor separating the two areas, acoustic testing undertaken in May 2022, indicated the following performance level.

Table 1 – Separating Floor Airborne Sound Insulation

Test	Source Room - Location	Receive Room	$D_{nT,w} + C_{tr}$ (dB)
1	Warehouse	Flat 1	55

At the time of our May 2022 assessment, the premises was not trading and it was therefore necessary to make an assessment based upon database information for a similar venue. In the absence of any nationally agreed “standard” noise levels for bars and restaurants, our calculations of noise transfer were based upon typical venue noise levels as set out in the 2013 draft version of the Institute of Acoustics “*Good Practice Guide on the Control of Noise from Places of Entertainment*”.

This document has yet to be formally published but contains a significant amount of useful information regarding bars, pubs and clubs and also outlines “*typical indicative levels of noise found in entertainment and other commercial venues*” as below:

Table 2 – Indicative Noise Level from Restaurants, Bars and Clubs

Source	dBA (L _{eq,T})	63	125	250	500	1k	2k	4k
Quiet Restaurant	67	60	60	60	65	65	55	50
Busy Restaurant	80	60	70	75	75	75	75	70

The above levels are considered to be a reasonable representation of the likely noise conditions within a low key bar with minimal background music. For the majority of the time, noise levels are likely to represent a ‘Quiet Restaurant’, but our analyses has also considered the ‘Busy Restaurant’ scenario for the sake of completeness.

Based upon the predicted acoustic performance of the separating floor structure, and using standard calculation procedures, our analyses predict the following resultant noise levels within the 1st floor residential apartment:

- Quiet Restaurant - 11dBA L_{eq}
- Busy Restaurant - 22dBA L_{eq}

An example calculation (for the Busy Restaurant scenario) is as below:

	Octave Band Centre Frequency								dBA	Source
	63	125	250	500	1k	2k	4k	8k		
Venue Noise Level (L _{eq})	60	70	75	75	75	75	70	70	80	Busy Restaurant
Element Performance	32	44	49	54	62	68	64	66		Measured
Resultant Noise Level within Flat above	28	26	26	21	13	7	6	4	22	

As can be seen from the above, noise levels for both the Quiet and Busy Restaurant are compliant with the required 25dBA L_{eq}.


3.0 CAPACITY INCREASE

As can be seen from the above, our calculations suggested that there is some “headroom” of around 3dB between the 25dBA Condition requirement and the anticipated “worst case” 22dBA noise transmission predicted for the Busy Restaurant scenario.

The Institute of Acoustics “*Good Practice Guide on the Control of Noise from Places of Entertainment*” (which was used as a basis for determining the likely internal noise levels within the premises) does not give any indication on the degree of occupancy for which the indicated noise levels are applicable. As such, it is not possible to draw any direct correlation between these numbers and the implications of the proposed capacity increase.

However, an article published in the Noise and Health Journal in November 2014 [Noise in restaurants: Levels and mathematical model To WM, Chung A - Noise Health \(noiseandhealth.org\)](#) did look into the relationship between the geometrical and operational parameters and measured noise levels. We have therefore given consideration to the findings of this document in the sections below.

The report also identifies that typical noise within a premises does vary dependent upon the ceiling height and given the high ceilings within the wine bar, this should be a material consideration. Table 1 from the above referenced article states the following:

Noise & Health 

A Quarterly Inter-disciplinary International Journal

Table 1: The measured background noise levels in restaurants

Type	Number	Floor area (m ²)	Height (m)	Time period	Occupancy	L _{eq,1-h} (dBA)
Chinese	1	600	3.5	Breakfast	High	78.3
				Lunch	High	79.2
				Dinner	Medium	70.0
	2	1750	4.0	Breakfast	High	75.0
				Lunch	High	73.5
				Dinner	Medium	71.7
	3	3000	2.5	Breakfast	High	79.3
				Lunch	High	77.7
				Dinner	High	73.0
	4	5000	2.4	Lunch	Low	67.6
				Dinner	Medium	75.3
	5	2025	2.7	Breakfast	High	70.1
				Lunch	High	72.1
				Dinner	Medium	71.5
	Fast food	1	1500	4.5	Breakfast	Medium
Lunch					Medium	71.5
Dinner					Low	69.1
2		2450	3.0	Breakfast	Medium	69.5
				Lunch	High	76.9
				Dinner	Medium	75.0
3		130	3.5	Breakfast	Medium	75.2
				Lunch	High	79.1
				Dinner	High	78.5
Western	1	800	4.0	Lunch	High	75.9
				Dinner	Medium	71.3
	2	600	2.5	Lunch	High	82.6
				Dinner	Low	72.0
	3	700	2.5	Lunch	Low	66.7
				Dinner	Medium	73.0
	4	1050	2.5	Lunch	Medium	75.2
				Dinner	Medium	74.6

