

## Licensing Sub-Committee

Thursday 16 May 2024

10.00 am

Online/Virtual

### Membership

Councillor Renata Hamvas (Chair)  
Councillor Barrie Hargrove  
Councillor Charlie Smith

### Reserves

Councillor Jane Salmon

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### INFORMATION FOR MEMBERS OF THE PUBLIC

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#### Contact

Andrew Weir by email: [andrew.weir@southwark.gov.uk](mailto:andrew.weir@southwark.gov.uk)

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Members of the committee are summoned to attend this meeting

**Althea Loderick**

Chief Executive

Date: 7 May 2024



## Licensing Sub-Committee

Thursday 16 May 2024  
10.00 am  
Online/Virtual

### Order of Business

Item No.	Title	Page No.
	<b>PART A - OPEN BUSINESS</b>	
1.	<b>APOLOGIES</b>	
	To receive any apologies for absence.	
2.	<b>CONFIRMATION OF VOTING MEMBERS</b>	
	A representative of each political group will confirm the voting members of the committee.	
3.	<b>NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT</b>	
	In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.	
4.	<b>DISCLOSURE OF INTERESTS AND DISPENSATIONS</b>	
	Members to declare any interests and dispensation in respect of any item of business to be considered at this meeting.	
5.	<b>LICENSING ACT 2003: THESE DAYS APERITIVO BAR, 100 DRUID STREET, LONDON SE1 2HQ</b>	1 - 86
6.	<b>LICENSING ACT 2003: CLUB 701, BASEMENT AND GROUND FLOORS, 516 OLD KENT ROAD, LONDON SE1 5BA - TRANSFER OF PREMISES LICENCE</b>	87 - 141

**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: 7 May 2024

<b>Meeting Name:</b>	Licensing Sub-Committee
<b>Date:</b>	16 May 2024
<b>Report title:</b>	Licensing Act 2003: These Days Aperitivo Bar, 100 Druid Street, London SE1 2HQ
<b>Ward(s) or groups affected:</b>	London Bridge and West Bermondsey
<b>Classification:</b>	Open
<b>Reason for lateness (if applicable):</b>	N/a

## RECOMMENDATION

1. That the licensing sub-committee considers an application made by Oliver Man to vary the premises licence granted under the Licensing Act 2003 in respect of the premises known as the These Days Aperitivo Bar, 100 Druid Street, London SE1 2HQ.
2. Notes:
  - a) The application seeks to vary the premises licence held in respect of the premises known as the These Days Aperitivo Bar, 100 Druid Street, London SE1 2HQ under section 34 of the Licensing Act 2003. Existing permitted licensable activities are not under consideration at this meeting. The variation application is subject to representations submitted by a responsible authority and is therefore referred to the licensing sub-committee for determination.
  - b) Paragraph 8 to 9 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 at Appendix A.
  - c) Paragraphs 10 to 18 of this report provide a summary of the application. A copy of the application is attached to this report at Appendix B. Photographs of the outside of the premises are attached at Appendix C
  - d) Paragraphs 19 to 30 of this report deal with the representations submitted in respect of the application. Copies of the representations are attached to this report at Appendix D and conciliation correspondence is attached at Appendix E.
  - e) Paragraphs 31 to 34 is a summary of the history of the premises.
  - f) A map showing the location of the premises is attached to this report at Appendix E.

- g) 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 premises licence issued in respect of the premises known as the These Days Aperitivo Bar, 100 Druid Street, London SE1 2HQ was first issued on 25 April 2023 and allows the following licensable activities:

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

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

### **The variation application**

10. On 23 January 2024 Oliver Man applied to this council to vary the premises licence granted under the Licensing Act 2003 in respect of the premises known as These Days Aperitivo Bar, 100 Druid Street, London SE1 2HQ. The application was missing some information which resulted in delaying the consultation period.

11. The application is summarised as follows:

12. The variation application is summarised as follows:

To extend the closing times on a Thursday, Friday and Saturday one hour from 23:00 hours to midnight and extend the on-sales of alcohol by one hour.

13. The application asks to make the variations to the current premises licence as listed below.

14. Vary the on-sales of alcohol and closing times by extending the terminal hours on a Thursday, Friday and Saturday by hour to end at 00:00 (midnight) and 23:30 respectively, the proposed new times would be:

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

15. To remove the following three conditions:

- 365 All external doors and windows shall be kept closed after 21.00 on any day, except for access and egress.
- 369 The outside drinking area may only be used by customers on Thursdays 17:00 to 21:00hrs, Fridays 16:00hrs and 21:00hrs, Saturdays between 11:00hrs and 21:00hrs, Sunday 12:00hrs to 18:00hrs.

**Note** – There is another existing condition that also controls customers using the outside area 363 “The designated outside area must be cleared of customers and street furniture by no later than 22:00 with the exception of those who temporarily leave the premises to smoke, this shall be limited to five persons and shall be controlled by staff.”

- 840 That the premises shall not exceed a capacity of 60 people.

**Note** – this condition is in annex 3 of the premises licence indicating that it was imposed by the Licensing Sub-Committee at a previous hearing.

16. To add the following conditions relating to the removed conditions:

- Careful control of number of customers in the arch at any one time.  
(Vague and unenforceable as there is no overcrowding criteria)
- The outside area will close an hour before full closing time  
(Vague and unenforceable as it conflicts with existing condition 363)

17. Other proposed conditions in the application’s operating schedule appear to be a copy of existing conditions that already appear on the licence.

18. A copy of the application is attached to this report as Appendix B.

### **Representations from responsible authorities**

19. A representation was submitted by the Metropolitan Police Service to promote the licensing objective for prevention of crime and disorder and by the Council Licensing Authority to promote the prevention of crime and disorder and the prevention of public nuisance licensing objectives.

20. The police representation says that the application attempts to address the licensing objectives and proposes numerous conditions. However the application doesn’t effectively cover every aspect of the licensing objectives and the application requires further alterations as the wording of some conditions are quite vague and are not enforceable.

21. The police point out that Section 182 statutory guidance states that conditions should be precise and enforceable and say that if the license is to be granted in its

current form it would have a negative impact on the licensing objective for the prevention of crime and disorder.

