

Licensing Sub-Committee

Tuesday 12 March 2024

10.00 am

Online/Virtual

Membership

Councillor Renata Hamvas (Chair)
Councillor Barrie Hargrove
Councillor Jane Salmon

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.

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

Access

The council is committed to making its meetings accessible. For details on building access, translation, provision of signers or any other requirements for this meeting, please contact the person below.

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: 4 March 2024



Licensing Sub-Committee

Tuesday 12 March 2024
10.00 am
Online/Virtual

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: PAPA NADOX, 163 CAMBERWELL NEW ROAD, LONDON SE5 0SU	1 - 49
6.	LICENSING ACT 2003: WATERLOO FOOD AND WINE, 187 WATERLOO ROAD, LONDON SE1 8UX	50 - 113

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: 4 March 2024

Item No. 5.	Classification: Open	Date: 12 March 2024	Meeting Name: Licensing Sub-Committee
Report Title		Licensing Act 2003: Papa Nadox, 163 Camberwell New Road, London, SE5 0SU	
Ward(s) of group(s) affected		Camberwell	
From		Strategic Director of Environment, Neighbourhoods and Growth	

RECOMMENDATION

1. That the licensing sub-committee considers an application made by the Papa Nadox Limited for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Papa Nadox, 163 Camberwell New Road, London, SE5 0SU. This premises is not in a CIZ.
2. Notes:
 - a) This application forms a new application for a premises licence, submitted under Section 17 of the Licensing Act 2003. The application is subject to representations from responsible authorities and is therefore referred to the sub-committee for determination.
 - b) Paragraphs 8 to 12 of this report provide a summary of the application under consideration by the sub-committee. A copy of the full application is attached as Appendix A.
 - c) Paragraphs 13 to 16 of this report deal with the representations submitted in respect of the application. Copies of the representations submitted responsible authorities are attached to this report in Appendix B. A map showing the location of the premises is attached to this report as Appendix D.
 - d) A copy of the council's approved procedure for hearings of the sub-committee in relation to an application made under the Licensing Act 2003, along with a copy of the hearing regulations, has been circulated to all parties to the meeting.

BACKGROUND INFORMATION

The Licensing Act 2003

3. The Licensing Act 2003 provides a licensing regime for:
 - The sale of and supply of alcohol
 - The provision of regulated entertainment
 - The provision of late night refreshment.
4. Within Southwark, the licensing responsibility is wholly administered by this council.
5. The Act requires the licensing authority to carry out its functions under the Act with a view to promoting the four stated licensing objectives. These are:

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

KEY ISSUES FOR CONSIDERATION

The premises licence application

8. On 11 January 2024 Papa Nadox Limited applied to this Council for the grant of a premises licence in respect of Papa Nadox, 163 Camberwell New Road, London, SE5 0SU The premises are described in the application as being:

“Incorporated in 2022, Papa Nadox Kitchen is exactly what the name implies – a kitchen – producing an exciting range of hot and cold food and food for collection and delivery 24 hrs a day, every day.

There is no public access to the premises and orders are fulfilled by delivery or collection at the premises door. Having developed an established client base, Papa Nadox Ltd wishes to take the business to the next level by expanding the food offering to provide a complete dining experience, including alcoholic beverages to complement the food menu.

You will see from the operating schedule that the applicant has proposed a robust range of measures to ensure the business operates in compliance with the Licensing Objectives, and with the highest regard and consideration for neighbouring properties, businesses, and the local amenity.”

9. The application and is summarised as follows:

The sale by retail of alcohol (off the premises):

- Monday to Sunday: 00:00 to 00:00

The provision of late night refreshment (indoors):

- Monday to Sunday: 23:00 to 05:00

Opening hours:

- Monday to Sunday: 00:00 to 00:00

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

Representations from responsible authorities

13. Representations were submitted by the Licensing Authority and the Council's Environmental Protection Team (EPT) in their roles as responsible authority.
14. The Licensing Authority representation was subsequently satisfied and withdrawn following the agreement of conditions, attached to this report as Appendix B.
15. The representation from Southwark Council's EPT objects to the application for a 24 hour licence, as there are incumbent planning conditions that restrict the hours of operation and the use of plant / equipment at the premises. It also notes that a consideration of the planning decision was noise from motorised deliveries at the premises, which are prohibited by the consent. The concern from EPT is the intensification of activity at the premises causing public nuisance, the lack of planning consent, and the application outside of the policy hours. The representation is attached to this report as Appendix C.
16. The applicant offered further conditions which were rejected by EPT. The conditions offered and the rationale for rejection has been attached to this report as Appendix D.

Representations from other persons

17. There are no representations submitted by other persons.

Conciliation

18. The Applicant's agent has been sent copies of all the submitted representations. At the point that this report was published, none of the representations has been conciliated.

Premises history

19. There is no recent history of complaints.
20. There have been a number of temporary event notices, which were submitted to the council on the 08 January 2024. These are detailed below:
 1. Temporary Event Notice 882084

00:00 on 17/01/24 to 23:59 on 21/01/24 for the sale of alcohol for consumption off premises and provision of late night refreshment.

2. Temporary Event Notice 882086
00:00 on 23/01/24 to 23:59 on 28/02/24 for the sale of alcohol for consumption off premises and provision of late night refreshment.
3. Temporary Event Notice 882083
00:00 on 30/01/24 to 23:59 on 04/02/24 for the sale of alcohol for consumption off premises and provision of late night refreshment.
4. Temporary Event Notice 882096
00:00 on 06/02/24 to 23:59 on 09/02/24 for the sale of alcohol for consumption off premises and provision of late night refreshment.

Map

21. A map showing the location of the premises is attached to this report as Appendix E. There are four other licensed premises in the immediate vicinity (100m) of the premises application:

- **Royal Kebab – 171 Camberwell New Road, London, SE5 0TJ** licensed for:
The provision of late night refreshment (indoors)
 - Sunday to Thursday 23:00 to 01:00
 - Friday and Saturday 23:00 to 02:00Opening Hours
 - Sunday to Thursday 11:00 to 01:00
 - Friday and Saturday 11:00 to 02:00
- **D T Allen Newsagents – 153 Camberwell New Road, London, SE5 0SU** licensed for:
The sale of alcohol for consumption off premises
 - Monday to Sunday 07:00 to 00:00Opening Hours
 - Monday to Sunday 07:00 to 00:00
- **Pricecutter – 145 Camberwell New Road, London, SE5 0SU** licensed for:
The sale of alcohol for consumption off premises
 - Sunday to Thursday 06:00 to 02:00
 - Friday and Saturday 06:00 to 03:00Opening Hours
 - Sunday to Thursday 00:00 to 00:00
 - Friday and Saturday 00:00 to 00:00
- **The Co-Operative Store – 177-183 Camberwell New Road, London, SE5 0TJ** licensed for:
The sale of alcohol for consumption off premises
 - Monday to Sunday 06:00 to 23:00Opening Hours
 - Monday to Sunday 06:00 to 23:00

Southwark council statement of licensing policy

22. Council Assembly approved Southwark's Statement of Licensing Policy 2021 – 2026 on 27 March 2019. The policy came into effect on 1 January 2021. Sections of the statement that are considered to be of particular relevance to the sub-committee's consideration are:

- Section 3 - Purpose and scope of the policy. This reinforces the four licensing objectives and the fundamental principles upon which this Authority relies in determining licence applications
- Section 5 – Determining applications for premises licences and club premises certificates. This explains how the policy works and considers issues such as location; high standards of management; and the principles behind condition setting.
- Section 6 – Local cumulative impact policies. This sets out this Authority's approach to cumulative impact and defines the boundaries of the current special policy areas and the classifications of premises to which they apply. To be read in conjunction with Appendix B of 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.

23. 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.

24. Members should take into consideration both the Southwark Statement of Licensing Policy and the Section 182 Guidance when making decisions. Links are below:

Southwark Policy:

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

Section 182 Guidance:

<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

25. Within Southwark's Statement of Licensing Policy, the premises are identified as being outside a Cumulative Impact Area and within the Camberwell District Town Centre. Under the Southwark Statement of Licensing policy 2021 – the following closing times are recommended as appropriate within this area for the following categories of premises:
- Closing time for take-away establishments for LNR:
 - Sunday to Thursday 00:00hrs
 - Friday and Saturday 01:00hrs
 - Closing time for restaurants and cafes:
 - Sunday to Thursday 00:00hrs
 - Friday and Saturday 01:00hrs
 - Closing time for Off-licences and alcohol sales in grocers and supermarkets:
 - Daily 00:00hrs

Climate Change Implications

26. Following council assembly on 14 July 2021, the council is committed to considering the climate change implications of any decisions.
27. 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.
28. Examples of such an undertaking 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.
29. The council's climate change strategy is available:
<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

30. 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

31. 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.

32. 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 with 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.
33. 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>.

34. The equalities impact assessment is available at:

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

Health impact statement

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

Resource implications

36. A fee of £315.00 has been paid by the applicant company in respect of this application being the statutory fee payable for premises within non-domestic rateable value bands C.

Consultations

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

Community impact statement

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

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Assistant Chief Executive, Governance & Assurance

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

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

Principles for making the determination

41. 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.

42. 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

43. 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

44. 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.

45. The four licensing objectives are:

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

46. 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.

47. 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.

48. 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

49. 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

50. 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.

51. 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

52. 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.
53. 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.
54. 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.
55. 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.
56. 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.

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

57. 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.
58. 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

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

BACKGROUND DOCUMENTS

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

APPENDICES

Name	Title
Appendix A	Application for a premises licence
Appendix B	Conditions agreed with the Licensing Authority
Appendix C	Representation from Environmental Protection Team
Appendix D	Correspondence between EPT and Agent
Appendix E	Map of the local area

AUDIT TRAIL

Lead Officer	Tony Ainge, Strategic Director of Environment, Neighbourhoods and Growth	
Report Author	Joseph Mannix, Interim Principal Licensing Officer	
Version	FINAL	
Dated	1 March 2024	
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 of Finance	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team		1 March 2024

11/01/2024

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

Ref No. 2154865

Name of Applicant

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

PAPA NADOX LIMITED

Notes for Guidance

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

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

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

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

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

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

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

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

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

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

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

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

11. The application form must be signed.

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

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

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

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

from partnerships which are not limited liability partnerships:

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

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

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

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

Documents which demonstrate entitlement to work in the UK

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(v) any page containing information indicating the holder has permission to enter or remain in

the UK and is permitted to work.

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

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

Home Office online right to work checking service

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

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

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

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

Premises Details

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

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

£	13250
	Band D and E only applies to premises which uses exclusively or primarily for the supply of alcohol for consumption on the premises
	No

Premises trading name

	PAPA NADOX KITCHEN
--	--------------------

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

Do you have a Southwark postcode?	Yes
Address Line 1	163 CAMBERWELL NEW ROAD
Address Line 2	
Town	LONDON
Post code	SE5 0SU
Ordnance survey map reference	
Description of the location	
Telephone number	██████████

Applicant Details

Please select whether you are applying for a premises licence as

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

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

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

Other Applicants

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

Name - First Entry

	PAPA NADOX LIMITED
--	--------------------

Address - First Entry

Street number or building name	██
Street Description	██████████
Town	██████
County	
Post code	██████
Registered number (where applicable)	██████

Description of applicant (for example, partnership, company, unincorporated association etc)	PRIVATE LIMITED COMPANY
--	-------------------------

Contact Details - First Entry

Telephone number	[REDACTED]
Email address	[REDACTED]

Operating Schedule

When do you want the premises licence to start?

	07/02/2024
--	------------

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

--	--

General description of premises (see guidance note 1)

	<p>Incorporated in 2022, Papa Nadox Kitchen is exactly what the name implies – a kitchen – producing an exciting range of hot and cold food and food for collection and delivery 24 hrs a day, every day.</p> <p>There is no public access to the premises and orders are fulfilled by delivery or collection at the premises door.</p> <p>Having developed an established client base, Papa Nadox Ltd wishes to take the business to the next level by expanding the food offering to provide a complete dining experience, including alcoholic beverages to complement the food menu.</p> <p>You will see from the operating schedule that the applicant has proposed a robust range of measures to ensure the business operates in compliance with the Licensing Objectives, and with the highest regard and consideration for neighbouring properties, businesses, and the local amenity.</p>
--	---

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

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

Note 1

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

Operating Schedule part 2

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

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

Provision of regulated entertainment (Please read guidance note 2)

Provision of late night refreshment

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

Supply of alcohol

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

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

I - Late Night Refreshment

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

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

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

	Hot and cold food and drink produced in kitchen for customer collection and delivery only.
--	--

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

Day	Start	Finish
-----	-------	--------

Mon	23:00	05:00
Tues	23:00	05:00
Wed	23:00	05:00
Thur	23:00	05:00
Fri	23:00	05:00
Sat	23:00	05:00
Sun	23:00	05:00

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

	Not applicable
--	----------------

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

	Not applicable
--	----------------

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

J - Supply of Alcohol

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

	Off the premises
--	------------------

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

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

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

	Just to be clear - this application is for a 24 hr catering service, however the application doesn't provide the facility to enter timings from 00:00 - 23:59hrs.
--	---

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

	Just to be clear - this application is for a 24 hr catering service, however the application doesn't provide the facility to enter timings from 00:00 - 23:59hrs.
--	---

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

	[REDACTED]
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- 5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
- 6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
- 7. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
- 8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.

Premises Supervisor

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

Full name of proposed designated premises supervisor

First names	Andrew
Surname	Akuruka

DOB

Date Of Birth	[REDACTED]
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Address of proposed designated premises supervisor

Street number or Building name	[REDACTED]
Street Description	[REDACTED]
Town	[REDACTED]

County	
Post code	██████

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

Personal licence number (if known)	Being applied for
Issuing authority (if known)	Southwark Council

K

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

	None
--	------

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

L - Hours premises are open to public

- 5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
- 6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
- 7. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

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

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

State any seasonal variations (Please read guidance note 5)

	Just to be clear - this application is for a 24 hr catering service, however the application doesn't provide the facility to enter timings from 00:00 - 23:59hrs.
--	---

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

--	--

M - Steps to promote four licencing objectives

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

	<p>Staff Training All staff responsible for making sales of alcohol shall receive induction and/or refresher training (at least annually) commensurate with their role and responsibilities in relation to the sale of alcohol and the times and conditions of the premises licence.</p> <p>Training shall include the requirement and process for completing the refusal log (detailed below), will be documented, and training records will be kept at the premises.</p> <p>Training records shall be made available to the Police and/or Local Authority upon request and shall be kept for at least one year.</p> <p>Alcohol Sales Alcohol will only be available to purchase with delivery orders and will not be sold with orders for collection from the premises.</p> <p>Online Alcohol Sales On any website through which sales are made, there must be a statement which informs customers:</p> <ul style="list-style-type: none"> • the premises operates a Challenge 25 policy and any person accepting a delivery must be prepared and able to prove they are over 18 with a satisfactory form of ID; • customers must be at least 18 years old to purchase alcohol, • it is a criminal offence for anyone under the age of 18 to buy or attempt to buy alcohol or for anyone to buy or attempt to buy alcohol for persons under the age of 18. <p>Delivery staff must carry out a Challenge 25 check on delivery, where the person accepting the delivery looks as if they could be under 25.</p> <p>All orders of alcohol are to be recorded and accessible electronically, including the order number and recipient's delivery address, and are to be made available to any responsible authority if requested.</p> <p>Alcohol orders must only be delivered to a residential or business address and not to a public place, e.g. not to a car park, a street corner, or a park.</p> <p>All deliveries will be made to individuals over the age of 18 years of age and not left unattended for later collection.</p>
--	--

b) the prevention of crime and disorder

	<p>Refusal Log A record of refused sales, which may be written or electronic, shall be maintained and completed with details of all refusals of the sale of alcohol.</p> <p>This record shall be made available to Police and/or the Local Authority upon request and shall be kept for at least one year from the date of the last entry.</p>
--	---

c) public safety

	<p>General All requirements and responsibilities pertaining to the lawful and responsible operation of the premises covered by primary legislation, will be complied with – e.g building regs, health and safety, fire prevention.</p>
--	--

d) the prevention of public nuisance

	<p>General The premises licence holder will operate the business with general consideration in respect of the surrounding areas, neighbours and businesses.</p> <p>Appropriate signs, requesting patrons leave quietly and with consideration for neighbours in the vicinity, will be displayed clearly and prominently at exits.</p>
--	---

e) the protection of children from harm

	<p>Age Verification Scheme – Challenge 25 A challenge 25 age verification scheme will operate in relation to delivery orders, whereby any person who appears to be under 25 years of age and is unknown to the delivery person as being a person over 18 years of age, shall only receive the food part of any order, unless they provide identification to prove they are over 18 years of age.</p> <p>Acceptable forms of identification will be a valid passport, a valid photo ID driving license or a valid proof of age scheme card with the PASS approved hologram.</p>
--	--

Guidance note 10

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

Please upload a plan of the premises

--	--

Please upload any additional information i.e. risk assessments

--	--

Checklist

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

Home Office Declaration

Please tick to indicate agreement

	<input type="checkbox"/> I am a company or limited liability partnership
--	--

Declaration

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

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

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

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

I agree to the above statement

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

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

Full name	[REDACTED]
Date (DD/MM/YYYY)	11/01/2024
Capacity	Licensing Consultant

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

Full name	
Date (DD/MM/YYYY)	11/01/2024
Capacity	

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

Contact name and address for correspondence	[REDACTED]
---	------------

	██████████
Telephone No.	██████████
If you prefer us to correspond with you by e-mail, your email address (optional)	██

GUIDANCE NOTES

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

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

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

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

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

Once you complete form you will be redirected to payments and won't be able to return back.