Given the size of the floor area within the Lant Street premises, with a ceiling of 3.15m and an overall floor area of 112m² the most relevant values in the table above would be:

Chinese Food – Floor Area 600m² – Height 3.5m – High Occupancy – 79.2 dBA L_{eq}.

Fast Food – Floor Area 130m² – Height 3.5m – High Occupancy – 79.1 dBA L_{eq}.

Western Food - Floor Area 600m² - Height 2.5m – High Occupancy – 82.6 dBA L_{eq}.

In each of the above scenarios we have taken the highest (worst case) noise levels for each situation.

Comparing the above worst-case values with those used in our original assessment, it can be seen that for 2 or the 3 situations, the High Occupancy noise levels as measured are actually below those assumed previously. This would therefore suggest that our original assessment was reflective of a higher occupancy than the 32 considered at the time and in fact the change of capacity to 120 would lead to no increase to the predicted noise transfer to the property above.

If we were to adopt the “Western Food” noise levels, this would lead to an increase in source noise of just below 3dBA from our original calculations and hence a corresponding increase of 3dB to the resultant predicted levels in the flat above. This would therefore increase the predicted noise transfer from 22dBA to 25dBA L_{eq} which would remain in line with the requirement of the Condition. We would however note that this prediction is, in fact, likely to over-estimate noise in the premises as the venue size used in the study is some over 4 times as large as Lant Street Wine and the ceiling height is significantly lower than at Lant Street.

In light of the above, we therefore consider that noise transfer into the flat directly above Lant Street Wine will remain in line with the required 25dBA L_{eq} criterion even if the desired capacity increase to 120 is approved.

4.0 OTHER CONSIDERATIONS

From discussions with the premises operator, we understand that the venue has been traded every Thursday and Friday evening since September 2022. To the best of our knowledge, there has only been one complaint made regarding noise and this was received on 18 February 2023 relating to the number of patrons smoking externally. Officers of London Borough of Southwark attended and were satisfied that the majority of smokers were in fact related to the nearby Gladstone public house.

Following discussion with officers of the LBS noise team, we understand other complaints from local residents were made as follows:

Date	Reason for Complaint	Officer Comments	RBA Comments
18th Feb '23	Alleged breach of hours to 00:15	Unknown	Does not relate to the issue of capacity increase.
19th Feb '23	Alleged patron numbers and other conditions not complied with	Unknown	No specific comment regarding noise issues and hence not relevant to this application.
29th March '23	Alleged breach of premises licence complaint to Licensing team	Unknown	Complaint refers to the above noted dates and so not relevant to this application.
1st April '23	Alleged loud music and people noise	Noise team officers visited at 23:45 but no longer an issue when got there.	Complaint not witnessed.
20 th May '23	Alleged noise from persons	No nuisance witnessed.	Investigation of complaint indicated no nuisance.

As can be seen from the above, although a small number of complaints have been made regarding the premises operation, no noise nuisance has been witnessed by Local Authority Officers when visiting the premises.



NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 4 MARCH 2021

SECTION 51 LICENSING ACT 2003: LANT STREET WINE COMPANY, 59-61 LANT STREET, LONDON SE1 1QN

1. Decision

That the council's licensing sub-committee, having considered an application made under Section 51 of the Licensing Act 2003 by a local resident for the review of the premises licence issued in respect of Lant Street Wine Company, 59-61 Lant Street, London SE1 1QN and having had regard to all relevant representations, has decided to modify the premises licence by adding the following conditions:

2. Conditions

1. That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV System must be capable of capturing a clear facial image of every person who enters the premises.
2. That 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. That 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 six months and shall, upon request, be made immediately available to officers of the police and the council.
5. That signs shall be displayed in the window with the telephone number of the manager on duty.
6. That a personal licence holder will be on the premises at all times when intoxicating liquor is being offered for on sales.
7. That there shall be no on sales of alcohol at the premises until a scheme of noise isolation has been submitted to the EHO and approved. The details of the scheme thus approved shall be implemented in full and maintained permanently thereafter. The scheme shall ensure that a minimum airborne sound insulation of 55dB DnT,w + Ctr is provided between the ground and first floor premises.