22. The licensing authority representation describes the locality of the premises in Druid Street as quiet during the evening. The premises forms part of the "Bermondsey beer mile," which comprises of local brewers, bars and distilleries in and near to Druid Street. There are 12 licensed premises in Druid Street that form part of the "Bermondsey beer mile" and is one of the highest concentrations of bars in any one road in the Borough. The representation also expresses concerns with the potential for cumulative impact.
23. According to the Southwark statement of licensing policy the premises is in a residential area with recommended closing times for public houses, wine bars, or other drinking establishments and bars in other types of premises on Monday to Sunday of 23:00. These recommended closing times are to protect residents
24. The representation says that the premises is directly opposite the Arnold Estate where hundreds of residents/families live and it is not appropriate to allow premises to sell alcohol later than 23:00 in an area with so many residential properties in close proximity is likely to have a detrimental effect on the quality of life for local residents.
25. Also the representation states that premises selling alcohol often become hubs for crime and disorder, anti-social behaviour and nuisance and confrontations can often arise between customers. The Bermondsey Beer Mile itself has become a hub for drinkers from all over London.
26. Licensing object to any extension of the premises' operating hours and to the removal of current licence conditions.
27. The licensing authority also submitted additional evidence in support of their objection, this included a magistrate's court appeal decision to refuse an appeal for a similar variation application for a premises at 46 Druid Street. While this decision is not binding on the Licensing Sub-Committee it can be considered in relation to determining this application for 100 Druid Street.
28. A copy of the representations submitted by the Metropolitan Police Service and the licensing authority is attached at Appendix C.

### **Representations from other persons**

29. No representations have been submitted by other persons.

### **Conciliation**

30. The applicant's representative has corresponded with both the police and the council's licensing responsible authority. At the time of writing the report no conciliation agreement has been made.

### **Premises licensing history**



31. The original premises licence application in respect of the premises was contested by two responsible authorities, and one other person. The responsible authorities agreed additional conditions and withdrew their representations.
32. The premises licence was issued to Oliver Man on 25 April 2023 following a hearing by the licensing sub-committee on 23 March 2023 who decided to impose one additional condition:
- 840 That the premises shall not exceed a capacity of 60 people.
33. There have been 3 temporary event notices (TENs) submitted in respect of the premises, detailed below:

start date	end date	times	max no people	sale of alcohol	for consumption	reg ent	late night refresh	police obj	ept obj
09/12/2023	10/12/2023	23:00 to 01:00	50	Yes	On Premises	No	No	No	No
31/12/2023	01/01/2024	23:00 to 02:00	50	Yes	On Premises	No	No	No	No
13/04/2024	14/04/2024	23:00 to 01:00	60	Yes	On Premises	No	No	No	No

### Complaints

34. There have been no complaints made to the council regarding this premises.

### Map

35. A list of similar licensed premises in Druid Street with sale of alcohol and opening times are in Appendix D.
36. A map showing the location of the premises is attached to this report as Appendix E.

### Southwark Council statement of licensing policy

37. Council assembly approved Southwark's statement of licensing policy 2021-2026 on 25 November 2020 and came into effect on 1 January 2021.
38. Sections of the statement that are considered to be of particular relevance to the sub-committee's consideration are:
- Section 3 - Purpose and scope of the policy. This reinforces the four licensing objectives and the fundamental principles upon which this Authority relies in determining licence applications
  - Section 5 – Determining applications for premises licences and club premises certificates. This explains how the policy works and considers issues such as

location; high standards of management; and the principles behind condition setting.

- Section 6 – Local cumulative impact policies. This sets out this authority’s approach to cumulative impact and defines the boundaries of the current special policy areas and the classifications of premises to which they apply. To be read in conjunction with Appendix B to the policy.
  - Section 7 – Hours of operation. This provides a guide to the hours of licensed operation that this Authority might consider appropriate by type of premises and (planning) area classification.
  - Section 8 – The prevention of crime and disorder. This provides general guidance on the promotion of the first licensing objective.
  - Section 9 – Public safety. This provides general guidance on the promotion of the second licensing objective.
  - Section 10 – The prevention of nuisance. This provides general guidance on the promotion of the third licensing objective.
  - Section 11 – The protection of children from harm. This provides general guidance on the promotion of the fourth licensing objective.
39. The purpose of Southwark’s Statement of Licensing Policy is to make clear to applicants what considerations will be taken into account when determining applications and should act as a guide to the sub-committee when considering the applications. However, the sub-committee must always consider each application on its own merits and allow exceptions to the normal policy where these are justified by the circumstances of the application.
40. Members should take into consideration both the Southwark Statement of Licensing Policy and the Section 182 Guidance when making decisions. The links for these are below:

Southwark Policy:

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

Section 182 Guidance:

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

### **Cumulative impact area (CIA)**

41. The premises are not situated in a cumulative impact area.
42. The premises falls within a residential area.

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

- Public houses, wine bars or other drinking establishments:
  - Monday to Sunday 23:00.

### **Climate change implications**

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

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

46. Examples of such agreements may be:

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

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

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

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

#### **Community impact statement**

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

#### **Equalities (including socio-economic) impact statement**

49. This report does not result in a policy decision and each application is required to be considered upon its own individual merits with all relevant matters taken into account. In considering the recommendations of this report, due regard must be given to the public sector equality duty set out in section 149 of the Equality Act 2010. This requires the Council to consider all individuals when carrying out its functions.

50. Importantly, the council must have due regard to the need to eliminate discrimination, harassment, victimisation, or other prohibited conduct; advance

equality of opportunity and foster good relations between people who have protected characteristics and those who do not. The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. The public sector equality duty also applies to marriage and civil partnership, but only in relation to the need to eliminate discrimination, harassment, victimisation, or other prohibited conduct.

51. The equalities impact statement for licensing decisions is contained within the Southwark statement of licensing policy 2021 – 2026 at:

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

52. The equalities impact assessment is available at:

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

### **Health impact statement**

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

### **Resource implications**

54. A fee of £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 C.

### **Consultation**

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

### **Community impact statement**

56. 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 and Assurance**

57. The sub-committee is asked to determine the application to vary the premises licence under Section 34 of the Licensing Act 2003.
58. The principles which sub-committee members must apply are set out below.