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

Appendix B

From: McArthur, Wesley <Wesley.McArthur@southwark.gov.uk>
Sent: Wednesday, February 14, 2024 10:50 AM
To: Reba Danson | The Licensing Guys <Reba@thelicensingguys.com>
Cc: Mannix, Joseph <Joseph.Mannix@southwark.gov.uk>
Subject: RE: Papa Nadox Kitchen - Agreed conditions

Hi Reba,

Thank you for your reply. The list of conditions as below is correct. As such my representation is withdrawn.

Joseph – please see below. All conditions excepting those in blue type are to be included in the licence.

Regards,

Wesley McArthur

Principal Enforcement Officer - Licensing Unit
London Borough of Southwark

E-mail: wesley.mcarthur@southwark.gov.uk

General: licensing@southwark.gov.uk

Phone: 020 7525 5779

Switchboard: 020 7525 5000

Website: www.southwark.gov.uk

Address: Licensing, Health & Safety, Hub 1, 3rd Floor, 160 Tooley Street, SE1 2QH

From: Reba Danson | The Licensing Guys <Reba@thelicensingguys.com>
Sent: Wednesday, February 14, 2024 10:48 AM
To: McArthur, Wesley <Wesley.McArthur@southwark.gov.uk>
Subject: Papa Nadox Kitchen - Agreed conditions

Hi Wesley,

Further to my earlier email, may I ask you to please confirm that the conditions below are a correct list of the measures proposed, as the two blue ones are no longer applicable.

If the remainder are correct, our client is happy to agree to add to the licence operating schedule and comply with them in the operation of his business.

A. General – all four licensing objectives:

A digital CCTV system shall be installed at the premises, shall be maintained in full working order and shall be continually recording at all times that the premises are in use. The CCTV system must be capable of capturing a clear facial image of every person who enters the premises. The CCTV system shall be correctly time and date stamped at all times. The CCTV system shall cover all interior and exterior areas of the premises, including the frontage of the premises, and shall collect clearly defined / focused footage.

All CCTV footage shall be kept for a period of thirty one (31) days and shall be made immediately available to responsible authority officers on request.

Appendix B

A member of staff shall be on duty at all times that the premises are in use, who is trained in the use of the CCTV system and who is able to view, and download to a removable storage device, CCTV footage at the immediate request of responsible authority officers.

An incident log shall be kept at the premises to record details of any of the following occurrences at the premises:

- I. Instances of anti-social or disorderly behaviour
- II. Calls to the police or other emergency services
- III. Any complaints received
- IV. Ejections of people from the premises
- V. Visits to the premises by the local authority or emergency services
- VI. Any malfunction in respect of the CCTV system
- VII. All crimes reported by customers, or observed by staff
- VIII. Any other relevant incidents

The incident log shall record the time, date, location in the premises and description of each incident, details of any action taken in respect of the incident and the printed name of the person reporting the incident and. The incident log shall be available / be accessible at the premises at all times that the premises are in use, and shall be made immediately available to responsible authority officers on request. Details of incidents shall be recorded contemporaneously. If the incident log is a paper hardcopy then the signature of the person reporting the incident in the log shall also be included. All relevant staff employed at the premises shall be trained in the use of the incident log. Details of such training, including the printed name(s) of the trainee(s) and the date(s) that the training was given, shall be recorded in the staff training logs at the premises.

After 02:00 hours customers will not be permitted on the premises and customer pick-up of deliveries at the premises shall cease.

Alcohol shall only be provided to customers at the premises as part of an order including the collection of food. Purchases / collections solely of alcohol from the premises shall not be permitted at any time.

All relevant staff shall be trained in their responsibilities under the Licensing Act 2003, the promotion of the licensing objectives and the terms and conditions of this licence.

Records pertaining to such training ('the staff training logs') shall be kept at the premises, shall be updated every 6 months and shall be made immediately available to responsible authority officers on request.

The training logs shall include the trainee's name (in block capitals), the trainer's name (in block capitals) and the date(s) of training and a declaration that the training has been received and understood by the trainee. If the staff training logs are a paper hardcopy then the signature of the trainee, the signature of the trainer shall be included.

D. The prevention of public nuisance

Any kitchen extract and / or ventilation systems (user accessible parts) will be cleaned regularly by staff (at a minimum of once a week) to ensure that the operation of the premises does not give rise to odour, fume or smoke nuisance. Details of such cleaning shall be kept in a log that shall be made immediately available to responsible authority officers on request.

Any kitchen extract and / or ventilation systems be inspected at least once annually by a person qualified to do so to ensure that they are in full working order.

Appendix B

Details of any such inspections shall be kept at the premises and be made immediately available for inspection on the request of responsible authority officers.

Any maintenance works to the kitchen extract and / or ventilation identified as required, subsequent to such inspections, shall be undertaken as soon as practicably possible.

External waste handling, collections of goods from the premises, deliveries of goods to the premises and the cleaning of external areas shall only occur between 07:00 hours and 20:00 hours.

Delivery drivers will be instructed to turn their engines off when collecting orders for delivery from the premises.

Clearly legible signage shall be prominently displayed both inside and outside the premises where it can easily be seen and read by delivery drivers advising to the effect that:

- (a) all vehicle engines are turned off,
- (b) that all delivery drivers behave in a quiet and orderly manner with respect to local residents,
- (c) that delivery drivers do not use vehicle horns to attract the attention of workers at the premises or otherwise use their vehicle horns unnecessarily when approaching or leaving the premises, and
- (d) that delivery drivers do not engage in unnecessary revving of engines on approaching or leaving the premises and locale.

Staff shall be trained in minimising noise nuisance that may arise due to the operation of the premises. The training shall include all the steps that staff are expected to take to minimise the operation of the premises from causing noise nuisance especially after 23:00 hours.

The details of such training, including the printed name(s) of the trainee(s) and the date(s) that the training was given, shall be recorded in the staff training logs at the premises.

Clearly legible signage stating a dedicated contact telephone number for the premises shall be prominently displayed where it can easily be seen read by passers-by on the entrance to the premises. The signage shall state to the effect that the phone number shown can be used to contact the premises in respect of any complaints regarding the operation of the premises. Such signage shall be kept free from obstructions at all times.

All relevant staff shall be instructed to arrive at, leave, and conduct themselves at the premises in a quiet and orderly manner at all times with particular care taken when late at night or in the early hours of the morning. The details of such training/instruction, including the printed name(s) of the trainee(s) and the date(s) that the training was given, shall be recorded in the staff training logs at the premises.

Member of public will not be permitted onto the premises at any time.

Food sales will not take place at the premises at any time (e.g. through a service hatch or similar). (No longer applicable - superseded by condition above)

Members of the public will not be permitted to collect food and / or alcohol orders from the premises at any time. (No longer applicable - superseded by condition above)

E. The protection of children from harm

Appendix B

Whether employed directly or via third party delivery companies, drivers must complete training regarding the prevention of the delivery of age restricted products to underage persons.

Such training shall include (but not necessarily be limited to) the requirement that staff delivering alcohol request that any customer who looks under 18 years old, and who is attempting to take receipt of alcohol, provides valid photographic identification proving that the customer is at least 18 years old. Valid photographic identification is composed of a photo driving licence, passport, UK armed services photo ID card, any Proof of Age Standards Scheme (PASS) accredited card (such as the Proof of Age London (PAL) card) or any age verification card accredited by the Secretary of State.

Where delivery drivers are employed directly by the premises then records pertaining to the prevention of the delivery of age restricted products to underage persons shall be kept / be accessible at the premises at all times and be made immediately available for inspection at the premises to council and / or police officers on request. The details of such training, including the printed name(s) of the trainee(s) and the date(s) that the training was given, shall be recorded in the staff training logs at the premises.

If deliveries are made by a third party company, then that company must have a policy regarding the prevention of the delivery of age restricted products to underage persons and all deliveries must be made in accordance with the policy. A copy of the company's policy regarding the prevention of the delivery of age restricted products to underage persons, and the delivery contract agreement, will be kept / be available at the premises with the premises license, and shall be made immediately available to responsible officers on request.

Details of the age verification policy, and delivery policy regarding age restricted products, shall be made available on any web-site, or other media used, regarding deliveries of age restricted products.

If I have overlooked or omitted anything of course please let me know, but if they are correct, I look forward to hearing from you.

Thank you and kind regards



Reba Danson

Mobile 07400 014677

reba@thelicensingguys.com



Disclaimer

This message (including any attachments) is confidential and may be legally privileged. If you are not the intended recipient, you should not disclose, copy or use any part of it for any purpose - please delete all copies immediately and notify the sender. Any views or opinions

expressed do not necessarily represent those of the Company.

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Appendix C

From: Prickett, Mark <Mark.Prickett@southwark.gov.uk>
Sent: Thursday, February 8, 2024 1:21 PM
To: Regen, Licensing <Licensing.Regen@southwark.gov.uk>
Cc: licensing@thelicensingguys.com
Subject: EPT rep - premises licence consultation 163 Camberwell New Road

Dear Licensing,

Southwark's Environmental Protection Team (EPT) have reviewed the new premises licence application for Papa Nadox Kitchen, 163 Camberwell New Road, SE5 0SU.

The premises is described as a "a kitchen producing an exciting range of hot and cold food and food for collection and delivery 24 hrs a day, every day."

The application seeks the following licensable activities:

Late night refreshment (indoors): Monday to Sunday 23:00 – 05:00. "Hot and cold food and drink produced in kitchen for customer collection and delivery only."

Supply of alcohol (off the premises): Monday to Sunday 00:00 – 00:00 (24hrs a day)

Opening hours: Monday to Sunday 00:00 – 00:00 (24hrs a day)

Section M, part d) of the application has been reviewed. The following measures are proposed to address the prevention of public nuisance licensing objective:

- The premises licence holder will operate the business with general consideration in respect of the surrounding areas, neighbours and businesses.
- Appropriate signs, requesting patrons leave quietly and with consideration for neighbours in the vicinity, will be displayed clearly and prominently at exits.

PLANNING HISTORY

Planning application 10/AP/1780 for "Change of use adding Use Class A5 (takeaway), to existing Class A1 (retail) and Class B2 (bakery) use" was granted on 10th Sept 2010.

The decision notice is attached for reference, the application can be found here:

<https://planning.southwark.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=ZZZV1UKBWR029>

Details of the proposal are detailed in the officers report as follows:

Having recently obtained planning permission for a change the use of the ground floor from A1 (Post Office) to a bakery within B2 use class, with ancillary retail element, the applicant now wishes to add an ancillary A5 take away use (09-AP-2808 - detailed below). The application documents confirm that no additional cooking equipment over and above that already approved under the application referenced below, will be installed. There would be no motorised deliveries, and no additional external changes to the building. The opening hours as approved under the previous application are as follows;

*Operational opening hours;**Monday to Friday - 4:30am - 4pm**Saturday - 4:30am - 3pm**Sundays and Bank holidays- Closed.**Customer opening hours;**Monday to Friday - 7:30am - 4pm**Saturday - 7:30am - 3pm**Sundays and Bank holidays- Closed.**Take Away facility hours;**Monday to Friday - 10am - 7pm**Saturday - 10am - 7pm**Sundays and Bank holidays- Closed.*

Under the previous application, the applicant confirmed that only two members of staff would start work at 4:30am, and activities would be limited to the removal dough from the proofer and into the oven. A total of three members of staff would be employed.

Relevant conditions on the 10/AP/1780 decision notice (attached for reference):

4 Any additional plant, machinery or cooking equipment other than that already approved and shown on the drawings accompanying this application, shall be subject to further consideration with a planning application.

Reason

In order to prevent a more intensified use which could result in the production of fumes and food smells that would harm the amenities of the nearby and neighbouring occupants, and in accordance with policy 3.2 Protection of Amenity, and also in the interests of preserving the appearance of the Camberwell New Road Conservation Area, in accordance with policy 3.16 ' Conservation Areas' of the Southwark Plan 2007.

5 No more than two members of staff shall occupy the building prior to 8am on any day.

Reason

To ensure that the early opening time of the premises at 4:30am does not result in undue activity such that may cause a disturbance to the nearby residential occupiers, in the interests of policy 3.2 Protection of Amenity of the Southwark Plan 2007.

6 The use of the premises hereby permitted shall be limited to between the following hours only, Monday to Friday 4.30am - 8pm, Saturdays 4.30am to 7pm, with customers prevented from entering before 7am on these days, and with no operation on Sundays and Bank Holidays.

Reason:

In the interests of the amenities of adjoining occupiers and in order to accord with Policy 3.2 'Protection of Amenity' of the Southwark Plan (2007)

8 There shall be no delivery service operated from the premises without the prior written consent of the Local Planning Authority.

Reason:

In the interests of amenities and highway safety in the locality and in order to accord with Policy 3.2 'Protection of Amenity' and 5.2 'Transport Impacts' of the Southwark Plan (2007).

Reasons for granting planning permission:

"Particular regard was had to the implications for amenities and highway safety that would result from this proposal, however, no motorised deliveries would take place from the unit, it would be serviced according to restrictions in place on street, and the hours of operation would not result in unreasonable or late night operations, with the number of staff proposed. It was therefore considered appropriate to grant planning permission having regard to the policies considered and other material planning considerations."

The proposals for this premises licence appear to contravene the existing planning permission at the site.

There also appears to be new kitchen extraction ductwork compared to the plans within the planning application. The current extraction equipment can be seen on google street view on the roof to the rear of 163:

<https://www.google.com/maps/@51.4784476,-0.1034212,3a,60.6y,343.02h,95.05t/data=!3m6!1e1!3m4!1sAQFJML3QsBy1k1z0sBeFQ!2e0!7i16384!8i8192?entry=ttu>

EPT have concerns that this plant does not have planning consent and as such has not been previously assessed by way of noise and odour emissions.

EPT STANCE

EPT have several strong concerns regarding public nuisance with regards to this application.

Firstly the hours sought in this application exceed the suggested hours within table 2 of Southwark's Statement of Licensing Policy 2021-26. EPT would classify the application site as a 'small shopping parade', conscious also that there is a lot of residential neighbours in very close proximity. As such opening hours should be to 23:00 Sunday to Thursdays and to 00:00 (midnight) on Fridays and Saturdays.

There is no specific mention to noise from the use of delivery vehicles and associated engine noise. This issue will likely cause public nuisance to residents if operating to the hours sought in this application.

There are numerous residents in close proximity; above the unit, next door and behind on Warham Street. The operation of the unit with ancillary delivery vehicle movements throughout the night / 24hrs a day could conceivably cause noise disturbance, sleep disturbance and public nuisance.

There are also concerns with regards to possible noise and odour nuisance from the external kitchen extraction system operating throughout the night in close proximity to many bedroom windows. This has not been addressed.

The measures put forward to address the prevention of public nuisance licensing objective are not considered satisfactory.

Furthermore, the proposals appear to contravene the existing planning permission at the site with many existing conditions being breached if the use is granted. Sections 100-104 of the Licensing Policy addresses the planning regime, and states "it is strongly recommended that applications for premises licences for permanent commercial premises should normally be from businesses with relevant planning consent for the property concerned. This applies equally to applications seeking a licence intended to facilitate a change of use / type of operation. Where this is not the case, the Council may expect the Applicant to address the reasons why planning permission had not been firstly sought and / or granted and provide reasons as to why licensing consent should be."

EPT therefore raise objection to this application over concerns of the likelihood of public nuisance being caused to numerous residential neighbours if this application was granted.

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

TP(Permit)

SOUTHWARK COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)



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PLANNING PERMISSION

Applicant Mr T. Lamidi
Date of Issue of this decision 10/09/2010

LBS Registered Number 10-AP-1780

Planning Permission was GRANTED for the following development:

Change of use adding Use Class A5 (takeaway), to existing Class A1 (retail) and Class B2 (bakery) use.

At: 163 CAMBERWELL NEW ROAD, LONDON, SE5 0SU

In accordance with application received on 22/06/2010 Your Ref. No.:

and Applicant's Drawing Nos. Site plan, 4 un-numbered plans showing side elevation, cross sections, roof plan, proposed floorplan and Design and Access Statement.