Furthermore the solution shall ensure that a noise level of 25dBA $L_{eq5mins}$ is not exceeded in the first floor flat above the premises due to noise from the use of the premises.”

Access is to be provided to the first floor flat in order to establish:

- a) Existing base line performance.
- b) Performance level achieved and efficiency of measures during works phase.
- c) Final performance following completion of works.

If such access is not provided then the level will be deemed acceptable and satisfied in full and on sales of alcohol shall be permitted to be carried out at the premises.

The resident of the first floor flat above the premises will cooperate with providing of access to his premises, the request of which will be made in writing giving seven days notice.

3. Reasons

This was a review of the premises licence of Lant Street Wine Company, 59-61 Lant Street, London SE1 1QN which was brought by a local resident (the applicant).

The applicant addressed the licensing sub-committee and explained that they were the person most directly affected by the premises. They advised that they had been a resident in the building for many years and that the complaint related solely to the warehouse premises at number 59 Lant Street. The operation of the shop at 61 Lant Street had caused no problems that warranted any complaint.

The applicant gave a background to the complaint and advised that the premises had failed to advertise the variation application in 2019 which concerned the warehouse and as a result, the applicant was unaware of the variation application and was unable to submit any representations opposing the application. The applicant further stated that the 2019 application was not valid and that the subsequent grant of the licence breached planning consent.

The applicant advised that a noise abatement notice had been issued in 2019 and since this time, it had been breached on at least 11 occasions. The construction and the use of the warehouse was such that it caused a public nuisance. A Planning Enforcement Notice had been served in November 2019 and since that time, the applicant had received two threats and on one occasion had been assaulted by someone from the premises. The applicant therefore sought a revocation of the premises licence in respect of the warehouse at 59 Lant Street.

When asked by the sub-committee, the applicant advised that due to construction of the warehouse, everything in the warehouse could be heard, even down to hearing bottles of wine being opened. In 30 years prior to the grant of the licence in respect of the warehouse, there were no complaints, particularly in respect of noise.

The officer representing licensing as a responsible authority informed the sub-committee that her representation related to the promotion of the prevention of crime

and disorder and the prevention of public nuisance licensing objectives and has regard to the Southwark statement of licensing policy 2021-2026. She advised that the licensing team had received complaints from the applicant regarding this premises and noise issues, breaches of licence conditions and unlicensed activities taking place.

The officer stated that the premises had been visited and warnings letters sent to the licensee regarding a breach of condition 307 (the accommodation limit of 32 patrons) and on 22 November 2019 an officer witnessed a breach of condition 340 (written dispersal policy) and condition 4AB (training in the sale of alcohol to prevent underage sales and the operation of a challenge 25 scheme).

The licensing sub-committee then heard from the Metropolitan Police Service who advised that extensive searches had been undertaken but the crime recording systems did not produce any further crime reports than those referred to by the applicant in both his review application and those mentioned in his verbal submissions. The officer stated that he would welcome specific best practice conditions being added to the licence which would ordinarily be included on a premises licence.

An officer from the environmental protection team (EPT) informed the licensing sub-committee that the first complaint received by the licensing team was on 1 October 2019 and the first complaint to the noise team was on 11 October 2019, both of which alleged public nuisance created as a result of carrying out licensable activities at 61 Lant Street.

They advised that a noise team officer attended the applicant's property on 8 November 2019 and witnessed a statutory noise nuisance from activities associated with the 61 Lant Street premises, which was described as follows:

“The level of the music witnessed would affect the quiet enjoyment or use of the complainant's property” and the music “felt as if the song was being played from within the complainant's property”.

As a result, a section 80 Environmental Protection Act 1990 statutory noise nuisance abatement notice, was served on 11 November 2019. No further statutory noise nuisance had been witnessed by the noise team since this time.

The EPT officer went on to advise the sub-committee that planning permission for a “temporary change of use to premises at the front of no 59, to hold public wine tastings (Use Class A4) for a three year period, subject to hours of operation conditions and other conditions” was currently the subject of appeal and that an Enforcement Notice had been issued in November 2020, which is also subject to an appeal by the premises. Currently, the premises has no planning permission in place for the use of the premises as a drinking establishment.