## **Principles for making the determination**

59. Section 35 of the Licensing Act 2003 sets out the licensing authority's powers and duties in considering the determination of an application for variation.
60. The general principle is that applications for variation must be granted unless relevant representations are received. This is subject to the proviso that the applicant has complied with regulations in advertising and submitting the application.
61. Relevant representations are those which;
  - Are about the likely effect of the granting of the application on the promotion of the licensing objectives
  - Are made by an other party or responsible authority
  - Have not been withdrawn
  - Are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
62. If relevant representations are received then the Sub-Committee must have regard to them, in determining whether it is necessary for the promotion of the licensing objectives to;
  - Add to, omit, and/or alter the conditions of the licence or,
  - Reject the whole or part of the application for variation.

## **Conditions**

63. The sub-committee's discretion is thus limited. It can only modify the conditions put forward by the applicant, or refuse the variation, if it is necessary to do so. Conditions must be necessary and proportionate for the promotion of one of the four licensing objectives, and not for any other reason. Conditions must also be within the control of the licensee, and should be worded in a way which is clear, certain, consistent and enforceable.
64. The four licensing objectives are;
  - The prevention of crime and disorder
  - Public safety
  - The prevention of nuisance
  - The protection of children from harm.
65. Members should note that each objective is of equal importance. There are no other licensing objectives, and the four objectives are paramount considerations at all times.
66. Conditions will not be necessary if they duplicate a statutory position. Conditions relating to late night refreshment and take away aspect of the licence must relate to the night time operation of the premises and must not be used to impose conditions which could not be imposed on day time operators.

67. The Licensing Act requires mandatory conditions in respect of supply of alcohol, the exhibition of films and in respect of door supervisors. The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2003 introduced three conditions in respect of irresponsible promotions, the oral dispensing of alcohol and free tap water. In October 2010 an additional two conditions came into force – age verification policy and smaller measures for alcoholic drinks.
68. Members are also referred to the Home Office Revised Guidance issued under section 182 of the Licensing Act 2003 on conditions, specifically section

### **Reasons**

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

### **Hearing procedures**

70. 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.

71. This matter relates to the determination of an application to vary a premises licence under section 34 of the Licensing Act 2003. Regulation 26(1) (a) requires the sub-committee to make its determination at the conclusion of the hearing.

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

72. 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.
73. 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.
74. 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.
75. 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.
76. 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.
77. 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.

78. 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.
79. 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

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

### Strategic Director of Finance

81. 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	Copy of the current premises licence and notice of decision
Appendix B	Copy of the variation application
Appendix C	Responsible authority representations
Appendix D	Licensed premises in Druid Street
Appendix E	Map showing the location of the premises



## AUDIT TRAIL

<b>Lead Officer</b>	Toni Ainge, Strategic Director of Environment, Neighbourhoods and Growth	
<b>Report Author</b>	David Franklin, Principal Licensing Officer	
<b>Version</b>	Final	
<b>Dated</b>	7 May 2024	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments sought</b>	<b>Comments included</b>
Assistant Chief Executive – Governance and Assurance	Yes	Yes
Strategic Director of Finance	Yes	Yes
<b>Cabinet Member</b>	No	No
<b>Date final report sent to Constitutional Team</b>		7 May 2024

# Licensing Act 2003

## Premises Licence

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

Premises licence number

879415

### Part 1 - Premises details

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>	
These Days Aperitivo Bar 100 Druid Street London SE1 2HQ	
Ordnance survey map reference (if applicable), 533713179601	
<b>Post town</b> London	<b>Post code</b> SE1 2HQ
<b>Telephone number</b>	

<b>Where the licence is time limited the dates</b>
--

<b>Licensable activities authorised by the licence</b>
Sale by retail of alcohol to be consumed on premises Sale by retail of alcohol to be consumed off premises

<b>The opening hours of the premises</b>
For any non standard timings see <b>Annex 2</b>
Monday            10:00 - 23:00
Tuesday          10:00 - 23:00
Wednesday       10:00 - 23:00
Thursday         10:00 - 23:00
Friday            10:00 - 23:00
Saturday         10:00 - 23:00
Sunday            10:00 - 23:00

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

**The times the licence authorises the carrying out of licensable activities**

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

**Sale by retail of alcohol to be consumed on premises**


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

**Sale by retail of alcohol to be consumed off premises**

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

## Part 2

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

Oliver Man  


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

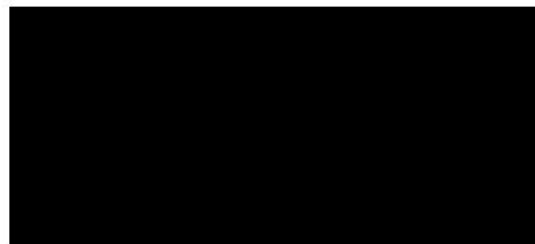
Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Oliver Man  


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 L.B Westminster

Licence Issue date 25/04/2023



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

## **Annex 1 - Mandatory conditions**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**489** The responsible person shall ensure that -

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

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

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

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

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

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

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

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

where-

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

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

(i) the holder of the premises licence:

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

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

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

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

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

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

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

**Annex 2 - Conditions consistent with the operating Schedule**

**340** Trained staff members will be present at all times.

**341** Always more than one staff member.

**342** Furniture designed to promote sitting down rather than crowded standing

**343** Predominantly lower abv options on the drinks menu

**344** Glassware will be tough, no stemmed glasses and no pints served at all

**345** No one carrying any other glass, alcohol or products not served on the premises will be allowed in

**346** No customers can leave the premises with open containers of alcohol

**347** An incident log will be maintained by the DPS at all times

**348** Strict drugs policy implemented and all staff members trained on the procedure to deal with any incidents

**349** The police will be notified of any seizure or incident involving drugs

**350** A secure area for customers' personal belongings is available

**351** Adequate first aid policies and equipment on site at all times

**352** At least one first aid-trained staff member on site at all times

**353** Disposal of waste not to take place between 23:00 and 7:00

**354** Door installed to reduce noise

**355** Measures taken to reduce noise inside the premises including soft, fire-retardant furnishings

**356** The outside area will close an hour before full closing time

**357** Staff members always cleaning litter throughout opening hours



**358** That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV System must be capable of capturing a clear facial image of every person who enters the premises.

**359** All CCTV footage be kept for a period of 31 days and shall on request be made immediately available to officers of the police and the council.