Subject to the following eight conditions:

1 The development hereby permitted shall be begun before the end of three years from the date of this permission.

Reason

As required by Section 91 of the Town and Country Planning Act 1990 as amended

2 The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans:

4 un-numbered plans showing side elevation, cross sections, roof plan, proposed floorplan.

Reason:

For the avoidance of doubt and in the interests of proper planning.

3 The rated noise level from any plant, together with any associated ducting, shall be 10 dB(A) or more below the measured LA90 level at the nearest noise sensitive premises. The method of assessment shall be carried in accordance with BS4142:1997 'Rating industrial noise affecting mixed residential and industrial areas'.

The equipment shall be installed and constructed in accordance with any approved scheme and be permanently maintained thereafter. Within one month of the installation of the plant and equipment, a noise report shall be submitted to the Local Planning Authority for approval in writing confirming any previous details and subsequent measurement data of the installed plant to demonstrate compliance with the above requirements. The supplementary acoustic report shall include:

- i) A schedule of all plant and equipment installed;
- ii) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- iii) Manufacturer specifications of sound emissions in octave or third octave detail;
- iv) The location of all most affected noise sensitive receptor locations and the most affected windows;
- v) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- vi) The lowest existing LA90, T measurement as already established.
- vii) New noise monitoring data, measurement evidence and any calculations demonstrating that plant complies with the planning condition.

Reason

To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance from plant and machinery in accordance with Policy 3.2 'Protection of Amenity of the Southwark Plan 2007 and PPG24- Planning and Noise.

Continued overleaf...

TP(Permit)

SOUTHWARK COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)



www.southwark.gov.uk

PLANNING PERMISSION**LBS Reg. No. 10-AP-1780****Date of Issue of this decision 10/09/2010**

- 4 Any additional plant, machinery or cooking equipment other than that already approved and shown on the drawings accompanying this application, shall be subject to further consideration with a planning application.

Reason

In order to prevent a more intensified use which could result in the production of fumes and food smells that would harm the amenities of the nearby and neighbouring occupants, and in accordance with policy 3.2 Protection of Amenity, and also in the interests of preserving the appearance of the Camberwell New Road Conservation Area, in accordance with policy 3.16 'Conservation Areas' of the Southwark Plan 2007.

- 5 No more than two members of staff shall occupy the building prior to 8am on any day.

Reason

To ensure that the early opening time of the premises at 4:30am does not result in undue activity such that may cause a disturbance to the nearby residential occupiers, in the interests of policy 3.2 Protection of Amenity of the Southwark Plan 2007.

- 6 The use of the premises hereby permitted shall be limited to between the following hours only, Monday to Friday 4.30am - 8pm, Saturdays 4.30am to 7pm, with customers prevented from entering before 7am on these days, and with no operation on Sundays and Bank Holidays.

Reason:

In the interests of the amenities of adjoining occupiers and in order to accord with Policy 3.2 'Protection of Amenity' of the Southwark Plan (2007)

- 7 Notwithstanding the provisions of Use Class B2 of the Town and Country Planning (Use Classes) Order and any associated provisions of the Town and Country Planning General Permitted Development Order (including any future amendment or enactment of those Orders) the use hereby permitted shall not include any use other than as a retail shop, takeaway and associated bakery (Use classes A1, A5 and B2).

Reason

To protect the amenities of the adjoining and surrounding occupiers in compliance with Policy 3.2 Protection of Amenity within the Southwark Plan 2007.

- 8 There shall be no delivery service operated from the premises without the prior written consent of the Local Planning Authority.

Reason:

In the interests of amenities and highway safety in the locality and in order to accord with Policy 3.2 'Protection of Amenity' and 5.2 'Transport Impacts' of the Southwark Plan (2007).

Continued overleaf...

TP(Permit)

SOUTHWARK COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)



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PLANNING PERMISSION**LBS Reg. No. 10-AP-1780****Date of Issue of this decision 10/09/2010****Reasons for granting planning permission.**

This planning application was considered with regard to various policies including, but not exclusively:

a] Policies of the Southwark Plan [July 2007].

1.10 Protecting the range of services available outside the town and local centres and protected shopping frontages. (seeks to maintain a provision of retail units outside of the Protected Shopping Frontages);

3.2 Protection of Amenity (advises that permission would not be granted where it would cause a loss of amenity);

3.16 Conservation Areas (requires developments to preserve or enhance the character or appearance of the conservation area)

5.2 Transport Impacts (states that permission will not be granted for developments that have an adverse affect on the transport network and that there is adequate provision for servicing, circulation and access;

5.6 Car Parking (states that all developments requiring car parking should minimise the number of spaces provided).

Particular regard was had to the implications for amenities and highway safety that would result from this proposal, however, no motorised deliveries would take place from the unit, it would be serviced according to restrictions in place on street, and the hours of operation would not result in unreasonable or late night operations, with the number of staff proposed. It was therefore considered appropriate to grant planning permission having regard to the policies considered and other material planning considerations.

Signed

A handwritten signature in black ink, appearing to be "GR", written over a horizontal line.

Gary Rice
Head of Development Management

Your attention is drawn to the notes accompanying this document

Any enquiries regarding this document should quote the LBS Registered Number and be sent to the Head of Development Management, Southwark Council, Regeneration and neighbourhoods, Planning & transport, Development management, PO Box 64529, London SE1P 5LX, or by email to planning.enquiries@southwark.gov.uk

UPRN: 200003453247

checked by _____ TP/2507-161

PLANNING PERMISSION

LBS Registered Number: 10-AP-1780

Date of issue of this decision: 10/09/2010



www.southwark.gov.uk

IMPORTANT NOTES RELATING TO THE COUNCIL'S DECISION

- [1] **APEAL TO THE SECRETARY OF STATE.** If you are aggrieved by this decision of the council as the local planning authority to grant permission subject to conditions you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990. If you appeal you must do so within six months of the date of this notice. The Secretary of State can allow a longer period for giving notice of an appeal but will not normally use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems that the local planning authority could not have granted it without the conditions imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order. If you do decide to appeal you can do so using The Planning Inspectorate's online appeals service. You can find the service through the appeals area of the Planning Portal at www.planningportal.gov.uk/pcs. You can also appeal by completing the appropriate form which you can get from The Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN [tel. 0117-3726372]. The form can also be downloaded from the Inspectorate's website at www.planning-inspectorate.gov.uk. The Planning Inspectorate will publish details of your appeal on the internet on the appeals area of the Planning Portal. This may include a copy of the original planning application form and relevant supporting documents supplied to the council by you or your agent, together with the completed appeal form and information you submit to The Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you, that you are happy will be made available to others in this way. If you supply information belonging to someone else please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.
- [2] **PURCHASE NOTICE.** If either the local planning authority or the Secretary of State grants permission subject to conditions, the owner may claim that the land can neither be put to a reasonably beneficial use in its existing state nor made capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances the owner may serve a purchase notice on the Council requiring the Council to purchase the owner's interest in the land in accordance with Part VI of the Town and Country Planning Act 1990.
- [3] **PROVISIONS FOR THE BENEFIT OF THE DISABLED.** Applicants are reminded that account needs to be taken of the statutory requirements of the Disability Discrimination Act 1995 to provide access and facilities for disabled people where planning permission is granted for any development which provides:
- (i) Buildings or premises to which the public are to be admitted whether on payment or otherwise. [Part III of the Act].
 - (ii) Premises in which people are employed to work as covered by the Health and Safety etc At Work Act 1974 and the Management of Health and Safety at Work Regulations as amended 1999. [Part II of the Act].
 - (iii) Premises to be used as a university, university college or college, school or hall of a university, or intended as an institution under the terms of the Further and Higher Education Act 1992. [Part IV of the Act].
- Attention is also drawn to British Standard 8300:2001 Disability Access, Access for disabled people to schools buildings – a management and design guide. Building Bulletin 91 (DfEE 99) and Approved Document M (Access to and use of buildings) of the Building Regulations 2000 or any such prescribed replacement.
- [4] **OTHER APPROVALS REQUIRED PRIOR TO THE IMPLEMENTATION OF PLANNING PERMISSION.** The granting of planning permission does not relieve the developer of the necessity for complying with any Local Acts, regulations, building by-laws and general statutory provisions in force in the area, or allow them to modify or affect any personal or restrictive covenants, easements, etc., applying to or affecting either the land to which the permission relates or any other land or the rights of any persons or authorities [including the London Borough of Southwark] entitled to the benefits thereof or holding an interest in the property concerned in the development permitted or in any adjoining property.
- [5] **WORKS AFFECTING THE PUBLIC HIGHWAY.** You are advised to consult the council's Highway Maintenance section [tel. 020-7525-2000] about any proposed works to, above or under any road, footway or forecourt.
- [6] **THE DULWICH ESTATE SCHEME OF MANAGEMENT.** Development of sites within the area covered by the Scheme of Management may also require the permission of the Dulwich Estate. If your property is in the Dulwich area with a post code of SE19, 21, 22, 24 or 26 you are advised to consult the Estates Governors', The Old College, Gallery Road SE21 7AE [tel: 020-8299-1000].
- [7] **BUILDING REGULATIONS.** You are advised to consult Southwark Building Control at the earliest possible moment to ascertain whether your proposal will require consent under the Building Act 1984 [as amended], Building Regulations 2000 [as amended], the London Building Acts or other statutes. A Building Control officer will advise as to the submission of any necessary applications, [tel. call centre number 0845 600 1285].
- [8] **THE PARTY WALL Etc. ACT 1996.** You are advised that you must notify all affected neighbours of work to an existing wall or floor/ceiling shared with another property, a new building on a boundary with neighbouring property or excavation near a neighbouring building. An explanatory booklet aimed mainly at householders and small businesses can be obtained from the Department for Communities and Local Government [DCLG] Free Literature tel: 0870 1226 236 [quoting product code

02BR00862].

IMPORTANT: This is a PLANNING PERMISSION only and does not operate so as to grant any lease, tenancy or right of occupation of or entry to the land to which it refers.

Appendix D

From: Prickett, Mark <Mark.Prickett@southwark.gov.uk>
Sent: Tuesday, February 20, 2024 1:27 PM
To: Reba Danson | The Licensing Guys <Reba@thelicensingguys.com>; Mannix, Joseph <Joseph.Mannix@southwark.gov.uk>
Subject: RE: EPT rep - premises licence consultation 163 Camberwell New Road

Dear Reba,

Please be advised that the Environmental Protection Team (EPT) have now reviewed the further information sent over and the additional conditions proposed.

In short EPT still have concerns regarding the application proposals and maintain the objection. It is expected this application will go to a Licensing sub-committee.

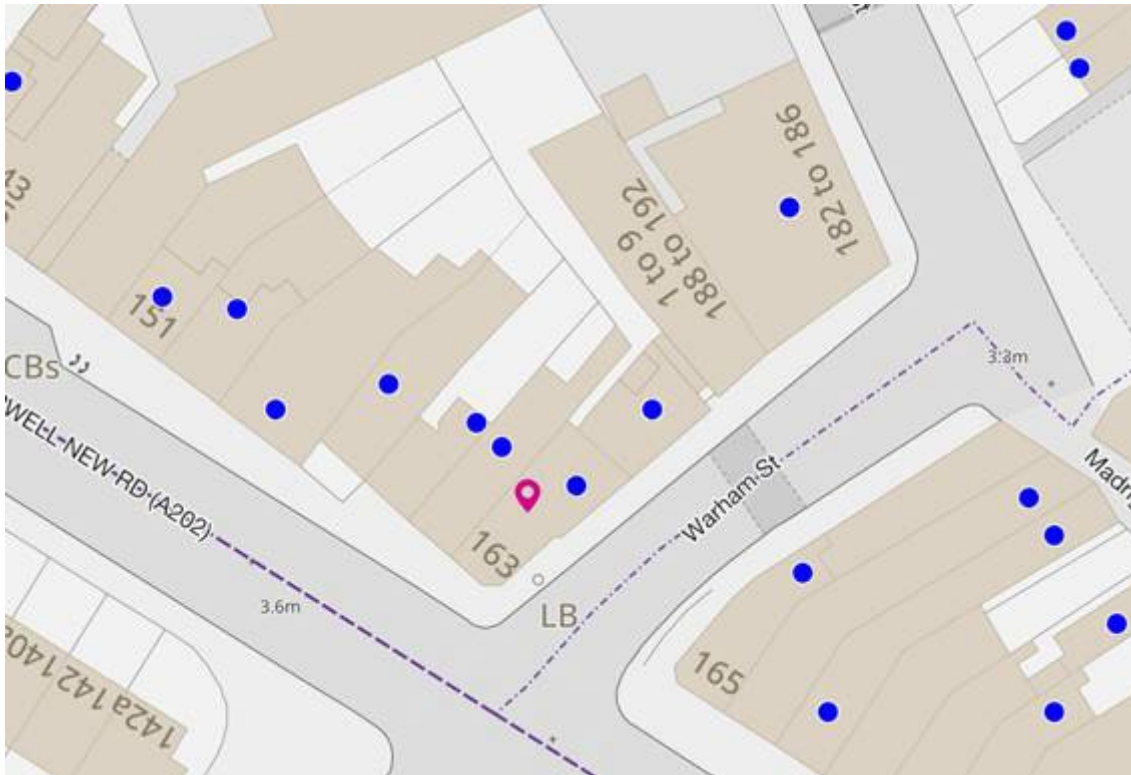
Complaint history

A search of noise complaints from the last 5 years (from 1st Jan 2019) at the premises is as follows:

995147	163 Camberwell New Road	06/03/2023	"On 5/3/2023 from 22:00-23:30 there was heavy drilling into an adjoining wall. Then the morning of 5/3/23- heavy drilling started again at 7 AM"
A07158	163 Camberwell New Road	13/09/2023	"Ongoing drilling into joining wall and hammering before 8 am."
A13479	163 Camberwell New Road	07/01/2024	"loud construction noise and power tools."
A15090	163 Camberwell New Road	06/02/2024	"noise from machinery from 163 earlier today"

The last complaint appears to be the most relevant in terms of referring to plant noise, however this was not investigated any further after a noise officer left a voicemail for the complainant and no further action is recorded under the complaint.

For reference, the map below shows the application site with the red pin. The closest residential neighbours are with blue dots. The site the rear labelled '1 to 9, 188 to 192' Warham Street is also residential. This is to confirm that there are existing residential neighbours above and adjoining the application site.



Takeaway premises in locality

For information there are 2 takeaway premises licences in close proximity to the application site. Opening hours have been taken from Google as Southwark's Licensing register is currently down.

- Royal Kebab Fish & Chips, 171 Camberwell New Road – open to 23:00 Sun to Thurs, 23:30 Fri & Sat.
- Pappadom, 219 Camberwell New Road – open to midnight Sun to Thurs, 00:30 Fri & Sat.

Planning matters

You have stated *“the Licensing Act 2003 Section 182 Guidance precludes any/all planning matters from being considered by a Licensing Authority in relation to a premises licence application”*. EPT disagree with your interpretation of the s182 guidance sections 14.65 – 14.67.

Please also see sections 100-104 (page 28) of Southwark's Statement of Licensing Policy 2021-2026 which explains Southwark's stance. For instance *“it is strongly recommended that applications for premises licences for permanent commercial premises should normally be from businesses with relevant planning consent for the property concerned. This applies equally to applications seeking a licence intended to facilitate a change of use / type of operation. Where this is not the case, the Council may expect the Applicant to address the reasons why planning permission had not been firstly sought and / or granted and provide reasons as to why licensing consent should be.”*

Further conditions

The additional conditions to address the prevention of public nuisance licensing objective are noted. There are conditions relating to the kitchen extraction system, which confirms that this is a public nuisance issue that needs addressing. It is however EPT's view that there has been no information provided up front to provide any assurance that these conditions can be complied with. Concerns remain over public nuisance from cooking odours as a result of proposed 24hr cooking at the premises.

EPT summary

It is reminded that the licensing objective is the prevention of public nuisance. The proposed intensification of the operations at the premises 24 hours a day, 7 days a week raises strong concerns over public nuisance and as such EPT raise objection with reference to the prevention of public nuisance licensing objective.

The hours of operation applied for far exceed the suggested hours for a take-away premises within table 2 of Southwark's Statement of Licensing Policy 2021-26. EPT would classify the application site as a 'small shopping parade', conscious that there is a lot of residential neighbours in very close proximity. As such opening hours should be to 23:00 Sunday to Thursdays and to 00:00 (midnight) on Fridays and Saturdays. Furthermore other takeaway businesses in the locality operate to hours considered more in line with Southwark's Licensing Policy.

The proposals conflict with several existing planning restrictions at the site, as detailed in EPT's original representation.

There is still no specific mention to noise from the use of delivery vehicles and associated engine noise. This issue will likely cause public nuisance to residents if operating to the hours sought in this application.

There are also concerns with regards to possible noise and odour nuisance from the external kitchen extraction system operating throughout the night in close proximity to many bedroom windows. This has not been adequately addressed.