The legal advisor enquired of the EPT officer, that whilst a statutory noise nuisance had been witnessed and a Section 80 noise abatement notice issued, whether the noise witnessed could amount to a public nuisance. The officer confirmed that numerous residents lived in close proximity to the premises and there was a concern that public nuisance could be caused to numerous residents in close proximity to 59 Lant Street if the premises licence were permitted to continue operate as currently granted. The

officer supported the review application and sought a suspension of the licence until the substantial insulation works could be undertaken.

The licensing sub-committee noted that the planning team had submitted comments detailing enforcement action against the premises. The comments did not relate to any of the licensing objectives and were submitted for the committee's information only.

The representative for the premises informed the sub-committee that the premises was well established for over 30 years and that 61 Lant Street had been closed as any kind of bar since December 2019, when the enforcement notice had been issued. Once the planning and insulation issues had been resolved, it was the premises intention to continue the tasting events. Many of the events were private parties where a fee was paid for a wine critic to attend and the provision of wine was free.

They further added that the representatives from licensing as a responsible authority and the Metropolitan Police Service had both submitted neutral representations and were essentially requesting the addition of 'best practice conditions'. Whilst it was accepted that an enforcement notice was in place, there had been no enforcement action taken in respect of the notice.

The premises stated that there was an argument as to whether the noise complained of did amount to a public nuisance. Regardless of this, the premises sought an amicable resolution to issues. There was discussion of the sub-committee removing the activity of amplified music, which the premises were agreeable to, but it was felt that this would not resolve the noise insulation problem. The premises had instructed an acoustic expert and had drafted a condition, which the EPT officer was unable to agree, as it required access to the applicant's residence.

During the discussion stage of the sub-committee meeting, the applicant said that they would agree access. The premises also accepted that Southwark had declared a climate emergency and agreed to refrain from using single use plastics and adhering to The Environmental Protection (Plastic Straws, Cotton Buds and Stirrers) (England) Regulations 2020.

The licensing sub-committee then heard from local residents, parties seven, thirteen, and fifteen who supported the premises. The local residents all stated that they were surprised that the review application related to noise, when none of them had been disturbed. One of the local residents (party 13) lived directly above 61 Lant Street. These residents spoke passionately about the premises, stating it brought a sense of community to Lant Street and that at all times the premises had been very quiet and no music or loud sounds had been witnessed by them.

The licensing sub-committee noted the further 14 written representations submitted by local residents in support of the premises.

The licensing sub-committee were concerned whether the noise complained of did amount to a public nuisance, given that there was only one complainant who never complained of general "warehouse noise" prior to the 2019 variation application. However, given the significant number of local residents in the vicinity of the premises, the sub-committee were of the opinion there was the 'potential' to cause public nuisance as explained by EPT.

The suggestion by EPT to suspend the premises licence until the insulation works had been completed was not an option to licensing sub-committee as under section 52(4)(d), a suspension may only be imposed for a maximum of three months.

Concerning the specifics of the proposed insulation, the sub-committee were mindful, that these were a matter for planning, which is a separate regime to licensing. The premises planning status is currently being resolved via the appeal process.

The condition concerning the insulation works was offered by the premises. With the applicant's agreement to allow access it is hoped that the parties are able to move forward more harmoniously. Whilst the planning committee is not bound this decision, this committee sees the condition concerning the insulation works as advancing paragraph 101 of Southwark's statement of licensing Policy 2021-2026 that: "This Authority will look to ensure proper integration with the planning regime".

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

4. Appeal Rights

This decision is open to appeal by either:

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

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

This decision does not have effect until either

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

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

Dated 4 March 2021

APPENDIX E

Licensing visits to Lant Street Wine Co.