**360** A member of staff should be on duty at all times the premises is open that is trained in the use of the CCTV and able to view and download images to a removable device on request of Police or council officer.

**361** That all staff are trained in their responsibilities under the licensing act 2003 and training records to be kept and updated every 6 months and shall, upon request, be made immediately available to Officers of the Police and the Council.

**362** That the supply of alcohol for consumption off the premises shall be in sealed containers and not sold for immediate consumption in the area around the premises.

**363** The designated outside area must be cleared of customers and street furniture by no later than 22:00hrs with the exception of those who temporarily leave the premises to smoke, this shall be limited to five persons and shall be controlled by staff.

**364** The smoking area shall be clearly marked by barriers.

**365** All external doors and windows shall be kept closed after 21.00 on any day, except for access and egress.

**366** Clearly legible signage shall be prominently displayed at all exits where it can easily be seen and read, requesting that customers leave the premises in a quiet and orderly manner that is respectful to neighbours.

**367** The written dispersal policy shall be kept at the premises with the licence and made available for inspection by authorised council officers or the police. All relevant staff shall be trained in the implementation of the dispersal policy.

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

**369** The outside drinking area may only be used by customers on Thursdays 17:00 to 21:00hrs, Fridays 16:00hrs and 21:00hrs, Saturdays between 11:00hrs and 21:00hrs, Sunday 12:00hrs to 18:00hrs

**370** That a telephone number be displayed that is visible from the outside of the premises for residents to contact management about issues.

**371** There shall be an outside management plan implemented at the premises whenever that area is in use, with all staff trained on the contents and requirements of the plan. A record of staff training on the outside management plan shall be kept at the premises and a copy of the plan and training records be made available to the council or police on request".

**372** That the premises management shall regularly monitor the external areas to the premises and take all necessary steps to ensure that noise from patrons does not cause disturbance or public nuisance to its neighbours.

**373** The premises shall risk assess the requirement for SIA security officers to effectively control outside drinking during busy periods, to ensure the conditions on the premises licence are complied with and to promote the licensing objectives. In any event, the designated outdoor area must be monitored by staff whenever it is in use.

**4AA** 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 Southwark Proof of Age (SPA) card.

**4AB** All staff involved in the sale of alcohol shall be trained in the age check 'Challenge 25' policy. 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 shall be maintained in order to demonstrate effective operation of the policy. The register shall be available for inspection at the premises on request by Council authorised officers or the Police.

**374** No unaccompanied children under the age of 16 will be allowed on the premises.

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

**840** That the premises shall not exceed a capacity of 60 people.

**Annex 4 - Plans - Attached**

Licence No. 879415

Plan No. 879415 24/01/2023

Plan Date



## NOTICE OF DECISION

### LICENSING SUB-COMMITTEE – 23 MARCH 2023

#### SECTION 29 LICENSING ACT 2003: THESE DAYS APERITIVO BAR, 100 DRUID STREET, LONDON, SE1 2HQ

#### Decision

That the application made by Oliver Man for a licence to be granted under s.17 of the Licensing Act 2003 in respect of the premises known as These Days Aperitivo Bar, 100 Druid Street, London, SE1 2HQ is granted as follows:

1. The supply of alcohol (on and off the premises):
  - Monday to Sunday: 10:00 to 22:30
2. Opening hours:
  - Monday to Sunday: 10:00 to 23:00

#### Conditions

The operation of the premises under the licence shall be subject to relevant mandatory conditions, conditions derived from the operation schedule highlighted in Section M of the application form, conditions agreed during the conciliation process and the following additional condition as agreed by the licensing sub-committee:

1. That the premises shall not exceed a capacity of 60 people.

#### Reasons

This was an application for a premises licence in respect of These Days Aperitivo Bar, 100 Druid Street, London, SE1 2HQ. The premises was described as follows:

Arch located on the Bermondsey Beer Mile situated behind on the other side of the tracks to Maltby Street Market. The arch is typical of the others along the stretch - 26m x 5m. One bathroom at the back which will be used for staff only. There's only one entrance at the front which is fully lockable and shuttered. The front third of the arch nearest the door (about 10m) will act as a bar while the back will be a fully functioning canning facility and not open to the public. The arch has about 2.5m x 6m space outside between the front of the arch and the road which we also intend to use for a small number of customers during the summer"

The sub-committee heard from the applicant who advised they are an Aperitivo brand that had launched in 2021. Their values are centred around promoting a drinking style that does not encourage drinking to get drunk, but to drink in a slower, more considered way. This is exemplified in their choices of drinks on the menu, which are predominantly of lower ABV. They will not serve pints or spirits, the latter will not be present at the bar.

The majority of the space at the premises will be taken up by a fully functioning canning facility which will not be open to the public. The canning facility will operate between 09:00 and 17:00, at which point it will be promptly closed and the bar will open. Off sales can be bought whilst the canning facility is open but once it closes no off sales will be permitted. The bar will typically open between 17:00 and 21:00 hours, the applicant stated they are absolutely not focussed on being a late night venue.

The bar will not be the primary revenue driver, the applicant will shortly be partnering with Honest Burgers and supplying drinks to all of their sites. The applicant was keen to make the distinction that they are not a brewery and are distinct from other premises within the area. They are not a beer bar and will only have one small bottled beer on their menu. The space has been designed for predominantly seated customers with no vertical drinking outside.

The premises has three members of staff, two of which have personal licences and years of experience in managing bars and working with neighbours to ensure they are happy. The applicant will be displaying a telephone number that will always be available in the event of any issues and will work in partnership with the existing premises in the area in terms of security.

The applicant confirmed they are aware of the policy regarding single-use plastics within Southwark's statement of licencing policy 2021-2026 and products will be served in cans, bottles or glassware.

One other person submitted a representation against the application in advance of the hearing. The sub-committee gave consideration to this along with the links to other material that had been supplied. Whilst the premises is not situated in a cumulative impact area, there is evidence of cumulative impact and it is entirely proper that the committee takes it into account.

Paragraph 14.42 of the s.182 Guidance under the Licensing Act 2003 provides:

“14.42 The absence of a [cumulative impact assessment/policy] does not prevent any responsible authority or other person making representations on an application for the grant or variation of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives, However, in each case it would be incumbent on the person making the representation to provide relevant evidence of cumulative impact”.