EPT therefore raise objection to this application over concerns of the likelihood of public nuisance being caused to numerous residential neighbours if this application was granted.

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/>

Please consider the environment - do you really need to print this email?

From: Reba Danson | The Licensing Guys <Reba@thelicensingguys.com>
Sent: Wednesday, February 14, 2024 3:03 PM
To: Prickett, Mark <Mark.Prickett@southwark.gov.uk>
Cc: Mannix, Joseph <Joseph.Mannix@southwark.gov.uk>
Subject: EPT rep - premises licence consultation 163 Camberwell New Road
Importance: High

Good afternoon Mark,

I hope this email finds you well.

I write further to my email and FOI request, submitted on 8 February 2024, with an update as there have been some significant and important developments in relation to this application.

Enhanced Operating Schedule

Negotiations between the Licensing Authority and the applicant have led to the addition of the conditions below being added to the licence operating schedule. As a consequence, the Representation from the Licensing Authority has now been withdrawn.

Clearly, the purpose of many of the requested conditions is to minimise the likelihood of disturbance, therefore I would like to ask you to please consider the agreed conditions – which are in addition to those volunteered in the original application – and, in light of their addition, review your objection to the grant of the licence.

As mentioned previously, the Licensing Act 2003 Section 182 Guidance precludes any/all planning matters from being considered by a Licensing Authority in relation to a premises licence application; however, I can confirm that the premises owner will address the matter of planning permission and seek the necessary authorisation in respect of all planning issues, independently of this application.

Therefore, in relation to your other concerns, I would be grateful if you could please consider the agreed conditions, below and confirm what, if any, further measures you would be seeking to ensure the licensing objectives are not undermined by the grant of this licence.

As demonstrated by this development, the applicant is open to modifying the licence to ensure the business operates to a high standard of compliance and consideration.

A. General – all four licensing objectives:

A digital CCTV system shall be installed at the premises, shall be maintained in full working order and shall be continually recording at all times that the premises are in use. The CCTV system must be capable of capturing a clear facial image of every person who enters the premises. The CCTV system shall be correctly time and date stamped at all times. The CCTV system shall cover all interior and exterior areas of the premises, including the frontage of the premises, and shall collect clearly defined / focused footage.

Appendix D

All CCTV footage shall be kept for a period of thirty one (31) days and shall be made immediately available to responsible authority officers on request.

A member of staff shall be on duty at all times that the premises are in use, who is trained in the use of the CCTV system and who is able to view, and download to a removable storage device, CCTV footage at the immediate request of responsible authority officers.

An incident log shall be kept at the premises to record details of any of the following occurrences at the premises:

- I. Instances of anti-social or disorderly behaviour*
- II. Calls to the police or other emergency services*
- III. Any complaints received*
- IV. Ejections of people from the premises*
- V. Visits to the premises by the local authority or emergency services*
- VI. Any malfunction in respect of the CCTV system*
- VII. All crimes reported by customers, or observed by staff*
- VIII. Any other relevant incidents*

The incident log shall record the time, date, location in the premises and description of each incident, details of any action taken in respect of the incident and the printed name of the person reporting the incident and. The incident log shall be available / be accessible at the premises at all times that the premises are in use, and shall be made immediately available to responsible authority officers on request. Details of incidents shall be recorded contemporaneously. If the incident log is a paper hardcopy then the signature of the person reporting the incident in the log shall also be included. All relevant staff employed at the premises shall be trained in the use of the incident log. Details of such training, including the printed name(s) of the trainee(s) and the date(s) that the training was given, shall be recorded in the staff training logs at the premises.

After 02:00 hours customers will not be permitted on the premises and customer pick-up of deliveries at the premises shall cease.

Alcohol shall only be provided to customers at the premises as part of an order including the collection of food. Purchases / collections solely of alcohol from the premises shall not be permitted at any time.

All relevant staff shall be trained in their responsibilities under the Licensing Act 2003, the promotion of the licensing objectives and the terms and conditions of this licence.

Records pertaining to such training ('the staff training logs') shall be kept at the premises, shall be updated every 6 months and shall be made immediately available to responsible authority officers on request.

The training logs shall include the trainee's name (in block capitals), the trainer's name (in block capitals) and the date(s) of training and a declaration that the training has been received and understood by the trainee. If the staff training logs are a paper hardcopy then the signature of the trainee, the signature of the trainer shall be included.

D. The prevention of public nuisance

Any kitchen extract and / or ventilation systems (user accessible parts) will be cleaned regularly by staff (at a minimum of once a week) to ensure that the operation of the premises does not give rise to odour, fume or smoke nuisance. Details of such cleaning shall be kept in a log that shall be made immediately available to responsible authority officers on request.

Appendix D

Any kitchen extract and / or ventilation systems be inspected at least once annually by a person qualified to do so to ensure that they are in full working order.

Details of any such inspections shall be kept at the premises and be made immediately available for inspection on the request of responsible authority officers.

Any maintenance works to the kitchen extract and / or ventilation identified as required, subsequent to such inspections, shall be undertaken as soon as practicably possible.

External waste handling, collections of goods from the premises, deliveries of goods to the premises and the cleaning of external areas shall only occur between 07:00 hours and 20:00 hours.

Delivery drivers will be instructed to turn their engines off when collecting orders for delivery from the premises.

Clearly legible signage shall be prominently displayed both inside and outside the premises where it can easily be seen and read by delivery drivers advising to the effect that:

(a) all vehicle engines are turned off,

(b) that all delivery drivers behave in a quiet and orderly manner with respect to local residents,

(c) that delivery drivers do not use vehicle horns to attract the attention of workers at the premises or otherwise use their vehicle horns unnecessarily when approaching or leaving the premises, and

(d) that delivery drivers do not engage in unnecessary revving of engines on approaching or leaving the premises and locale.

Staff shall be trained in minimising noise nuisance that may arise due to the operation of the premises. The training shall include all the steps that staff are expected to take to minimise the operation of the premises from causing noise nuisance especially after 23:00 hours.

The details of such training, including the printed name(s) of the trainee(s) and the date(s) that the training was given, shall be recorded in the staff training logs at the premises.

Clearly legible signage stating a dedicated contact telephone number for the premises shall be prominently displayed where it can easily be seen read by passers-by on the entrance to the premises. The signage shall state to the effect that the phone number shown can be used to contact the premises in respect of any complaints regarding the operation of the premises. Such signage shall be kept free from obstructions at all times.

All relevant staff shall be instructed to arrive at, leave, and conduct themselves at the premises in a quiet and orderly manner at all times with particular care taken when late at night or in the early hours of the morning. The details of such training/instruction, including the printed name(s) of the trainee(s) and the date(s) that the training was given, shall be recorded in the staff training logs at the premises.

Member of public will not be permitted onto the premises at any time.

E. The protection of children from harm

Whether employed directly or via third party delivery companies, drivers must complete training regarding the prevention of the delivery of age restricted products to underage persons.

Appendix D

Such training shall include (but not necessarily be limited to) the requirement that staff delivering alcohol request that any customer who looks under 18 years old, and who is attempting to take receipt of alcohol, provides valid photographic identification proving that the customer is at least 18 years old. Valid photographic identification is composed of a photo driving licence, passport, UK armed services photo ID card, any Proof of Age Standards Scheme (PASS) accredited card (such as the Proof of Age London (PAL) card) or any age verification card accredited by the Secretary of State.

Where delivery drivers are employed directly by the premises then records pertaining to the prevention of the delivery of age restricted products to underage persons shall be kept / be accessible at the premises at all times and be made immediately available for inspection at the premises to council and / or police officers on request. The details of such training, including the printed name(s) of the trainee(s) and the date(s) that the training was given, shall be recorded in the staff training logs at the premises.

If deliveries are made by a third party company, then that company must have a policy regarding the prevention of the delivery of age restricted products to underage persons and all deliveries must be made in accordance with the policy. A copy of the company's policy regarding the prevention of the delivery of age restricted products to underage persons, and the delivery contract agreement, will be kept / be available at the premises with the premises license, and shall be made immediately available to responsible officers on request.

Details of the age verification policy, and delivery policy regarding age restricted products, shall be made available on any web-site, or other media used, regarding deliveries of age restricted products.

Thank you and I look forward to hearing from you.

Kind regards

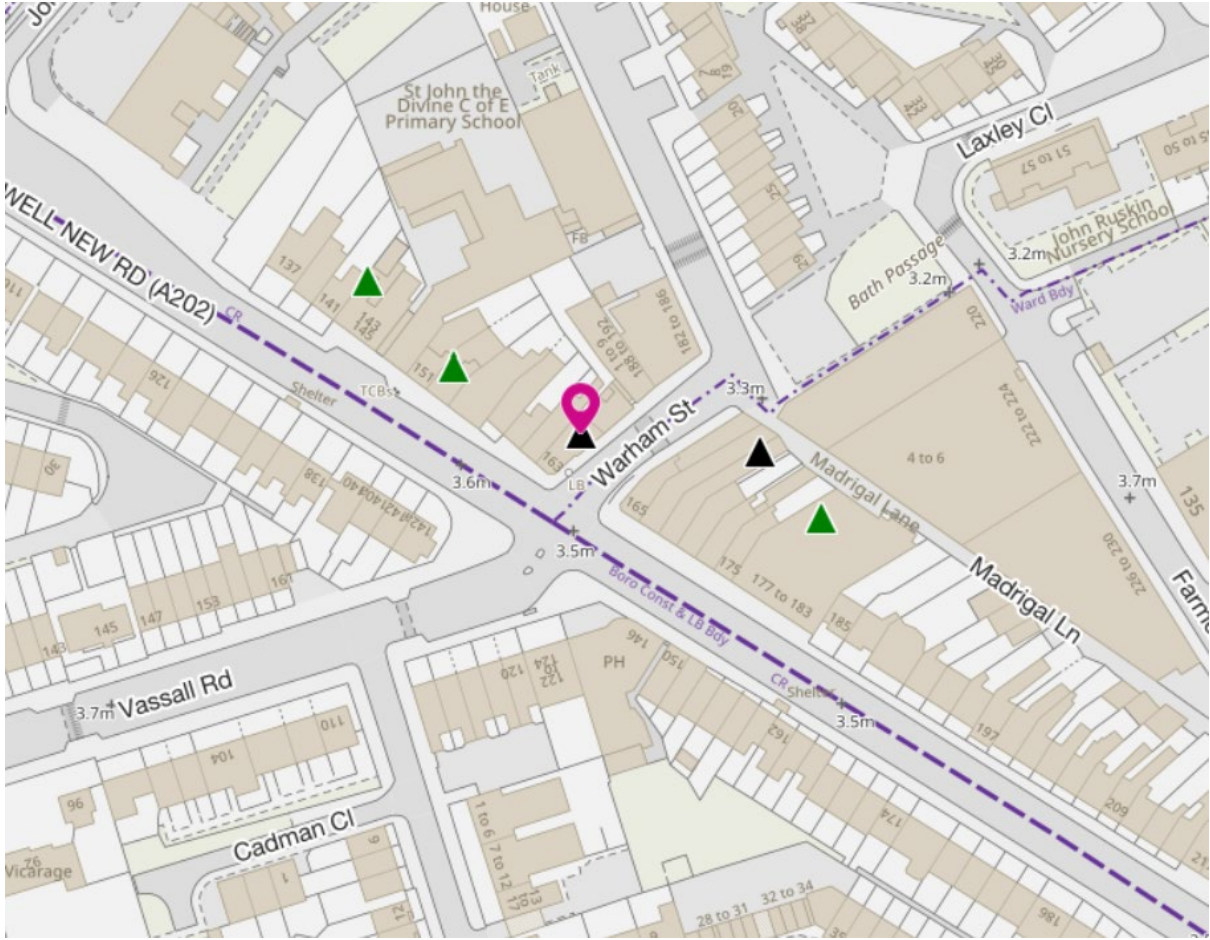


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Item No. 6.	Classification: Open	Date: 12 March 2024	Meeting Name: Licensing Sub-Committee
Report Title		Licensing Act 2003: Waterloo Food and Wine, 187 Waterloo Road, London SE1 8UX	
Ward(s) of group(s) affected		St Georges	
From		Strategic Director of Environment, Neighbourhoods and Growth	

RECOMMENDATION

1. That the licensing sub-committee considers an application made The Chelsea Food and Wine Company Limited to vary the premises licence granted under the Licensing Act 2003 in respect of the premises known as Waterloo Food and Wine - 187 Waterloo Road, London, SE1 8UX. This premises is in a CIZ.
2. Notes:
 - a) The application seeks to vary the premises licence held in respect of the premises known as Waterloo food and Wine – 187 Waterloo Road, London SE1 8UX 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 one responsible authorities and is therefore referred to the licensing sub-committee for determination.
 - b) Paragraphs 8 to 11 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 12 to 15 of this report provide a summary of the application. A copy of the application is attached to this report as Appendix B.
 - d) Paragraphs 16 to 18 of this report deal with the representations submitted in respect of the application. A copy of the Police representation and agreed conditions is attached to this report as Appendix C, and supporting evidence to their representation is attached to this report as Appendix D. A Copy of the Licensing Authority Representation is attached to this report as Appendix E.
 - 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 premises licence was issued on 17 January 2024 following a recent major variation in relation to the update, amend and replace Annex 3 conditions.

9. The hours on the current licence are:
 - The sale by retail of alcohol (off the premises):
 - Monday to Sunday: 08:00 to 00:00
 - The provision of late night refreshment (outdoors):
 - Monday to Sunday: 08:00 to 01:00
 - Opening hours:
 - Monday to Thursday: 06:30 to 01:00
 - Friday and Saturday: 06:30 to 03:00
10. The designated premises supervisor (DPS) is Asim Mehmood.
11. A copy of the current premises licence is attached as Appendix A.

The variation application

12. On 17 January 2024 The Chelsea Food and 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 Waterloo Food and Wine, 187 Waterloo Road, London SE1 8UX
13. The application is summarised as follows:

“To vary the terminal hour for the sale of alcohol to 01:00 Sunday to Thursday and 03:00 Friday to Saturday, in accordance with the existing permitted hours for Late Night refreshment. No other changes are sought.”
14. The application seeks to increase the hours of sale alcohol Sunday to Thursday from midnight until 01:00 and on Friday and Saturdays from midnight to 03:00.
15. A copy of the application is attached to this report as Appendix B.

Representations from responsible authorities

16. Representations were received from the Licensing Authority and the Police in their role as responsible authorities.
17. The Police representation is focussed on the prevention of crime and disorder, attached to this report as Appendix C. The Police have submitted evidence in support of their representation, attached to this report as Appendix D.
18. The Licensing Authority representation is focussed on the prevention of crime and disorder, promotion of public safety and prevention of public nuisance. Their representation is attached to this report as Appendix E.

Representations from other persons

19. There are no representations submitted by other persons.

Conciliation

20. At the time of the writing of this report the representations have not been conciliated.

Premises licensing history

21. On 20 July 2005 a premises licence was issued in respect of the premises to Waterloo Wine Co. At this time the premises was known as the Bottle and Basket. The premises licence allowed:

- The sale by retail of alcohol (off the premises):
 - Monday to Saturday: 08:00 to 23:00
 - Sundays: 10:00 to 22:30
- Opening hours weekdays: 08:00 to 23:00

22. The premises changed ownership and was subsequently an application to review the premises licence was made on 4 April 2016. The review was initially heard on 26 April 2016, and reconvened on 24 April 2016, when the Sub-Committee determined to suspend the premises licence for 2 weeks and attach the conditions that this application seeks to vary. This decision notice is attached at Appendix F.

23. On 29 September 2017 a variation application was made to increase the hours of sale of alcohol for consumption off premises. The application was heard by the Sub-Committee on the 27 November 2017 and the terminal hour was subsequently increased to 00:00 (midnight).

24. On 17 March 2023 the premises was transferred to the incumbent licence holder and Asim Mehmood was specified as the Designated Premises Supervisor.

25. On 20 March 2023 a minor variation application was made to update the plans of the premises to reflect a change of layout.

26. On 15 August 2023 a minor variation application was made to vary the opening hours of the premises to:

- Sunday to Thursday: 06:30 to 01:00
- Friday to Saturday: 06:30 to 03:00

27. On 22 August 2023 a minor variation application was made to include late night refreshment in accordance with the opening hours of the premises.

28. On 17 November 2023 a major variation application was made to update, amend and remove conditions on Annex 3 of the licence.