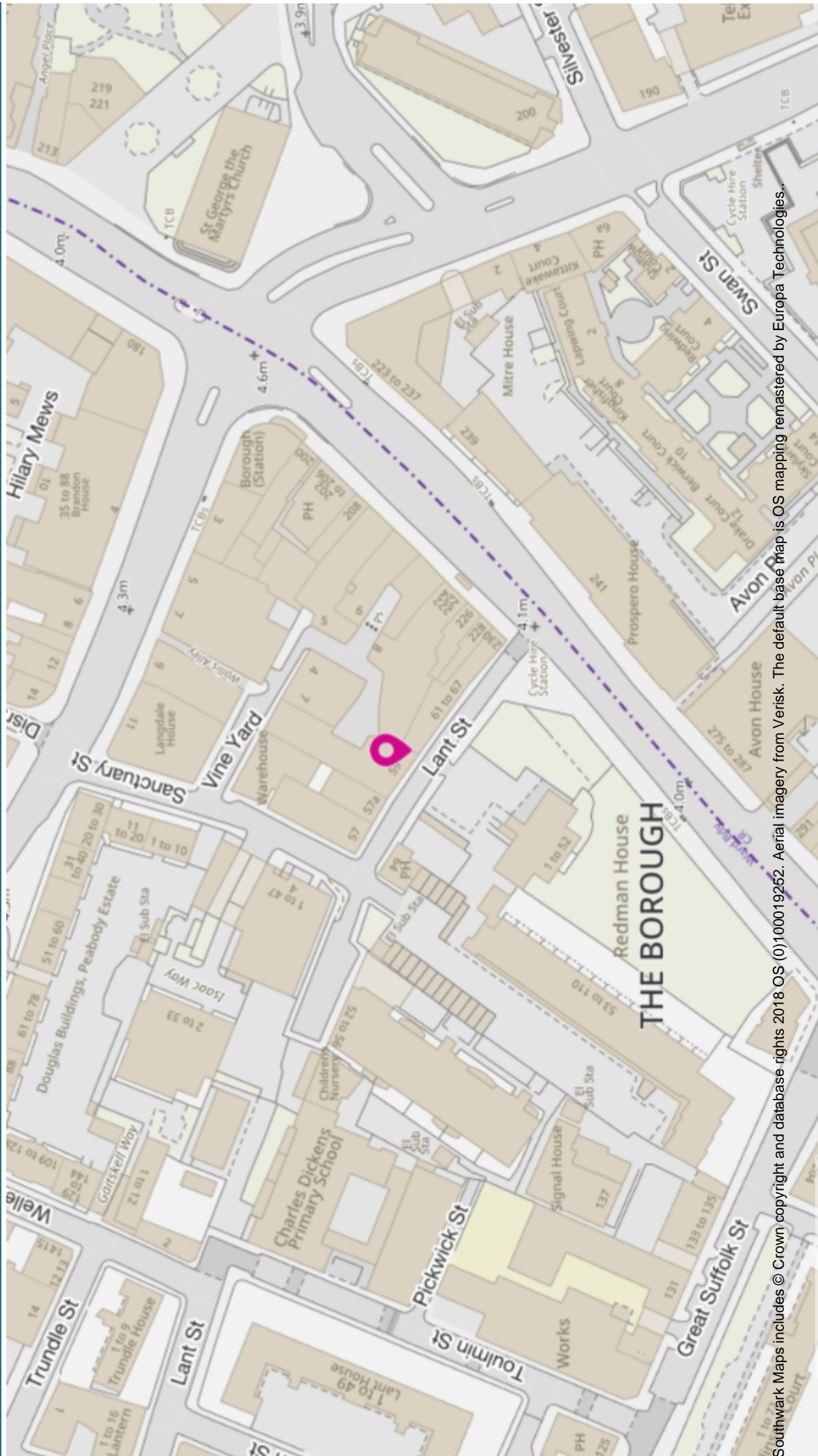
adate	desc	aofficer	adtext
14/10/2019	Visit To Premises	Justin Williams	<p>Attended premises I met with Mr [REDACTED] the licence holder and son of the DPS informed him of recent complaints received from a local resident. Mr [REDACTED] appeared to know who the complainant was stating that he lived upstairs I did not confirm this. Mr [REDACTED] explained that the complainant was a [REDACTED] who worked for [REDACTED]. Mr [REDACTED] explained that the noise team attended over the weekend and the officer stated that he can't stop his patrons from talking. Mr [REDACTED] also explained that a licensing officer also attended and carried out a full inspection. Mr [REDACTED] did accept that on a few occasions that he had breached condition: 307 and had more than 32 patrons in the premises. Mr [REDACTED] queried if a personal licence holder needs to be on site at all times, I advised Mr [REDACTED] that this is not a condition on his licence; however, it is good practice to have one on site at all times. I warned Mr [REDACTED] about breaching his licence conditions and advised him on applying for a minor variation to remove or change his licence conditions. Mr [REDACTED] said he would put in for a minor variation as at times he has wine tasting sessions and that he usually has a large amount of people who would want to attend. Mr [REDACTED] stated that he would like to increase the capacity to 80 but was concerned that the complainant would object. I advised Mr [REDACTED] that any objections would have to be based on the four licensing objectives and could not be vexatious. Inspection not carried out due to recent visit, observed licence summary on display.</p>
08/11/2019	23:28 NTE Visit	Richard Kalu	<p>Compliance Visit to premises with Farhad Chowdhury (Principal Health & Safety Officer) following resident complaints of ASB and unlicensed activity at the premises beyond the hours of the premises licence. Premises closed ATOV no activity taking place and no ASB witnessed taking place in the immediate vicinity of the premises.</p>
09/11/2019	01:50 NTE Visit	Richard Kalu	<p>Re – visit to premises with Farhad Chowdhury (Principal Health & Safety Officer) to carry out observations. Premises closed ATOV.</p>
22/11/2019	21:58 NTE Visit	Charlie Jerrom	<p>Visit to the premises with Clarissa O'Toole, a full licensing inspection was completed. Conditions 340 and 4AB were in breach. The premises ATOV had a number of 28 people inside. The stand in manager was aware of the amount of people allowed on the premises at one time; she also said that on regular occasions she checks the numbers. Action: Append to INU</p>
14/12/2019	00:46 NTE Visit	Richard Kalu	<p>Compliance Visit with Kentura Dundas. Premises closed and non-operational ATOV.</p>