The sub-committee considered all the facts before it:

Licensing as a responsible authority and the gatekeeper of Southwark's statement of licensing policy 2021-2026 did not submit a representation. It was therefore reasonable to conclude that licensing as a responsible authority were satisfied that the application would not undermine any of the licensing objectives.

It was further noted that those responsible authorities who had submitted representations had subsequently withdrawn them after conciliation with the applicant. Comprehensive conditions had been agreed and were set out within the operating schedule. These conditions, coupled with the applicant's intended operating hours and policies, would prevent further public nuisance within the area by noise and disruption.

The sub-committee considered the premises to be distinct from those in the surrounding area and noted the applicant's comment that they are trying to diversify the arches. The applicant appeared to have given great thought to avoiding any negative impact on residents and the sub-committee were satisfied that the conditions that would be imposed as a result of granting this licence would facilitate this aim and promote the licensing objectives. It is on this basis that the licence was granted.

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

### **Appeal rights.**

The applicant may appeal against any decision:

- a) To impose conditions on the licence
- b) To exclude a licensable activity or refuse to specify a person as premises supervisor.

Any person who made relevant representations in relation to the application who desires to contend:

- a) That the licence ought not to have been granted; or
- b) That, on granting the licence, the licensing authority ought not to have imposed different or additional conditions to the licence, or ought to have modified them in a different way

may appeal against the decision.

Any appeal must be made to the Magistrates' Court for the area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the Magistrates' Court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

Issued by the Constitutional Team on behalf of the Assistant Chief Executive – Governance and Assurance

Date: 23 March 2023

23/01/2024

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

Ref No. 2163125

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

	Oliver Man
Premises licence number	879415

#### 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)

£	35,750
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Postal address of premises or, if none, ordnance survey map reference or description

Address Line 1	These Days Aperitivo Bar
Address Line 2	100 Druid Street
Town	London
County	
Post code	SE1 2HQ
Ordnance survey map reference	
Description of the location	Aperitivo bar
Telephone number	██████████

Part 2 - Applicant details

Daytime contact telephone number	██████████
Email address	██████████
Postal Address if different from premises address	██████████
Town / City	London
Postcode	SW11 ██████

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

Please tick	No
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If not from what date do you want the variation to take effect?

(DD/MM/YYYY)	14/03/2024
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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
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Please describe briefly the nature of the proposed variation ( see guidance note 2 )

	Our current hours dictate we close at 23:00 when we're open. We hope to extend this to 00:00 on Wednesdays, Thursdays, Fridays and Saturdays <small>This also applies to sale of alcohol.</small>
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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
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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)

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

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

Day	Start	Finish
Mon	10:00	22:30
Tues	10:00	22:30
Wed	10:00	23:30
Thur	10:00	23:30
Fri	10:00	23:30
Sat	10:00	23:30
Sun	10:00	22:30

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 )

--	--

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 )

	No adult entertainment provided
--	---------------------------------

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	10:00	23:00
Tues	10:00	23:00
Wed	10:00	00:00
Thur	10:00	00:00

Fri	10:00	00:00
Sat	10:00	00:00
Sun	10:00	23:00

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.

	<ul style="list-style-type: none"> <li>- All external doors and windows shall be kept closed after 21.00 on any day, except for access and egress.</li> <li>- The outside drinking area may only be used by customers on Thursdays 17:00 to 21:00hrs, Fridays 16:00hrs and 21:00hrs, Saturdays between 11:00hrs and 21:00hrs, Sunday 12:00hrs to 18:00hrs</li> <li>- That the premises shall not exceed a capacity of 60 people.</li> </ul>
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I have uploaded relevant part of the previous premises licence (Please send a hard copy in the post)

	<a href="#">EME06251.pdf</a>

Reason for not uploading the premises licence

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

	<p>Trained staff members present at all times.</p> <ul style="list-style-type: none"> <li>- Always more than one staff member.</li> <li>- CCTV in use, archived and never blocked by any furniture/decor. The public will be informed CCTV is in use via a notice and will cover the inside and outside areas of the premises</li> <li>- Careful control of number of customers in the arch at any one time.</li> </ul>
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- Furniture designed for smaller groups
- Furniture designed to promote sitting down rather than crowded standing
- Predominantly lower abv options on the drinks menu
- Glassware will be tough, no stemmed glasses and no pints served at all
- No one carrying any other glass, alcohol or products not served on the premises will be allowed in
- No customers can leave the premises with open containers of alcohol
- Categorised bins will be readily available for all customers
- Staff will be trained in proving identification and the practice of 'Challenge 25'
- There will be hardly any promotional offers, no happy hours and no change in price promoting excessive drinking
- An incident log will be maintained by the DPS at all times
- Strict drugs policy implemented and all staff members trained on the procedure to deal with any incidents
- The police will be notified of any seizure or incident involving drugs
- Notices displaying potential danger to customers' safety will be used e.g. 'Pickpockets operate in this area'
- A secure area for customers' personal belongings is available
- Otherwise, nothing beyond existing health and safety/fire safety etc requirements
- That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV System must be capable of capturing a clear facial image of every person who enters the premises.
- All CCTV footage be kept for a period of 31 days and shall on request be made immediately available to officers of the police and the council.
- A member of staff should be on duty at all times the premises is open that is trained in the use of the CCTV and able to view and download images to a removable device on request of Police or council officer.
- That all staff are trained in their responsibilities under the licensing act 2003 and training records to be kept and updated every 6 months and shall, upon request, be made immediately available to Officers of the Police and the Council.
- That the supply of alcohol for consumption off the premises shall be in sealed containers and not sold for immediate consumption in the area around the premises.
- The smoking area shall be clearly marked by barriers except for access and egress.
- Clearly legible signage shall be prominently displayed at all exits where it can easily be seen and read, requesting that customers leave the premises in a quiet and orderly manner that is respectful to neighbours.
- The written dispersal policy shall be kept at the premises with the licence and made available for inspection by authorised council officers or the police. All relevant staff shall be trained in the implementation of the dispersal policy.
- That clear legible signage shall be prominently displayed where it can be easily seen and read, requesting that alcohol sold as off sales should not be opened and consumed in the vicinity of the premises.
- That a telephone number be displayed that is visible from the outside of the premises for residents to contact management about issues.
- There shall be an outside management plan implemented at the premises whenever that area is in use, with all staff trained on the contents and requirements of the plan. A record of staff training on the outside management plan shall be kept at the premises and a copy of the plan and training records be made available to the council or police on request;
- That the premises management shall regularly monitor the external areas to the premises and take all necessary steps to ensure that noise from patrons does not cause disturbance or public nuisance to its neighbours.
- The premises shall risk assess the requirement for SIA security officers to effectively control outside drinking during busy periods, to ensure the conditions on the premises licence are complied with and to promote the licensing objectives. In any event, the designated outdoor area must be monitored by staff whenever it is in use.
- 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 Southwark Proof of Age (SPA) card.
- All staff involved in the sale of alcohol shall be trained in the age check ;Challenge 25; policy. 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.
- Age check ;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