Temporary event notices

29. In the 2023 calendar year, the premises has issued a number of temporary event notices covering the following dates and activities:

- On 06 October 2023 a TEN was submitted to extend off sales of alcohol and late night refreshment on:
 - Friday 21 October 2023 00:00 until 03:00.
 - Saturday 22 October 2023 00:00 until 03:00.
- On 12 October 2023 a TEN was submitted to extend off sales of alcohol on:
 - Thursday 27 October 2023 00:00 until 01:00.
 - Friday 28 October 2023 00:00 until 03:00.
 - Saturday 29 October 2023 00:00 until 03:00.
- On 13 October 2023 a TEN was submitted to extend off sales of alcohol and late night refreshment on:
 - Thursday 03 November 2023 00:00 until 01:00.
 - Friday 04 November 2023 00:00 until 03:00.
 - Saturday 05 November 2023 00:00 until 03:00.
- On 13 October 2023 a TEN was submitted to extend off sales of alcohol:
 - Thursday 10 November 2023 00:00 until 01:00.
 - Friday 11 November 2023 00:00 until 03:00.
 - Saturday 12 November 2023 00:00 until 03:00.
- On 13 October 2023 a TEN was submitted to extend off sales of alcohol:
 - Thursday 17 November 2023 00:00 until 01:00.
 - Friday 18 November 2023 00:00 until 03:00.
 - Saturday 19 November 2023 00:00 until 03:00.
- On 13 October 2023 a TEN was submitted to extend off sales of alcohol:
 - Friday 25 November 2023 00:00 until 03:00.
 - Saturday 26 November 2023 00:00 until 03:00.
- On 13 October 2023 a TEN was submitted to extend off sales of alcohol:
 - Friday 02 December 2023 00:00 until 03:00.
 - Saturday 03 December 2023 00:00 until 03:00.
- On 13 October 2023 a TEN was submitted to extend off sales of alcohol:
 - Friday 09 December 2023 00:00 until 03:00.
 - Saturday 10 December 2023 00:00 until 03:00.
- On 13 October 2023 a TEN was submitted to extend off sales of alcohol:
 - Friday 16 December 2023 00:00 until 03:00.
 - Saturday 17 December 2023 00:00 until 03:00.
- On 13 October 2023 a TEN was submitted to extend off sales of alcohol:
 - Friday 23 December 2023 00:00 until 03:00.
 - Saturday 24 December 2023 00:00 until 03:00.
- On 13 October 2023 a TEN was submitted to extend off sales of alcohol:
 - Friday 30 December 2023 00:00 until 03:00.
 - Saturday 31 December 2023 00:00 until 03:00.

Complaints

30. There are no recent complaints to licensing in relation to the premises.

Map

31. A map showing the location of the premises is attached to this report as Appendix F. Similar premises in the locality (100 metres) include:

Travelodge Hotel, St Georges House, SE1 8UX, licensed for:

- Sale by retail of alcohol to be consumed on and off the premises:
 - Monday to Sunday: 24 Hours
- Late Night Refreshment:
 - Monday to Sunday: 23:00 to 05:00
- Opening hours:
 - Monday to Sunday: 24 hours

The Crown, 108 Blackfriars, London, SE1 8HW, licensed for:

- Sale by retail of alcohol to be consumed on and off the premises:
 - Sunday to Thursday: 10:00 to 00:00
 - Friday to Saturday: 10:00 to 01:00
- Regulated Entertainment (Facilities for Dancing, Making Music, and Live Music - Indoors):
 - Sunday to Thursday: 10:00 to 00:30
 - Friday to Saturday: 10:00 to 01:30
- Recorded Music (Indoors):
 - Sunday to Thursday: 10:00 to 00:00
 - Friday to Saturday: 10:00 to 01:00
- Late Night Refreshment (Indoors):
 - Sunday to Thursday: 10:00 to 00:30
 - Friday to Saturday: 10:00 to 01:30
- Opening hours:
 - Sunday to Thursday: 10:00 to 00:30
 - Friday to Saturday: 10:00 to 01:30

Masters Cafe, Unit 3, 109-115 Blackfriars Road, SE1 8HW, licensed for:

- Sale by retail of alcohol to be consumed on and off the premises:

- Monday to Sunday: 10:00 to 22:30
- Opening hours:
 - Monday to Sunday: 07:00 to 23:00

Southwark Council statement of licensing policy

32. Council assembly approved Southwark's statement of licensing policy 2021-2026 on 25 November 2020 and it came into effect on 1 January 2021.
33. 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.
34. 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.

35. 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://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

Cumulative impact area (CIA)

36. The premises is situated inside of a cumulative impact area, and is listed as both a strategic cultural centre and a district town centre. As such there is a presumption against the grant for the variation of existing premises licences.
37. Under the Southwark statement of licensing policy 2021 - 2026 the following closing times are recommended as appropriate within this area for premises operating as:
- Closing time for off licences and alcohol sales in grocers and supermarkets is 00:00 daily

Climate change implications

38. Following council assembly on 14 July 2021, the council is committed to considering the climate change implications of any decisions.
39. 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.
40. 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.
41. 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

42. 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

43. 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.
44. 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.
45. 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>.

46. The equalities impact assessment is available at:

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

Health impact statement

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

Resource implications

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

Consultation

49. 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

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

Principles for making the determination

52. The sub-committee is asked to determine the application for a premises licence under Section 17 of the Licensing Act 2003.
53. The principles which sub-committee members must apply are set out below.
54. 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.
55. 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.
56. 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

57. 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.
58. The four licensing objectives are:
- The prevention of crime and disorder
 - Public safety
 - The prevention of nuisance
 - The protection of children from harm.
59. 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.
60. 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.
61. 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

62. 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

63. 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.
64. 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

65. 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.
66. 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.
67. 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.

68. 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.
69. 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.
70. 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.
71. 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.
72. 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

73. 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

74. 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	Variation application (881569)
Appendix C	Representation from the Police
Appendix D	Supporting evidence from the Police
Appendix E	Representation from the Licensing Authority
Appendix F	Decision notice from 2016 review
Appendix G	Map of area (100m)

AUDIT TRAIL

Lead Officer	Tony Ainge, Strategic Director of Environment, Neighbourhoods and Growth	
Report Author	Joseph Mannix, Interim Principal Licensing Officer	
Version	Final	
Dated	1 March 2024	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Assistant Chief Executive, Governance & Assurance	Yes	Yes
Strategic Director of Finance	Yes	Yes
Cabinet Member	No	No
Date final report sent to Constitutional Team		1 March 2024

Licensing Act 2003 Premises Licence



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

Premises licence number

881569

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Waterloo Food & Wine 187 Waterloo Road London SE1 8UX	
Ordnance survey map reference (if applicable), 531436179673	
Post town London	Post code SE1 8UX
Telephone number 020 7928 3630	

Where the licence is time limited the dates Unlimited

Licensable activities authorised by the licence Sale by retail of alcohol to be consumed off premises Late Night Refreshment – Outdoors
--

The opening hours of the premises For any non standard timings see Annex 2
Monday 06:30 - 01:00
Tuesday 06:30 - 01:00
Wednesday 06:30 - 01:00
Thursday 06:30 - 01:00
Friday 06:30 - 03:00
Saturday 06:30 - 03:00
Sunday 06:30 - 01:00

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies 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

Sale by retail of alcohol to be consumed off premises

Monday	08:00 - 00:00
Tuesday	08:00 - 00:00
Wednesday	08:00 - 00:00
Thursday	08:00 - 00:00
Friday	08:00 - 00:00
Saturday	08:00 - 00:00
Sunday	08:00 - 00:00

Late Night Refreshment - Outdoors

Monday	23:00 - 01:00
Tuesday	23:00 - 01:00
Wednesday	23:00 - 01:00
Thursday	23:00 - 01:00
Friday	23:00 - 03:00
Saturday	23:00 - 03:00
Sunday	23:00 - 01:00

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

The Chelsea Food And Wine
Company Limited
276 Preston Road, Harrow,
Middlesex, HA3 0QA
shezad@hussainshah.co.uk

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

05729781

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

Asim Mehmood
9 Tavistock Gardens,
Ilford,
Essex, IG3 9BE

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. 073813
Authority. London Borough of Redbridge

Licence Issue date 16/01/2024



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.

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.

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

112 This licence allows for the premises to remain open for non standard timings as stated on the days below. The premises shall operate on New Years Eve for 24 hours.

288 A digital CCTV system shall be installed at the premises, shall be maintained in full working order and shall be continually recording at all times that the premises are in use. The CCTV system must be capable of operating in all lighting conditions and capturing a clear facial image of every person who enters the premises. The CCTV system shall be correctly time and date stamped at all times. The CCTV system shall cover all interior and exterior areas of the premises, including the frontage of the premises, and shall collect clearly focused footage.

289 All CCTV footage shall be kept for a period of thirty one (31) days and shall be made immediately available to responsible authority officers on request.

340 A member of staff shall be on duty at all times that the premises are in use, who is trained in the use of the CCTV system and who is able to view, and download to a removable storage device, CCTV footage at the immediate request of any responsible authority officers.

305 That clearly legible signage shall be prominently displayed where it can easily be seen and read by customers advising to the effect that CCTV is in operation at the premises. The signage shall be kept free from obstructions at all times.

341 An electronic point of sale (EPOS) system shall be installed at all tills on the premises and it shall be configured to prompt the operator to check proof of age when an alcoholic product (any other product where the age for purchase is restricted by law) is scanned. The prompt should require the operator to confirm that the purchaser is over 18 (or any other age required by the relevant law for other products) before the next item can be scanned or the transaction completed.

336 A personal licence holder shall be on duty after 20:00 hours until the premises is closed to the public.

4AA That the premises shall operate an age check 'Challenge 25' policy whereby customers purchasing alcohol who look or appear to be under 25 years of age will be asked for an approved form of proof of age to verify their age. Approved forms shall include a driving licence, passport or a PASS approved proof of age card such as the Proof of Age London (PAL) card.

4AB All staff involved in the sale of alcohol shall attend a recognised training scheme which will include training in the agecheck 'Challenge 25' policy. They must obtain a certificate of competence. A record of

their training, including the dates that each member of staff is trained, shall be available for inspection at the premises on request by the council's authorised officers or the police.

4AC Age check or "Challenge 25" signage shall be displayed at entrances to the premises, areas where alcohol is displayed for sale and at points of sale to inform customers that an age check "Challenge 25" policy applies and proof of age may be required.

4AI A register of refused sales of alcohol and if applicable, cigarette sales which is clearly marked with details of the premises, address and name of licence holder shall be maintained in order to demonstrate effective operation of the policy. On a monthly basis, the designated premises supervisor shall check the register to ensure it is being properly completed. He/she shall sign and date the register to that effect and, where appropriate take corrective action if the register is not being completed correctly and in a timely manner. The register shall be available for inspection at the premises on request by the council's authorised officers or the police.

125 All 'off sales' of alcohol shall be provided in sealed containers to be taken away from the premises.

4BA No beers, lagers or ciders with an alcohol by volume (ABV) of above 6.5% will be displayed, sold or offered for sale at the premises unless prior permission is obtained from Southwark Police Licensing Office and Southwark Council Trading Standards service. A written copy of such permission must be kept at the premises and be made available immediately to responsible authority officers on request. This condition does not apply to Guinness Foreign (ABV 7.5%), Dragon Stout (ABV 7.5%) and Leffe Blonde (ABV 6.6%).

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

Not applicable.

Annex 4 - Plans - Attached

Licence No. 881569
Plan No. N/A
Plan Date 20/03/2023

16/01/2024

Business - Application to vary a premises licence under the Licensing Act 2003

Ref No. 2157944

Please enter the name(s) of the premises licence holders who is applying to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

	The Chelsea Food And Wine Company Limited
Premises licence number	880990

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:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
 - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains

licensable.

- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
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.

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

£	16250
---	-------

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

Address Line 1	187 WATERLOO ROAD
Address Line 2	
Town	LONDON
County	
Post code	SE1 8UX
Ordnance survey map reference	
Description of the location	
Telephone number	██████████

Part 2 - Applicant details

Daytime contact telephone number	██████████
Email address	████████████████████
Postal Address if different from premises address	██████████
Town / City	██████
Postcode	████████

Do you want the premises licence to have effect as soon as possible?

Please tick	Yes
-------------	-----

If not from what date do you want the variation to take effect?

(DD/MM/YYYY)	
--------------	--

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1)

	No
--	----

Please describe briefly the nature of the proposed variation (see guidance note 2)

	To vary the terminal hour for the sale of alcohol to 01:00 Sunday to Thursday and 03:00 Friday to Saturday, in accordance with the existing permitted hours for Late Night refreshment. No other changes are sought.
--	--

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

Please select number from range	Less than 5000
---------------------------------	----------------

Notes

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 for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

IN ALL CASES COMPLETE BOXES K, L AND M

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

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

--	--

Supply of alcohol (if ticking fill in box J)

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

In all cases complete boxes K, L and M

Will the supply of alcohol be for consumption (Please read guidance note 9)

	Off the premises
--	------------------

Standard days and timings for Supply of alcohol (Please read guidance note 8)

Day	Start	Finish
Mon	08:00	01:00
Tues	08:00	01:00
Wed	08:00	01:00
Thur	08:00	01:00
Fri	08:00	03:00
Sat	08:00	03:00
Sun	08:00	01:00

State any seasonal variations for the supply of alcohol (Please read guidance 6)

--	--

Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed. Please list, (Please read guidance note 7)

	This licence allows for the premises to remain open for non standard timings as stated on the days below. The premises shall operate on New Years Eve for 24 hours.
--	---

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'.

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)

	n/a
--	-----

Guidance Notes

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.

Hours premises are open to the public (standard timings Please read guidance note 8)

Day	Start	Finish
Mon	06:30	01:00
Tues	06:30	01:00
Wed	06:30	01:00

Thur	06:30	01:00
Fri	06:30	03:00
Sat	06:30	03:00
Sun	06:30	01:00

State any seasonal variations (Please read guidance note 6)

--	--

Non standard timings. Where you intend to use the premises to be open to the public at different times from those listed. Please list, (Please read guidance note 7)

--	--

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.

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.

	n/a
--	-----

I have uploaded relevant part of the previous premises licence (Please send a hard copy in the post)

	[REDACTED]

Reason for not uploading the premises licence

--	--

a) General - all four licensing objectives (b,c,d,e) (Please read guidance note 11)

	The existing conditions address all four licensing objectives. No additional measures considered necessary.
--	---

b) the prevention of crime and disorder

	See a) above
--	--------------

c) public safety

	See a) above
--	--------------

d) the prevention of public nuisance

	See a) above
--	--------------

e) the protection of children from harm

	See a) above
--	--------------

Guidance note 11

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

If the plan of the premises are varying please upload a plan of the premises,

Upload proposed plans	
Upload existing plans	

Checklist

	I understand that I must now advertise my application. I understand that if I do not comply with the above requirements my application will be rejected.
--	---

I/We Hereby declare the Information we have provided is true and Accurate.

I agree to the above statement

	I agree
PaymentDescription	██████████
AuthCode	██████
LicenceReference	██████████
PaymentContactEmail	

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

Full name	██
Date	██████████

(DD/MM/YYYY)	
Capacity	Solicitors on behalf of licensee

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

Full name	
Date (DD/MM/YYYY)	
Capacity	

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

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

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 MAYBE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

GUIDANCE NOTES

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

Please tick to indicate agreement

<input type="checkbox"/>	I am a company or limited liability partnership
--------------------------	---

[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK. The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate.

I/We Hereby declare the Information we have provided is true and Accurate.

I agree to the above statement

<input type="checkbox"/>	Yes
--------------------------	-----

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE

STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

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

Once you complete form you will be redirected to payments and won't be able to return back.

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

**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/24/40

Date: 26/01/2024

Dear Sir/Madam

Re:-Waterloo Food and Wine 187 Waterloo road SE1 8UX

Police are in possession of an application from the above for a Full Variation to their licence to extend the licensable hours for the supply of alcohol off sales. The venue operates as an off licence and off sales currently cease at 0000hrs.

The premises are situated in the Borough and Bankside Cumulative impact area (CIA) as designated by Southwark council. The hours requested far exceed those recommended within the Southwark statement of licensing policy which are closing 0000hrs. The hours requested are as follows

Open to the public

Sun-Thurs-0630hrs-0100hrs

Fri-Sat-0630hrs-0300hrs

Supply of Alcohol for sale by retail

Sun-Thurs-0800hrs-0100hrs

Fri-Sat-0800hrs-0300hrs

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 local area has for a number of years been subject to problems with street drinking, alcohol abuse and the associated crime and disorder.

The applicant has offered no mitigating reasons to support such an application in the cumulative impact area and has also opted not to provide any additional control measures to address all four licensing objectives.

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.

The metropolitan police object to the granting of this variation as the hours requested far exceed those recommended within the Southwark statement of licensing policy, this is without taking into account the fact the premises is situated in the cumulative impact area . The applicant has not provided any mitigating circumstances to support the application and also not attempted to provide any additional control measures to address the licensing objectives in particular that of prevention of crime and disorder.