20/12/2019	21:50 NTE Visit	Richard Kalu	Compliance Visit with John Okeke Uzodinma. Premises closed and non-operational ATOV.
20/12/2019	Visit To Premises	Justin Williams	<p>Attended premises spoke to ██████████ of recent complaint that allegedly there was a private event on the 12th October where the premises capacity was exceeded contrary to condition 307 of the premises licence. Mr ██████████ accepted that the premises held a private event and also admitted that there was another event on the 27th November 2019 where there were about 70-80 people. Mr ██████████ explained that because the events were private he was under the impression that he was not breaching his premises licence because the event was a ticketed one only. I queried whether the event involved the retail sale of alcohol which Mr ██████████ confirmed it was a wine tasting event. I explained that although the event was private it was still a licensable activity and that the premises was in breach of their licence condition 307. Mr ██████████ apologised, I informed him that I would have to send him a Warning Letter and that if there are any further breaches I may have to take enforcement action. Mr ██████████ explained that he holds private events at least once a month and that the number of patrons attending usually exceeds the capacity limit of 32 people stipulated. He explained that he may make an application for a full variation, I advised him that he could put in a TENs to hold any future events and as he is a personal licence holder he can apply for up to 50 TENs per year. I also explained to Mr ██████████ the second purpose of my visit to ascertain the furniture part of the premises plan as the warehouse is not on the plan so therefore no licensable activities should take place there. Mr ██████████ explained that the furniture area of the premises is the warehouse area which is licensable. We were shortly joined by Mr ██████████ the DPS they both explained to me that the complainant seems to have a vendetta against them recently, they explained that the complainant always comes downstairs peeping through the window and that a member of his staff is starting to feel harassed. Mr ██████████ explained the incident that occurred recently where there was a private event with his mum and dad and the complainant tried to enter the premises and he stood by the entrance preventing him from entering, he denies threatening or using unlawful violence. Mr ██████████ explained that he had known the complainant for over 30 years he had moved in 1986 and is his landlord, before there were no issues and the complainant had assisted them by providing advice on planning in the past. Mr ██████████ explained that the complainant ██████████ in the past he welcomed him into the premises where he could have a bottle of wine on the house and sit, but that offer has now been withdrawn. Mr ██████████ explained a time when the complainant came down and he was present with two other people who he believes to be Planning Officers from ██████████ they were in the premises with some device walking around and when he queried who they were they said they were from Planning he does not think they were Southwark Officers. ██████████ explained that he was the landlord for the complainant's property and there is a condition on his lease that the complainant should have underlay and</p>