	<p>customers that an age check; Challenge 25; policy applies and proof of age may be required.</p> <ul style="list-style-type: none"> <li>- A register of refused sales of alcohol shall be maintained in order to demonstrate effective operation of the policy. The register shall be available for inspection at the premises on request by Council authorised officers or the Police.</li> </ul>
--	--

b) the prevention of crime and disorder

	<p>Trained staff members present at all times.</p> <ul style="list-style-type: none"> <li>- Always more than one staff member.</li> <li>- CCTV in use, archived and never blocked by any furniture/decor. The public will be informed CCTV is in use via a notice and will cover the inside and outside areas of the premises</li> <li>- Careful control of number of customers in the arch at any one time.</li> <li>- No one carrying any other glass, alcohol or products not served on the premises will be allowed in</li> <li>- No customers can leave the premises with open containers of alcohol</li> <li>- Staff will be trained in proving identification and the practice of 'Challenge 25'</li> <li>- There will be hardly any promotional offers, no happy hours and no change in price promoting excessive drinking</li> <li>- An incident log will be maintained by the DPS at all times</li> <li>- Strict drugs policy implemented and all staff members trained on the procedure to deal with any incidents</li> <li>- The police will be notified of any seizure or incident involving drugs</li> <li>- Notices displaying potential danger to customers' safety will be used e.g. 'Pickpockets operate in this area'</li> <li>- A secure area for customers' personal belongings is available</li> <li>- Otherwise, nothing beyond existing health and safety/fire safety etc requirements</li> </ul>
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c) public safety

	<p>Trained staff members present at all times.</p> <ul style="list-style-type: none"> <li>- Always more than one staff member.</li> <li>- CCTV in use, archived and never blocked by any furniture/decor. The public will be informed CCTV is in use via a notice and will cover the inside and outside areas of the premises</li> <li>- Careful control of number of customers in the arch at any one time.</li> <li>- Furniture designed for smaller groups</li> <li>- Furniture designed to promote sitting down rather than crowded standing</li> <li>- Predominantly lower abv options on the drinks menu</li> <li>- Glassware will be tough, no stemmed glasses and no pints served at all</li> <li>- No one carrying any other glass, alcohol or products not served on the premises will be allowed in</li> <li>- No customers can leave the premises with open containers of alcohol</li> <li>- Staff will be trained in proving identification and the practice of 'Challenge 25'</li> <li>- There will be hardly any promotional offers, no happy hours and no change in price promoting excessive drinking</li> <li>- An incident log will be maintained by the DPS at all times</li> <li>- Strict drugs policy implemented and all staff members trained on the procedure to deal with any incidents</li> <li>- The police will be notified of any seizure or incident involving drugs</li> <li>- Notices displaying potential danger to customers' safety will be used e.g. 'Pickpockets operate in this area'</li> <li>- A secure area for customers' personal belongings is available</li> <li>- We will have conducted all suitable risk assessments and will maintain them according to regulation (weekly/monthly) and assessments kept available if requested</li> <li>- The exit route will always be kept clear</li> <li>- All furniture will be checked to confirm it's fire retardant</li> <li>- Premises will be designed and assessed to accommodate disabled access and evacuation policies</li> <li>- Adequate first aid policies and equipment on site at all times</li> <li>- At least one first aid-trained staff member on site at all times</li> </ul> <p>Sufficient lighting at all times, including clearly illuminated exit signs</p>
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	<ul style="list-style-type: none"> <li>- Appropriate public liability insurance</li> <li>- No smoking policy enforced at all times</li> <li>- Otherwise, nothing beyond existing health and safety/fire safety etc requirements</li> </ul>
--	--

d) the prevention of public nuisance

	<ul style="list-style-type: none"> <li>Trained staff members present at all times.</li> <li>- Always more than one staff member.</li> <li>- Careful control of number of customers in the arch at any one time.</li> <li>- Furniture designed for smaller groups</li> <li>- Furniture designed to promote sitting down rather than crowded standing</li> <li>- Predominantly lower abv options on the drinks menu</li> <li>- Glassware will be tough, no stemmed glasses and no pints served at all</li> <li>- No one carrying any other glass, alcohol or products not served on the premises will be allowed in</li> <li>- No customers can leave the premises with open containers of alcohol</li> <li>- There will be hardly any promotional offers, no happy hours and no change in price promoting excessive drinking</li> <li>- An incident log will be maintained by the DPS at all times</li> <li>- Strict drugs policy implemented and all staff members trained on the procedure to deal with any incidents</li> <li>- Door installed to reduce noise</li> <li>- Measures taken to reduce noise inside the premises including soft, fire-retardant furnishings</li> <li>- Disposal of waste not to take place between 23:00 and 7:00</li> <li>- The outside area will close an hour before full closing time</li> <li>- In place contract with waste disposal partner</li> <li>- Staff members always cleaning litter throughout opening hours</li> </ul>
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e) the protection of children from harm

	<ul style="list-style-type: none"> <li>Clear signage explaining the restriction of those under 18</li> <li>- Proof of age policy in place and staff members trained</li> <li>- Otherwise, nothing beyond existing health and safety/fire safety etc requirements</li> <li>- No unaccompanied children under the age of 16 will be allowed on the premises.</li> </ul>
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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

	<p>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.</p>
--	--

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	Oliver Man
Date (DD/MM/YYYY)	■■■■■■■■
Capacity	Owner/director

Where the premises licence is jointly held, enter the 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (guidance note 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	
Telephone No.	
If you prefer us to correspond with you by e-mail, your email address (optional)	

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

	Yes
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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:** 326/24  
**Date:** 11/04/2024