Submitted for your consideration.
Yours Sincerely

PC Mark Lynch 2246AS

Licensing Officer
Southwark Police Licensing

STATEMENT OF WITNESS

(Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s. 9)

Statement of (full name): Raymond Henry MOORE

Age of witness (if over 18, write "over 18"): Over 18

This statement (consisting of 2 pages) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

I am employed by the London Borough of Southwark as a Principal Trading Standards Officer and as such I am an authorised officer under a range of trading standards legislation as well as the Licensing Act 2003.

On Friday 2nd February 2024 I went to the shop trading as "Waterloo Food and Wine" at 187 Waterloo Road, London, SE1 8UX. I was accompanied by colleagues from the trading standards team, Charlie JERROM and Andy MILES as well as police officer PC Maria O'MAHONEY. We arrived at the premises at about 11:10 hours and there was one person on the premises at the time. This has a premises licence with the London Borough of Southwark, number 881569. This licence is in the name of the Chelsea Food and Wine Company Ltd with the Designated Premises Supervisor being a Mr Asim MEHOMOOD. On arrival Charlie JERROM announced himself and his colleague and spoke with the sole person in the shop who I now know to be Ashur Prabudas KUMAR. PC Maria O'MAHONEY if he was a personal licence holder and he showed a photo of a personal licence on his phone which was clearly not him. It was only after some time that PC MAHONEY established his actual identity and that he wasn't a personal licence holder.

This is contrary to condition 841 on the premises licence which states the following:-

"841 There shall be a personal licence holder on the premises at all times alcohol is

Signed: (witness) **Date:**

(To be completed if applicable: being unable to read the above statement I,of, read it to him/her before he/she signed it.

Signed: Ray May

Date: 2/2/2024) CL4

available for supply for the purpose of supervising such sales. Authorisation must also be in writing and displayed on the premises adjacent to the display of the licence summary where the police or the council's authorised officers can inspect it."

There was, in fact a list of authorisations adjacent to the display but this did not include Mr KUMAR's name. I now produce a copy of the list of authorisations as an exhibit RAY/CFW/1. To the side of the main counter there were phone accessories such as USB cables; chargers etc. Amongst these were 11 ear pod lightening connectors priced at £9.99. They all had the same serial number. There was a further one of these in the store room. In the shop there were also a number of hand bags displayed including 3 counterfeit Gucci hand bags. With the tourist goods there were also 37 key rings carrying the trademarks of Disney, marvel, prime and Hannah Barbara figures and words. All the counterfeit goods amounted to offences primarily under section 92 of the Trade Marks Act 1994. After about an hour at the shop another person arrived who was Samirali Shaukatali SUNESARA. He had a personal licence issued by the London Borough of Hounslow, number H04300. Charlie JERRO wrote out paperwork for the goods seized along with an "Age Restricted Products" notice which noted that there was no A3 tobacco Notice displayed; no personal licence holder present on arrival, contrary to condition 841 and that licence condition 841 was breached which is an offence under section 136 of the Licensing Act 2003. I now produce a copy of this paperwork as an exhibit RAY/CFW/2. We left the shop at approximately 13:00hrs and went to another shop owned by the Chelsea Food and Wine Company Ltd, trading as Borough Food and Wine at 107 Borough High Street, London, SE1 1NL. This shop also has a premises licence number 879542 in the name of the company with a designated supervisor, Mr Pritesh Kumar Jashbhai PATEL. There is a similar range of goods. There were six counterfeit apple USB-C Chargers in the store room all with the same serial numbers. In the shop there were just 2 Tom and Jerry branded key rings which were also seized. There was a personal licence holder present and no apparent breach of licence conditions. Charlie JERROM wrote out relevant paperwork for these matters. I produce a copy of this paperwork as an exhibit RAY/CFW/3. A total of 59 counterfeit items were seized from both premises,

Signed 

LICENSING ACT 2003
NOTICE UNDER SECTION 57

RAY / CFW / 11

Waterloo Food and Wine, 187 Waterloo Road, London, SE1 8UX

The Chelsea Food & Wine Company Limited as holder of the Premises Licence granted under the provisions of the Licensing Act 2003 in respect of these premises, have nominated **Asim Mehmood** in his capacity as the Designated Premises Supervisor of these premises (or in his absence, the duty manager) as the appropriate individual to keep a certified copy of the said Licence in their custody or under their control.

Signed [Signature]
On behalf of the premises licence holder

Dated 08/04/2023

LETTER OF DELEGATION

FURTHER TAKE NOTICE the following persons are authorised to sell alcohol and provide such other licensable activities as may be permitted by the premises licence under the authority of the Designated Premises Supervisor and the Premises Licence Holder, as appropriate:

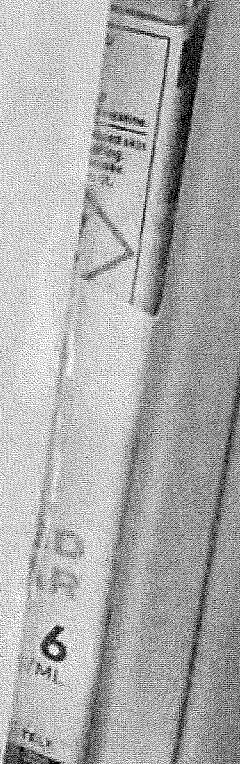
- Y. PATEL
- V. PATEL
- J. PATEL
- N. SHAH
- P. PATEL
- H. KACHHARA
- S. PATEL

Signed [Signature]
Designated Premises Supervisor

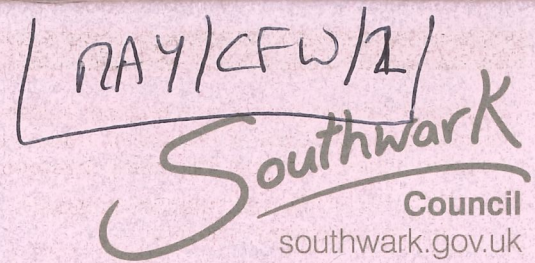
Dated 08/04/2023

Signed [Signature]
On behalf of the premises licence holder

Dated 08/04/2023



EVU: 033139



Notice

To The Chelsea Food & Wine Company Limited LA ref

Address 187 Waterloo Road, SE1 8UX

Date 02/02/24 Time 11:08 Officer Charlie Jerran

Person seen Semirati Sureeva Position* Shop assistant

Trading Standards Call centre - 020 7525 2000 Facsimile - 020 7525 5735

* If you are an employee you should pass this notice to the business owner(s) or the relevant manager or company director etc.

Notice no. N 3046

Reason for notice [X] Items seized [] Receipt for items [] Voluntary surrender / sample [] Other []

Legislation: Trade Marks Act 1994 Licensing Act 2013

Comments / action you need to take now / items received / seized or detained etc;

Items seized under the Trade Marks Act 1994
1Lx EarPods lighting connector (F920193)
1x Gucci handbag - purporting to be Gucci
2x Gucci handbags - purporting to be Gucci (F920194)
Breach of licensing condition 841 - no personal licence at the premises at time of visit. Member of staff showed another individual's personal licence and claimed to be the person on the card.

[Large scribbled-out area]

Signature / declaration [X] as appropriate

- I acknowledge receipt of this notice
I am the legal owner of the items listed above and voluntarily surrender them to Southwark Council, relinquishing all ownership
I confirm return of the items listed above

Recipient's signature

[Signature]

Trading Standards
Call centre – 020 7525 2000
Facsimile – 020 7525 5735

Notice no. N 3047

Notice

To Chelsea Road Wine Company Limited LA ref

Address 187 Waterloo Road SE1 8UX

Date 21/02/24 Time 11:08 Officer Charles

Person seen Sam M. Sunesara Position* Shop assistant

* If you are an employee you should pass this notice to the business owner(s) or the relevant manager or company director etc.

Reason for notice Items seized Receipt for items Voluntary surrender / sample Other

Legislation: Trade Marks Act 1994
Consumer Rights Act 2015

Comments / action you need to take now / items received / seized or detained etc;

(F920190)
37x Various Keyrings containing Marvel, Prime, Lucas and Hannah and Garbera figures no CE Marks + suspected breaches of the Trade Marks Act 1994
Please provide invoices for all items seized on notices 3046/3047.

Signature / declaration (as appropriate)

- I acknowledge receipt of this notice
- I am the legal owner of the items listed above and voluntarily surrender them to Southwark Council, relinquishing all ownership
- I confirm return of the items listed above

Recipient's signature

.....

regard to
Evidence

Code of powers and rights to occupier



LA ref

Address 187 Waterloo Road, SE1 8UX

Date 07/02/24 Time in 11:08 Time out

Officer(s) Charlie Jerram / Andy Miles / Ray Moore

**Trading Standards Team
Regulatory Services**
tradingstandards@southwark.gov.uk
Contact centre – 020 7525 2000

Person seen Samir Ali Sunesara Position* Shop assistant

* If you are an employee you should pass this notice to the business owner(s) or the relevant manager or company director etc.

Notice no. **1371**

Consumer Rights Act 2015 (Schedule 5 paragraph 23(7), Police & Criminal Evidence Act 1984 (PACE) Code B Code of Practice Powers of Entry (paragraph 7.1) – Section 48 (1)(a) of the Protection of Freedoms Act 2012

Visit conducted Without warrant Under warrant

This notice is issued in accordance with the above legislation and codes. PACE Code B will apply if you are suspected of committing an offence and/or entry is under warrant. It informs you about your rights when an authorised officer who has powers of entry wishes to exercise that power. It also explains officers associated powers and any compensation or complaints procedures.

Reason for visit Routine inspection Enquiry / complaint investigation Campaign / project Revisit
The officer named above is a duly authorised officer and is visiting to check compliance against the legislation enforced by this Service. The officer may be accompanied by such persons, and may take onto the premises such equipment, as the officer thinks necessary. Further information is shown below and overleaf.

Officers powers

Authorised officers have a legal right to enter and inspect business premises when they are open for business or at any reasonable time. They may visit by appointment if appropriate but often will not, as to do so may defeat the purpose of the inspection or not be practicable. You should ask to see an officer's official credentials or identification before allowing them to proceed. It is good practice to do so as criminals do sometimes pose as bogus officials. Powers do vary depending on the legislation but in most cases officers will have powers to;

- enter and inspect all parts of the premises
- observe the operation of the business
- interview staff during the inspection
- seize and retain any food, goods, computers or documents that may be required as evidence
- break open containers or vending machines
- make test purchases, take samples and photographs
- inspect and test any goods, equipment or installations
- seize items that are liable to forfeiture
- require the production and take copies of recordings (including computer records), documents and video recordings associated with the business
- access electronic devices to obtain or access information

Where entry is under a warrant any type of premises may be entered - with reasonable force if necessary.

Powers exercised are contained in statutory instruments enforced by this Service including those listed below

Consumer Rights Act 2015 <input type="checkbox"/>	General Product Safety Regulations 2005 <input type="checkbox"/>	Consumer Protection Act 1987 <input type="checkbox"/>
Consumer Protection from Unfair Trading Regulations 2008 <input type="checkbox"/>		Licensing Act 2003 <input type="checkbox"/>
Business Protection from Misleading Marketing Regulations 2008 <input type="checkbox"/>		Food Safety Act 1990 <input type="checkbox"/>
Health & Safety at Work etc. Act 1974 <input type="checkbox"/>	Tobacco Advertising and Promotion Act 2002 <input type="checkbox"/>	
Product specific safety regulations <input type="checkbox"/> (insert detail)	Other <input type="checkbox"/> (insert detail)	<u>Trade Marks Act 1994</u>

Obstructing a duly authorised officer is an offence punishable by fine and/or imprisonment

Obstruction includes; where a person intentionally obstructs an officer; intentionally failing to comply with instructions by an officer or a requirement imposed; without good reason fails to give an officer assistance or information reasonably required (including opening locked doors or containers); making a reckless statement which is false or misleading; knowingly making a statement which is materially false or misleading.

Consent of landowner or occupier (paragraph 8.6 of the Code*) or PACE Code B

Consent obtained Consent not requested Consent requested but not obtained

This section is to confirm that the occupier has been notified about the purpose of the visit and, for exercising powers of entry and associated powers, what these powers are and how they will be used.
*Reasonable effort should also be made to obtain the consent of the landowner or occupier, unless obtaining consent would frustrate the purpose of the visit, for example by causing undue delay. Further information overleaf.

Declaration of landowner or occupier

I confirm receipt of this notice. I understand that I am not obliged to consent and may withdraw consent at any time. I understand if I refuse or withdraw consent officers can still exercise lawful authority to enter and exercise powers. I also understand the consequences or penalty for obstructing officers when exercising their powers.
I hereby consent to officers entering the premises for the stated purposes - Yes No Not requested

Name of person signing SAMIR ALI SUNESARA Signature

Code B
We have framed that close

Age restricted products (ARPs) – business support report

To Chelsea Fight Club LA ref

Address 187 Wateloo Road SE1 8UK

Date 07/11/16 Time in 11:06 Time out Officer(s) Charles

Person seen Samrat Position* Shop assistant

Trading Standards
Call centre – 020 7525 2000
Email tradingstandards@southwark.gov.uk

* If you are an employee you should pass this report to the business owner(s) or the relevant manager or company director etc.

Report no. **A 207**

Reason for visit Routine Enquiry / complaint Campaign / project Revisit

This report informs you of the results of the visit. Advice may be provided on aspects of your trading activities and indicate action taken by the officer or action required by the business. The report covers a selection of legal requirements enforced by this service and best practice*. The results should not be taken as an indication about compliance with all legal responsibilities.

ARPs sold / provided

Alcoholic drinks	<input type="checkbox"/>	Blunts	<input type="checkbox"/>	Shisha products	<input type="checkbox"/>	E-cigarettes / vapes	<input type="checkbox"/>	UV sunbeds
Aerosol paints	<input type="checkbox"/>	DVDs	<input type="checkbox"/>	Knives, blades, axes	<input type="checkbox"/>	Cigarettes / tobacco	<input type="checkbox"/>	Replica guns
Butane lighter refills	<input type="checkbox"/>	Lottery	<input type="checkbox"/>	Fireworks (F2,F3)	<input type="checkbox"/>	Treatments / fillers	<input type="checkbox"/>	Corrosive substances
Other (please list)								

For trading standards business advice visit www.southwark.gov.uk/tradingstandards

Officers comments / action you need to take now;

breach of condition 8(1)
No personal licence holder
at the premises at time
of visit
Staff member provided a
copy of the personal
licence

Business comments / requests etc;

Get A3 tobacco notice

Advice leaflet(s) provided FTA training offered

Signed by recipient.....

Store signage & tobacco control

Very good <input type="checkbox"/>	Satisfactory <input type="checkbox"/>	Unsatisfactory <input type="checkbox"/>	Office code
A3 tobacco notice (point of sale)	Correct <input type="checkbox"/>	Incorrect <input checked="" type="checkbox"/>	S40
agecheck zone (entry point)*	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	U20
agecheck zone (internal)*	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	U21
Shelf edge labels (RU18? etc)*	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	U22
Challenge 25 signage*	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	U25
Tobacco advertising	Correct <input type="checkbox"/>	Incorrect <input checked="" type="checkbox"/>	S51
Tobacco display regulations	Correct <input type="checkbox"/>	Incorrect <input checked="" type="checkbox"/>	S60
Tobacco labelling (health/duty)	Correct <input type="checkbox"/>	Incorrect <input checked="" type="checkbox"/>	S23
No sale of single cigarettes	Correct <input type="checkbox"/>	Incorrect <input checked="" type="checkbox"/>	S39
Other.....	Correct <input type="checkbox"/>	Incorrect <input type="checkbox"/>	

Measure to assist sales staff, knife sales and licensing

Very good <input type="checkbox"/>	Satisfactory <input type="checkbox"/>	Unsatisfactory <input type="checkbox"/>	Office code
EPOS till prompt*	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	U23
Till reminder stickers for staff *	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	U24
Refusals register provided*	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	U26
Refusals register in regular use*	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	U27
Staff training records available	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	U28
Staff aware of approved ID*	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	U29
Product placement considered*	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	U30
Personal Licence holder present?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	U31
Licence condition(s).....	Correct <input type="checkbox"/>	Incorrect <input checked="" type="checkbox"/>	U32
Other.....	Correct <input type="checkbox"/>	Incorrect <input type="checkbox"/>	

(TSARP V 1.1/2022)

91

RAY / CFW / 13

E V U : 033140

Southwark Council

southwark.gov.uk

Notice

To *The Chelsea Food & Wine Company Limited* LA ref

Address *107 Borough High Street SE1 1NL*

Date *07/07/24* Time *13:17* Officer *Charlie*

Person seen *Rahul Barot* Position* *Shop assistant*

Trading Standards

Call centre – 020 7525 2000

Facsimile – 020 7525 5735

* If you are an employee you should pass this notice to the business owner(s) or the relevant manager or company director etc.