			carpet. Mr [REDACTED] showed me the abatement notice served and explained there wasn't much information on there, I explained that I was not a noise officer and that they should contact the noise team to seek advice. I explained to them to be careful and ensure that they observe the conditions on their licence due to their premises being monitored not just by licensing but also by planning and noise and nuisance. I reminded both [REDACTED] that I will be sending a warning letter to the premises.
21/12/2019	00:34 NTE Visit	Richard Kalu	Compliance Visit with John Okeke Uzodinma to complete full licensing inspection. Premises closed ATOV no activity taking place.
21/12/2019	21:01 NTE Visit	Farhad Chowdhury	21/12/2019 21:01 FRC closed no activity
03/01/2020	21:30 NTE Visit	Andrew Heron	Premises closed.
05/07/2020	21:22hrs NTE Visit	Richard Kalu	Visit to premises to carry out licensing observation of premises in light of government Covid - 19 lockdown restrictions being eased. Premises open and operational however no patrons located internally or externally.
12/07/2020	19:07 NTE Visit	Richard Kalu	Visit to premises to carry out licensing observation of premises in light of government Covid - 19 lockdown restrictions being eased. Premises open and operational no patrons located internally or externally. Observed X3 patrons enter the premises and purchase alcohol which was decanted into glass bottles. Patrons then paid and left the premises. No issues of concern noted.
01/10/2020	19:30 NTE Visit	Justin Williams	Premises close at time of visit
08/01/2021	18:20 NTE Visit	Charlie Jerrom	Visit to the premises to put up some review posters, three posters were displayed by myself two in the vicinity of the premises and one on a pole around the corner. Pictures have been taken and I will be sending this onto the case officer
10/01/2021	20:40 NTE Visit	Charlie Jerrom	Checked the posters were still up and they were, the premises is closed and no activity taking place in the area around the premises.
10/09/2021	19:30 NTE Visit	Justin Williams	Premises is closed ATOV.
01/10/2021	19:22 NTE Visit	Richard Kalu	Visit to premises to carry out observations following repeal of government covid - 19 lockdown restrictions (Tier 4). [REDACTED] on site and confirmed premises was being closed for the day. No events planned for the weekend at the premises. Advised that soundproofing has now been completed at the premises. Request made for acoustic assessment to be completed by EPT team. No issues of concern noted ATOV.
02/10/2021	19:52 NTE Visit	Richard Kalu	Visit to premises to carry out observations following repeal of government covid - 19 lockdown restrictions (Tier 4). Premises closed ATOV.

08/10/2021	20:26 NTE Visit	Richard Kalu	Visit to premises to carry out observations following repeal of government covid - 19 lockdown restrictions (Tier 4).Premises closed ATOV no patrons located within the premises.
10/10/2021	20:39 NTE Visit	Richard Kalu	Visit to premises to carry out observations following repeal of government covid - 19 lockdown restrictions (Tier 4).Premises closed ATOV.
15/10/2021	20:18 NTE Visit	Richard Kalu	Visit to premises to carry out observations following repeal of government covid - 19 lockdown restrictions (Tier 4).Premises open and operational and providing a wine tasting experience in the back room. X9 patrons between the ages of 50 and 65 tasting wine and reading books. Management has advised me that they are still awaiting EPT to come and assess the soundproofing at the premises. No issues of Noise or ASB witnessed at the time of visit.
17/10/2021	17:11 NTE Visit	Richard Kalu	Visit to premises to carry out observations following repeal of government covid - 19 lockdown restrictions (Tier 4).Premises operational however no patrons on site consuming alcohol ATOV. Premises operating at time of observation exclusively as an off- licence. Noted that premises next door and back room of premises was not operational. No ASB activity witnessed in immediate vicinity of premises.
24/10/2021	21:16 NTE Visit	Richard Kalu	Visit to premises to carry out observations following repeal of government covid - 19 lockdown restrictions (Tier 4).Premises closed ATOV.
29/10/2021	23:07 NTE Visit	Richard Kalu	Visit to premises to carry out observations following repeal of government covid - 19 lockdown restrictions (Tier 4).Premises closed ATOV.
31/10/2021	17:43 NTE Visit	Richard Kalu	Visit to premises to carry out observations following repeal of government covid - 19 lockdown restrictions (Tier 4).Premises open and no patrons on site consuming alcohol. Premises only providing off sales ATOV.
05/11/2021	22:47 NTE Visit	Charlie Jerrom	Premises was closed ATOV, a picture was taken and time stamped
26/11/2021	19:45 NTE Visit	Andrew Heron	NTE with Charlie. Premises operating with off sales only.
31/03/2023	22:30 NTE Visit	Ray Moore	Premises closed
21/04/2023	00:09hrs NTE Visit	Richard Kalu	Premises closed and non – operational.

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



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LICENSING SUB-COMMITTEE DISTRIBUTION LIST (OPEN) MUNICIPAL YEAR 2023-24

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