**Re: These Days Aperitivo Bar, 100 Druid Street, SE1 2HQ**

Dear Sir/Madam,

Police are in possession of an application from the above for a Premises Variation application. The venue is a small Aperitivo Bar and Kitchen. The application is for the extension of the current opening hours, and for an extension if the current hours for the supply of alcohol. The hours requested are as follows;

Open to the Public

Sun-Tues – 1000hrs – 2300hrs

Wed-Sat – 1000hrs – 0000hrs

Supply of alcohol off sales

Sun-Tues – 1000hrs – 2230hrs

Wed-Sat – 1000hrs – 2330hrs

The application does attempt to cover the licensing objectives and show a willingness to work towards having a safe premises. The application however doesn't effectively cover every aspect of the licensing objectives and the application requires further alterations before it can be accepted by Police. The applicant has offered numerous conditions to cover the licensing objectives, however the wording of some of them are quite vague and are not enforceable.

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 Police object to this application as it is believed that if the license is to be granted in its current form it would have a negative impact on the licensing objectives, in particular, that of the Prevention of Crime and Disorder.

Submitted for your consideration.

Yours Sincerely

PC Walter MINKA AGYEMAN 1264AS

Licensing Officer

Southwark Police Licensing

SouthwarkLicensing@met.police.uk

<b>To:</b> Licensing Unit	<b>From:</b> Wesley McArthur <a href="mailto:wesley.mcarthur@southwark.gov.uk">wesley.mcarthur@southwark.gov.uk</a> 020 7525 5779 (on behalf of the Licensing Unit in its role as a responsible authority)	<b>Date:</b> 23 April 2024
<b>Subject:</b>	Representation	
<b>Act:</b>	The Licensing Act 2003 (the Act)	
<b>Premises:</b>	These Days Aperitivo Bar, 100 Druid Street, London, SE1 2HQ	
<b>Ref':</b>	<b>882261</b>	

We object to the grant of an application to vary a premises licence, submitted by Oliver Manunder The Licensing Act 2003 (the Act), in respect of the premises known as These Days Aperitivo Bar, 100 Druid Street, London, SE1 2HQ.

### **1. The extant licence**

The extant premises licence (licence number 879415) allows for licensable activities and opening hours as follows –

#### **The sale of alcohol to be consumed on and off the premises:**

**Monday - Sunday: 10:00 – 22:30**

#### **The opening hours of the premises:**

**Monday - Sunday: 10:00 – 23:00**

The premises are a bar.

A copy of licence 879415 is attached as appendix 1.

It is important to note that the application for the extant licence was subject to representations from various responsible authorities and an 'other person'. The applicant conciliated the responsible authorities by agreeing to the inclusion of various conditions on any licence to be issued subsequent to the application for the extant licence. The other person maintained their representation and the application for the extant licence was determined at a licensing sub-committee hearing on 23 March 2023.

At the hearing of 23 March 2023, the licensing sub-committee imposed the following licence condition:

- That the premises shall not exceed a capacity of 60 people.

A copy of the Notice of Decision pertaining to the licensing sub-committee hearing of 23 March 2023 to determine the application for the extant premises licence is attached as appendix 2

### **2. The variation application –**

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

- *“Our current hours dictate we close at 23:00 when we're open. We hope to extend this to 00:00 on Wednesdays, Thursdays, Fridays and Saturdays. This also applies to the sale of alcohol.”*

The application seeks to remove the following licence conditions:

- 365 - All external doors and windows shall be kept closed after 21.00 on any day, except for access and egress.
- 369 - The outside drinking area may only be used by customers on Thursdays 17:00 to 21:00hrs, Fridays 16:00hrs and 21:00hrs, Saturdays between 11:00hrs and 21:00hrs, Sunday 12:00hrs to 18:00hrs
- 840 - That the premises shall not exceed a capacity of 60 people.

The application seeks to extend the hours permitted for the sale of alcohol for consumption on the premises as follows:

**Wednesday - Thursday: extended until 23:30**

The application seeks to extend the hours permitted for the sale of alcohol for consumption on the premises as follows:

**Wednesday - Thursday: extended until 00:00 (midnight)**

**NB** – No extension of hours has been sought regarding the provision of live music

**3. The Locale**

The premises are located approximately half way along Druid Street. Druid Street has low level, but consistent, traffic during the day, but minimal traffic at night. A viaduct running from London Bridge Station runs along Druid Street. London Bridge Station is a major UK rail terminus and trains run throughout the day and night.

During the evening the locale is quiet.

The premises itself forms what is colloquially known as ‘The Bermondsey Beer Mile’. The Bermondsey Beer Mile comprises local brewers, bars and distilleries. Druid Street forms the major part of the beer mile, although there are other licensed premises in the locale that might be considered part of the ‘beer mile’.

There are many residential dwellings in the area, and the premises are located directly opposite the Arnold Estate, which houses 100s of families. Photographs of the local area are below:

**Figure 1:** View of the premises entrance looking southwest across Druid Street



**Figure 2:** View looking north west up Druid Street showing the Arnold Estate



**Figure 3:** from directly outside the premises' entrance looking north west across druid street into the Arnold Estate



**Figure 4:** View looking south west down Druid Street showing the Arnold Estate



There are 12 licensed premises on Druid Street that form part of the Bermondsey Beer Mile.

Photos of these premises are attached as appendix 3.

#### **4. Statement of Licensing Policy (SoLP)**

According to section 7 of this council's statement of licensing policy 2021 – 2026 (hereafter referred to as 'the SoLP'), the premises fall within a residential area.

A copy of the SoLP is available via:

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

The following closing times are recommended in our SoLP in respect of the type of licensed premises located in residential areas as follows –

Public houses, wine bars, or other drinking establishments and bars in other types of premises:

Monday – Sunday: 23:00

#### **5. Our objection**

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

We say that extending the operating hours at the premises is likely to have a negative effect on the promotion the crime and disorder and the prevention of public nuisance licensing objectives.

We do not think it is appropriate to allow premises to sell alcohol later than 23:00 hours in an area with so many residential properties (often housing young families and many people of working age) in close proximity. We say that granting extended operating hours is likely to



have a detrimental effect on the quality of life for local residents.