Notice no. **N 3048**

Reason for notice Items seized Receipt for items Voluntary surrender / sample Other

Legislation: *Trade Marks Act 1994*
Consumer Rights Act 2015

Comments / action you need to take now / items received / seized or detained etc;

6x USB-C Charge cables seized under the Trade Marks Act 1994
2x Tom + Jerry Keyrings - purported to be a genuine Tom + Jerry Product - No CE Marking
(MC00111617)

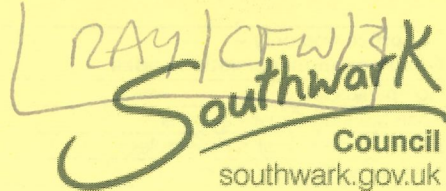
Signature / declaration (as appropriate)

- I acknowledge receipt of this notice
- I am the legal owner of the items listed above and voluntarily surrender them to Southwark Council, relinquishing all ownership
- I confirm return of the items listed above

Recipient's signature

Rahul

EVU: 033140



Age restricted products (ARPs) – business support report

To The Cheba Foga Wine Company Ltd LA ref

Address 107 Borough High Street SE1 1NL

Date 01/07/17 Time in 13:17 Time out Officer(s) Charles

Person seen Rahul Bhatt Position* Shop assistant

Trading Standards

Call centre – 020 7525 2000

Email

tradingstandards@southwark.gov.uk

* If you are an employee you should pass this report to the business owner(s) or the relevant manager or company director etc.

Report no. A 209

Reason for visit [X] Routine [] Enquiry / complaint [] Campaign / project [] Revisit []

This report informs you of the results of the visit. Advice may be provided on aspects of your trading activities and indicate action taken by the officer or action required by the business. The report covers a selection of legal requirements enforced by this service and best practice*. The results should not be taken as an indication about compliance with all legal responsibilities.

Table with 2 columns: ARPs sold / provided [X] and various product categories like Alcoholic drinks, Blunts, Shisha products, E-cigarettes / vapes, UV sunbeds, etc.

For trading standards business advice visit www.southwark.gov.uk/tradingstandards

Officers comments / action you need to take now; Business comments / requests etc; Includes handwritten notes about US15-C charge collector and 842 notice.

Advice leaflet(s) provided [] FTA training offered [] Signed by recipient [X]

Table for Store signage & tobacco control with categories like A3 tobacco notice, agecheck zone, Shelf edge labels, etc.

Table for Measure to assist sales staff, knife sales and licensing with categories like EPOS till prompt, Till reminder stickers, Refusals register, etc.

(TSARP V 1.1/2022)

Charlize Jerron @Southwark.gov.uk



Notice of powers and rights to occupier

To Chelsea Food + Wine Company Limited LA ref

Address 107 Borough High Street SE14 6JL

Date 07/02/24 Time in 13:00 Time out

Officer(s) Charlie, Ryan, Andy

Person seen Rahul Barot Position* Shop assistant

**Trading Standards Team
Regulatory Services**
tradingstandards@southwark.gov.uk
Contact centre – 020 7525 2000

* If you are an employee you should pass this notice to the business owner(s) or the relevant manager or company director etc.

Notice no. **1372**

Consumer Rights Act 2015 (Schedule 5 paragraph 23(7), Police & Criminal Evidence Act 1984 (PACE) Code B Code of Practice Powers of Entry (paragraph 7.1) – Section 48 (1)(a) of the Protection of Freedoms Act 2012

Visit conducted Without warrant Under warrant

This notice is issued in accordance with the above legislation and codes. PACE Code B will apply if you are suspected of committing an offence and/or entry is under warrant.

It informs you about your rights when an authorised officer who has powers of entry wishes to exercise that power. It also explains officers associated powers and any compensation or complaints procedures.

Reason for visit Routine inspection Enquiry / complaint investigation Campaign / project Revisit

The officer named above is a duly authorised officer and is visiting to check compliance against the legislation enforced by this Service. The officer may be accompanied by such persons, and may take onto the premises such equipment, as the officer thinks necessary. Further information is shown below and overleaf.

Officers powers

Authorised officers have a legal right to enter and inspect business premises when they are open for business or at any reasonable time. They may visit by appointment if appropriate but often will not, as to do so may defeat the purpose of the inspection or not be practicable. You should ask to see an officer's official credentials or identification before allowing them to proceed. It is good practice to do so as criminals do sometimes pose as bogus officials.

Powers do vary depending on the legislation but in most cases officers will have powers to;

- enter and inspect all parts of the premises
- observe the operation of the business
- interview staff during the inspection
- seize and retain any food, goods, computers or documents that may be required as evidence
- break open containers or vending machines
- make test purchases, take samples and photographs
- inspect and test any goods, equipment or installations
- seize items that are liable to forfeiture
- require the production and take copies of recordings (including computer records), documents and video recordings associated with the business
- access electronic devices to obtain or access information

Where entry is under a warrant any type of premises may be entered - with reasonable force if necessary.

Powers exercised are contained in statutory instruments enforced by this Service including those listed below

Consumer Rights Act 2015 General Product Safety Regulations 2005 Consumer Protection Act 1987

Consumer Protection from Unfair Trading Regulations 2008 Licensing Act 2003

Business Protection from Misleading Marketing Regulations 2008 Food Safety Act 1990

Health & Safety at Work etc. Act 1974 Tobacco Advertising and Promotion Act 2002

Product specific safety regulations (insert detail) Other (insert detail) Trade Marks Act 1994

Obstructing a duly authorised officer is an offence punishable by fine and/or imprisonment

Obstruction includes; where a person intentionally obstructs an officer; intentionally failing to comply with instructions by an officer or a requirement imposed; without good reason fails to give an officer assistance or information reasonably required (including opening locked doors or containers); making a reckless statement which is false or misleading; knowingly making a statement which is materially false or misleading.

Consent of landowner or occupier (paragraph 8.6 of the Code*) or PACE Code B

Consent obtained Consent not requested Consent requested but not obtained

This section is to confirm that the occupier has been notified about the purpose of the visit and, for exercising powers of entry and associated powers, what these powers are and how they will be used.

*Reasonable effort should also be made to obtain the consent of the landowner or occupier, unless obtaining consent would frustrate the purpose of the visit, for example by causing undue delay. Further information overleaf.

Declaration of landowner or occupier

I confirm receipt of this notice. I understand that I am not obliged to consent and may withdraw consent at any time. I understand if I refuse or withdraw consent officers can still exercise lawful authority to enter and exercise powers. I also understand the consequences or penalty for obstructing officers when exercising their powers.

I hereby consent to officers entering the premises for the stated purposes - Yes No Not requested

Name of person signing RAHUL Barot Signature [Signature]

To: Licensing Unit	From: Wesley McArthur wesley.mcarthur@southwark.gov.uk 020 7525 5779 (on behalf of the Licensing Unit in its role as a responsible authority)	Date: 14 February 2024
Subject:	Representation	
Act:	The Licensing Act 2003 (the Act)	
Premises:	Waterloo Food and Wine, 187 Waterloo Road, London, SE1 8UX	
Ref:	882193	

We object to the grant of an application to vary a premises licence, submitted by The Chelsea Food And Wine Company Limited under The Licensing Act 2003 (the Act), in respect of the premises known as Waterloo Food and Wine, 187 Waterloo Road, London, SE1 8UX.

1. The extant licence –

The extant premises licence (licence number 881569) allows for licensable activities and opening hours as follows –

The sale of alcohol to be consumed off the premises:

Monday - Sunday: 08:00 – 00:00 (midnight)

Late night refreshment:

Sunday – Thursday: 23:00 – 01:00

Friday – Saturday: 23:00 – 03:00

The opening hours of the premises are:

Sunday – Thursday: 06:30 – 01:00

Friday – Saturday: 06:30 – 03:00

The premises are a convenience store.

A copy of licence 881569 is attached as appendix 1.

2. The variation application –

The purpose of the variation is described in the application as follows (verbatim) –

- *“To vary the terminal hour for the sale of alcohol to 01:00 Sunday to Thursday and 03:00 Friday to Saturday, in accordance with the existing permitted hours for Late Night refreshment. No other changes are sought.”*

Therefore, the application seeks to allow the sale of alcohol for consumption off the premises as follows:

The supply of alcohol for consumption on the premises:

Sunday – Thursday: 08:00 – 01:00

Friday – Saturday: 08:00 – 03:00

2. The Locale

The premises are located on Waterloo Road, which is a very busy thoroughfare and arterial road. The premises are in a small parade of shops in close proximity to local bus stops. The area has high-density residential housing estates / blocks in the immediate and wider vicinity of the premises, in all directions. Two hotels are located very close to the premises. There are also many commercial premises in the area (including other licensed premises). A map of the local area is attached as appendix 2.

Figure 1: View looking north east across Waterloo Road showing the premises, housing block immediately above and behind the premises, and local hotels near the premises.



Figure 2: View looking south east down Waterloo Road showing housing estates immediately opposite the premises, and further south down Waterloo Road.



3. Statement of Licensing Policy (SoLP)

According to sections 6 & 7 of this council's statement of licensing policy 2021 – 2026 (hereafter referred to as 'the SoLP'), the premises fall within Borough and Bankside District Town Centre and Borough and Bankside Cumulative Impact Area (CIA).

A copy of the SoLP is available via:

[Licensing and Gambling Act policy - Southwark Council](#)

The following closing times are recommended in the SoLP, in respect of the types of licensed premises located in Borough and Bankside District Town Centre, as follows –

Off licences and alcohol sales in grocers and supermarkets:

Monday – Sunday: 00:00

In the interest of transparency, section 7 of the SoLP relates to 'closing times'. The premises are **already** permitted to close at 01:00 hours on Sunday – Thursday, and at 03:00 hours on Friday and Saturday.

4. Our objection

Our objection relates to the promotion of the prevention of crime and disorder, public safety and the prevention of public nuisance licensing objectives.

We say that the late night / early morning sale of alcohol is likely to have a negative effect on the promotion the crime and disorder, public safety and the prevention of public nuisance licensing objectives, and be detrimental to the quality of life for local residents.

Although the SoLP relates to 'closing times', rather than the times permitted for licensable activities, we contend that it is sensible that recommended closing times, and the terminal hours for licensable activities should be considered equitable.

Premises selling alcohol late at night, or into the early morning, have increased risk factors. We do not think it is appropriate to allow premises to sell alcohol late night / in the early morning in a CIA.

We object to *any* extension of the hours permitted for the sale of alcohol.

Premises selling alcohol late at night / in the early morning often become hubs for crime and disorder, anti-social behavior and nuisance. Such premises can attract problem drinkers, such as street drinkers or vulnerable people with alcohol abuse issues. In addition to this, such premises also often attract customers who have been to pubs, bars or clubs in the locale, who are already intoxicated and wish to continue drinking to their own detriment and to the detriment of local residents or other people in the area. Confrontations can often arise between customers who are intoxicated.

The operational hours suggested in the SoLP, and the implementation of CIA's, exist to protect local residents, people traveling through CIA areas and vulnerable people.

The operational hours suggested in the SoLP, and the implementation of CIA's were ratified by councilors at full licensing committee and we suggest that the licensing sub-committee adheres to this council's own policies, which we say have been applied for good reason.

5. Cumulative impact

Paragraph 131 the SoLP 2021 – 2026 states –

- *“Applications made within specified Cumulative Impact Areas (CIAs) are deemed likely to add to the potential impact the policy is intended to avoid. There is therefore an automatic presumption that such applications will be refused, however each application will be judged on its own merits.”*

Paragraph 150 of the SoLP stipulates that regarding the Borough and Bankside CIA –

- *“The classes of premises within the area to which the policy shall apply will be night-clubs / public houses and bars / restaurants and cafes / off-licences, supermarkets and grocers.”*

Therefore, the premises to which this application relates is of a type that is subject to the Borough and Bankside CIA.

As per paragraph 150 of the SoLP, the council has found that certain types of premises are likely to increase the negative cumulative impact in the Borough and Bankside CIA of licensed premises in that area.

We are in agreement with this stance and are therefore of the opinion that the application be refused.

Paragraph 132 of the SoLP states that –

- *“It is normally the case that a representation citing a relevant CIA will have to be determined at a Licensing Sub-Committee hearing.”*

We further note that section 136 of the SoLP states –

- *“The effect of publishing a cumulative impact assessment is to create a rebuttable presumption that applications for new premises licences or club premises certificates or variations that are likely to add to the existing cumulative impact will normally be refused or subject to certain limitations, following relevant representations. In such circumstances, it is for the Applicant to demonstrate that the application will not, if granted, further contribute to the negative local cumulative impact on any one or more of the licensing objectives.”*

In our opinion, the applicant has not demonstrated that the application will not, if granted, further contribute to the negative local cumulative impact on any one or more of the licensing objectives.

We also note that the applicant has not addressed cumulative impact **at all** in the application, which is an unfortunate omission that indicates that the applicant may not be aware of the problems caused by licensed premises selling alcohol in the Borough and Bankside CIA.

Further, we contend that granting the application **will** further contribute to the negative local cumulative impact of licensed premises in the Borough and Bankside CIA.

We do not think it is appropriate **at all** to allow premises to sell alcohol late at night / in the early morning in a cumulative impact area.

We also refer to R (on the application of Westminster City Council) -v- Middlesex Crown Court [2002] EWHC 1104 in which HHJ Baker adjudicated

“Notwithstanding the applicant being a fit and proper person and the premises would be well run a licence could be refused on the sole ground that the area was already saturated with licence premises....and the cumulative effect of the existing premises was impacting adversely on the area to an unacceptable level.”

This means that the above application can be refused on the **sole basis** that it is subject to a cumulative impact area.

We further add that the full council assembly approved the current version of the SoLP and have maintained the Borough and Bankside CIA four times in a row, showing that the problems related to licensed premises in the locale (including off-licences, grocers, supermarkets, convenience stores) are **longstanding and ongoing**.

Taking into account the above, we reiterate that this application be refused.

We may present further submissions prior to, or at, the hearing to determine this application.

Yours sincerely,

Wesley McArthur
Principal Enforcement Officer

Licensing Act 2003

Premises Licence



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

Premises licence number

881569

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Waterloo Food & Wine 187 Waterloo Road	
Ordnance survey map reference (if applicable): 531436179673	
Post town London	Post code SE1 8UX
Telephone number 020 7928 3630	

Licensable activities authorised by the licence

Sale by retail of alcohol to be consumed off premises
Late Night Refreshment – Outdoors

The opening hours of the premises

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

Monday	06:30 - 01:00
Tuesday	06:30 - 01:00
Wednesday	06:30 - 01:00
Thursday	06:30 - 01:00
Friday	06:30 - 03:00
Saturday	06:30 - 03:00
Sunday	06:30 - 01:00

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies

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

Sale by retail of alcohol to be consumed off premises

Monday	08:00 - 00:00
Tuesday	08:00 - 00:00
Wednesday	08:00 - 00:00
Thursday	08:00 - 00:00
Friday	08:00 - 00:00
Saturday	08:00 - 00:00
Sunday	08:00 - 00:00

Late Night Refreshment - Outdoors

Monday	23:00 - 01:00
Tuesday	23:00 - 01:00
Wednesday	23:00 - 01:00
Thursday	23:00 - 01:00
Friday	23:00 - 03:00
Saturday	23:00 - 03:00
Sunday	23:00 - 01:00

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

The Chelsea Food And Wine
Company Limited
276 Preston Road
Harrow
Middlesex
HA3 0QA

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

05729781

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

Asim Mehmood

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

Licence No.:

Authority:

Licence Issue date: 16/01/2024

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.

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.

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

112 This licence allows for the premises to remain open for non standard timings as stated on the days below. The premises shall operate on New Years Eve for 24 hours.

288 A digital CCTV system shall be installed at the premises, shall be maintained in full working order and shall be continually recording at all times that the premises are in use. The CCTV system must be capable of operating in all lighting conditions and capturing a clear facial image of every person who enters the premises. The CCTV system shall be correctly time and date stamped at all times. The CCTV system shall cover all interior and exterior areas of the premises, including the frontage of the premises, and shall collect clearly focused footage.

289 All CCTV footage shall be kept for a period of thirty one (31) days and shall be made immediately available to responsible authority officers on request.

340 A member of staff shall be on duty at all times that the premises are in use, who is trained in the use of the CCTV system and who is able to view, and download to a removable storage device, CCTV footage at the immediate request of any responsible authority officers.

305 That clearly legible signage shall be prominently displayed where it can easily be seen and read by customers advising to the effect that CCTV is in operation at the premises. The signage shall be kept free from obstructions at all times.

341 An electronic point of sale (EPOS) system shall be installed at all tills on the premises and it shall be configured to prompt the operator to check proof of age when an alcoholic product (any other product where the age for purchase is restricted by law) is scanned. The prompt should require the operator to confirm that the purchaser is over 18 (or any other age required by the relevant law for other products) before the next item can be scanned or the transaction completed.

336 A personal licence holder shall be on duty after 20:00 hours until the premises is closed to the public.

4AA That the premises shall operate an age check 'Challenge 25' policy whereby customers purchasing alcohol who look or appear to be under 25 years of age will be asked for an approved form of proof of age to verify their age. Approved forms shall include a driving licence, passport or a PASS approved proof of age card such as the Proof of Age London (PAL) card.

4AB All staff involved in the sale of alcohol shall attend a recognised training scheme which will include training in the agecheck 'Challenge 25' policy. They must obtain a certificate of competence. A record of their training, including the dates that each member of staff is trained, shall be available for inspection at the premises on request by the council's authorised officers or the police.

4AC Age check or "Challenge 25" signage shall be displayed at entrances to the premises, areas where alcohol is displayed for sale and at points of sale to inform customers that an age check "Challenge 25" policy applies and proof of age may be required.

4AI A register of refused sales of alcohol and if applicable, cigarette sales which is clearly marked with details of the premises, address and name of licence holder shall be maintained in order to demonstrate effective operation of the policy. On a monthly basis, the designated premises supervisor shall check the

register to ensure it is being properly completed. He/she shall sign and date the register to that effect and, where appropriate take corrective action if the register is not being completed correctly and in a timely manner. The register shall be available for inspection at the premises on request by the council's authorised officers or the police.

125 All 'off sales' of alcohol shall be provided in sealed containers to be taken away from the premises.

4BA No beers, lagers or ciders with an alcohol by volume (ABV) of above 6.5% will be displayed, sold or offered for sale at the premises unless prior permission is obtained from Southwark Police Licensing Office and Southwark Council Trading Standards service. A written copy of such permission must be kept at the premises and be made available immediately to responsible authority officers on request. This condition does not apply to Guinness Foreign (ABV 7.5%), Dragon Stout (ABV 7.5%) and Leffe Blonde (ABV 6.6%).

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

Not applicable.

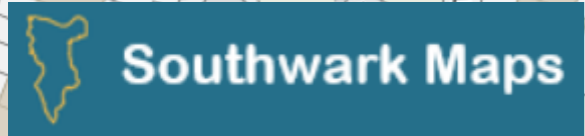
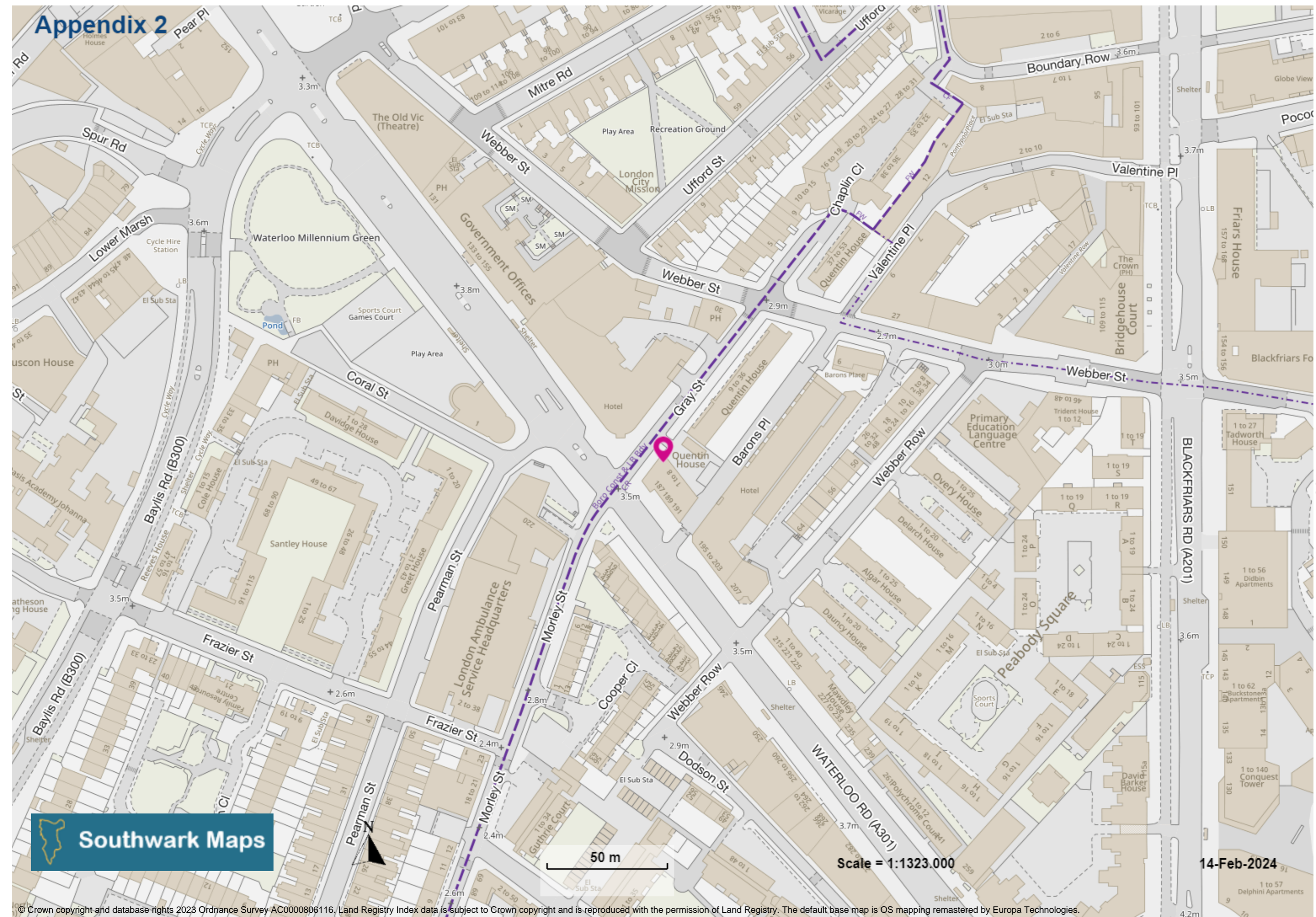
Annex 4 - Plans - Attached

Licence No. 881569

Plan No. N/A

Plan Date 20/03/2023

Appendix 2



50 m

Scale = 1:1323,000

14-Feb-2024



NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 24 MAY 2016

LICENSING ACT 2003: BOTTLE & BASKET, 187 WATERLOO ROAD, LONDON SE1 8UX

1. Decision

That the council's licensing sub-committee, having had regard to the application made under Section 51 of the Licensing Act 2003 by the Southwark Council trading standards team for a review of the premises licence issued in respect of the premises known as Bottle & Basket, 187 Waterloo Road, London SE1 8UX and having had regard also to all other relevant representations has decided it necessary for the promotion of the licensing objectives to:

Suspend the licence for a period of two weeks and

Modify the conditions of the licence as follows:

That the following additional conditions as agreed by the licensing sub-committee shall apply

1. That the premises shall operate an agecheck 'Challenge 25' policy whereby customers purchasing alcohol who look or appear to be under 25 years of age will be asked for an approved form of proof of age to verify their age. Approved forms shall include a driving licence, passport or a PASS approved proof of age card such as the Proof of Age London (PAL) card.
2. That all staff involved in the sale of alcohol shall attend a recognised training scheme which will include training in the agecheck 'Challenge 25' policy. They must obtain a certificate of competence. A record of their training, including the dates that each member of staff is trained, shall be available for inspection at the premises on request by the council's authorised officers or the police.
3. That Agecheck or 'Challenge 25' signage shall be displayed at entrances to the premises, areas where alcohol is displayed for sale and at points of sale to inform customers that an agecheck 'Challenge 25' policy applies and proof of age may be required
4. That a register of refused sales of alcohol and if applicable, cigarette sales which is clearly marked with details of the premises, address and name of licence holder shall be maintained in order to demonstrate effective operation of the policy. On a monthly basis, the designated premises supervisor shall check the register to ensure it is being properly completed. He/she shall sign and date the register to that effect and, where appropriate, take corrective action if the register is not being completed correctly and in a timely manner. The register shall be available for inspection at the premises on request by the council's authorised officers or the police.

5. That an electronic point of sale (EPOS) system be installed at all tills on the premises and it shall be configured to prompt the operator to check proof of age when an alcoholic product (any other product where the age for purchase is restricted by law) is scanned. The prompt should require the operator to confirm that the purchaser is over 18 (or any other age required by the relevant law for other products) before the next item can be scanned or the transaction completed.
6. That there shall be a personal licence holder on the premises at all times alcohol is available for supply for the purpose of supervising such sales. Authorisation must also be in writing and displayed on the premises adjacent to the display of the licence summary where the police or the council's authorised officers can inspect it.
7. That no beers, lagers or ciders in single cans, bottles or multi-packs with an ABV of more than 6.5% will be displayed, sold or offered for sale from the premises. Signage to this effect shall be clearly displayed at the premises.
8. That all staff working on the premises shall be trained and be fully conversant in the correct operation of the CCTV and be able to demonstrate its operation on immediate effect.
9. That an approved CCTV system shall be installed at the premises that records clear images of both the interior and exterior of the premises. The CCTV installed inside the premise shall be positioned to capture the sale of alcohol and tobacco products. The CCTV system shall have a 31 day recording facility and will be maintained in full working order at all times that the premises in in use under the licence. The CCTV system must be capable of capturing a clear facial image of every person who enters the premises. All CCTV footage shall be kept for a period of 31 days and shall, on request, be made immediately available to the police and/or authorised officers from Southwark Council.
10. That all off-sales of alcohol shall be supplied in closed containers only.

2 **Reasons**

The reasons for this decision are as follows:

The licensing sub-committee heard from the trading standards officer, the applicant for the review who advised on 26 February 2016 trading standards officers and police from the night time economy team carried out a compliance inspection at the premises. Two males were serving behind the counter and when asked whether the owner or DPS were present one of the males advised that he had bought the business (including stock) a week previously for £65,000 and the owner/DPS no longer had anything to do with the business. He later stated that the £65,000 was for stock only and not the sale of the lease. No premises licence had been transferred and he was running the business on a trial basis until the purchase went through.

Checks were made by the trading standards officer confirming that Mr Aydin Ciceki who was held out to be a director of Bottle and Basket UK Ltd was actually not a director of that business. Checks also found that the business operator was in accordance with the Bottle and Basket UK Ltd's 2011 status and was incorrectly registered and in breach of the Food Safety Act.

The trading standards officer also found that the tobacco blunts offered for sale did not comply with The Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002. The male stated that they belonged to the previous owner, contradicting what he had said about the purchase of the stock.

Trading standards found that the male did not know about the systems in place to prevent underage sales, including Challenge 25, there were no training records or refusals of sales registers available. On searching the premises, these documents were found disregarded in a plastic bag in the basement. Furthermore, one of the males working in the shop was an "overstayer" and was arrested.

Further still, the premises had made an underage sale in June 2012 to which the business had accepted a simple caution under Section 146 (1) Licensing Act 2003.

The licensing sub-committee heard from the Metropolitan Police Service representative, who supported the review and went on further to provide details of complaints received of anti-social behaviour and street drinking in the immediate vicinity of the premises. The premises had verbally agreed that they would erect signage that they wouldn't sell beers, lagers or ciders above 7% ABV but they failed to do this.

The licensing sub-committee heard from the licensing officer representing the council as a responsible authority, supporting the review. The licensing officer stated that she attended the premises on 19 March 2016 and found that a bottle opener was available behind the counter, which management claimed was for opening soft drinks only. The officer accepted that the management disposed of the bottle opener immediately on request and had since that date, found them to be cooperative. The licensing officer also made reference to the night time economy log and noted that there had been instances of street drinking associated with the premises.

The licensing sub-committee heard from the ward councillor who made representations about the review. He stated that his constituents had complained about the premises being associated with crime and disorder, street drinkers being served and congregating outside the premises and the premises irresponsibly selling high strength beers and ciders. That said, he had received positive comments from some of his constituents who viewed the premises as a local asset.

The licensing sub-committee heard from the legal representative for the premises who said that the four licensing objectives were largely complied with. He stated that the employment of an illegal worker was an irrelevant consideration. The illegal tobacco blunts and food safety registration were breaches of other regulatory regimes and similarly were irrelevant considerations. He added that there had been no repletion of underage sales since 2012. He disputed that sales were made to street drinkers and said that the premises had an important local function.

On 30 March 2016, there had been a change of DPS and the business was in the process of being sold. In the meantime, the premises licence had now been transferred and the transfer of the lease was due to complete in the next few weeks.

The representative stated that they were largely in agreement with all of the conditions proposed by trading standards and the licensing authority but questioned the need for the condition relating to a maximum ABV for beers, lagers and ciders as this could have a negative impact on the business. Similarly, a suspension of the licence could make any purchase of the business unviable.

The licensing sub-committee considered all the written and oral representations before it and deemed that these were serious breaches, including an under age sale in 2012, the breach of other regulatory regimes, the fact that there was no DPS in place for a significant period, meaning sales of alcohol were being sold in breach of the Licensing Act 2003. The representative for the premises stated that the employment of an illegal worker was an irrelevant consideration, despite very recent case law supporting a revocation in such cases (East Lindsey District Council v Abu Hanif (trading as Zara's Restaurant and Takeaway (April 2016))).

The licensing sub-committee also found that there was clear evidence from the responsible authorities that there was street drinking associated with and in the immediate vicinity of the premises. Therefore, it was felt that the condition relating to the maximum ABV for beers, lagers and ciders was necessary and proportionate.

Due to the fact that the lease hasn't yet been transferred and the need for more staff to be trained as personal licence holders, this licensing sub-committee find it necessary and proportionate to suspend the licence for two weeks. This suspension will break the cycle of street drinkers attending the premises ensuring a fresh start for the new owners. Since the premises sells other products other than alcohol this short suspension will have limited effect on the viability of the business.

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

3 **Appeal rights**

This decision is open to appeal by either:

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

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

This decision does not have effect until either:

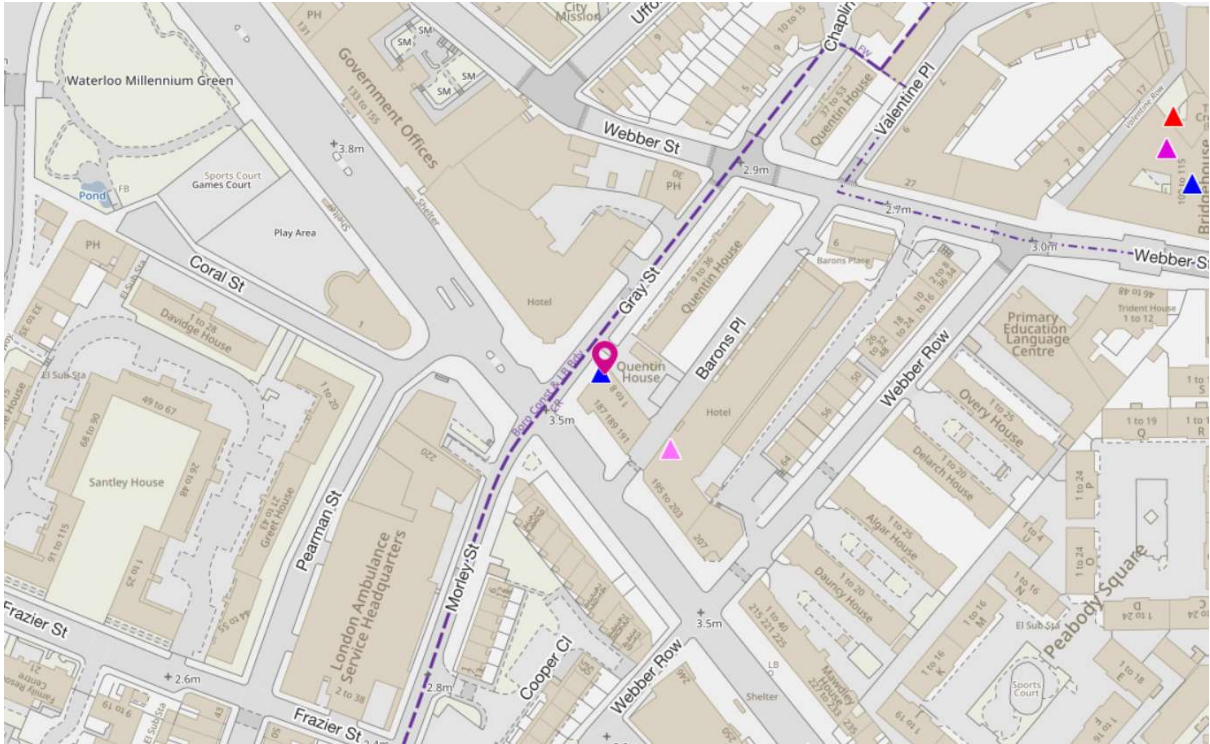
- a) The end of the period for appealing against this decision
- b) In the event of any notice of appeal being given, until the appeal is disposed of.

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

Date: 24 May 2016

Appendix G

Map of Area indicating licensed premises



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

NOTE: Original held by Constitutional Team; all amendments/queries to Andrew Weir - Tel: 020 7525 7222

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