Premises selling alcohol often become hubs for crime and disorder, anti-social behavior and nuisance. Confrontations can often arise between customers who are intoxicated. The Bermondsey Beer Mile itself has become a hub for drinkers from all over London and has become somewhat of a tourist destination.

The council has received many complaints relating to the operation of licensed premises along the Beer Mile, and although the area is not part of a current cumulative impact area it is under consideration to become a cumulative impact area, and Druid Street itself has one of the highest concentrations of bars in any one road in the Borough.

As per the Notice of Decision pertaining to the licensing sub-committee hearing of 23 March 2023 to determine the application for the extant premises licence, we draw your attention to Paragraph 14.42 of the s.182 Guidance under the Licensing Act 2003, which states:

- “The absence of a [cumulative impact assessment/policy] does not prevent any responsible authority or other person making representations on an application for the grant or variation of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives....”

The operational hours suggested in the SoLP exist to protect residents in the borough.

The operational hours suggested in the SoLP were ratified by councillors 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.

We further add that full council assembly approved the current version of the SoLP, and have maintained the suggested operating hours four times in a row. This shows that there is still a need for the recommended hours to be given **considerable** weight in the determination of premises licence applications.

The premises already operates to the latest recommended closing times in the SoLP. We object to **any** extension of the premises’ operating hours on **any day of the week**.

We also object to the removal of any current licence conditions in particular condition 840 which was imposed by this very licensing sub-committee.

We say that the licensing sub-committee should be gatekeeper of the Statement of Licensing Policy that was in part ratified by councillors who form part of the licensing sub-committee itself.

**We will present further submissions in support of this representation prior to, and at, the hearing to determine this application.**

Yours sincerely,

**Wesley McArthur**  
Principal Enforcement Officer

Appendix 3

Southwark Brewing Company, 46 Druid Street



Kanpai, 48 Druid Street



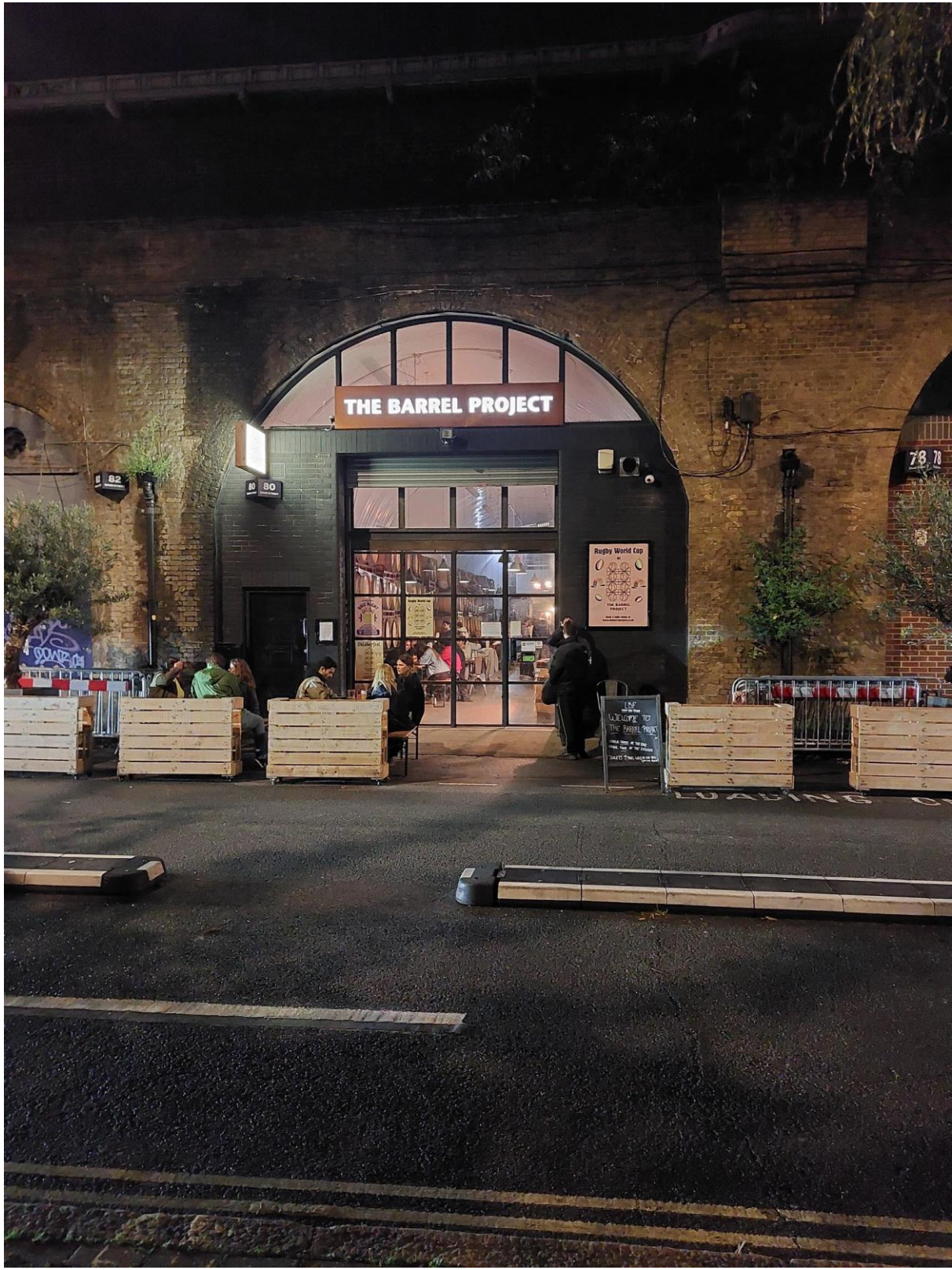
Forever Good, 54 Druid Street



Doodle Bar, 60 Druid Street



The Barrel Project, 80 Druid Street



Hawkes, 90 Druid Street



These Days Aperitivo Bar, 100 Druid Street





Billy Frank's, 104 Druid Street



Marquis of Wellington, 21 Druid Street



Anspach & Hobday, 118 Druid Street

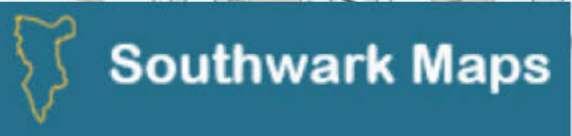
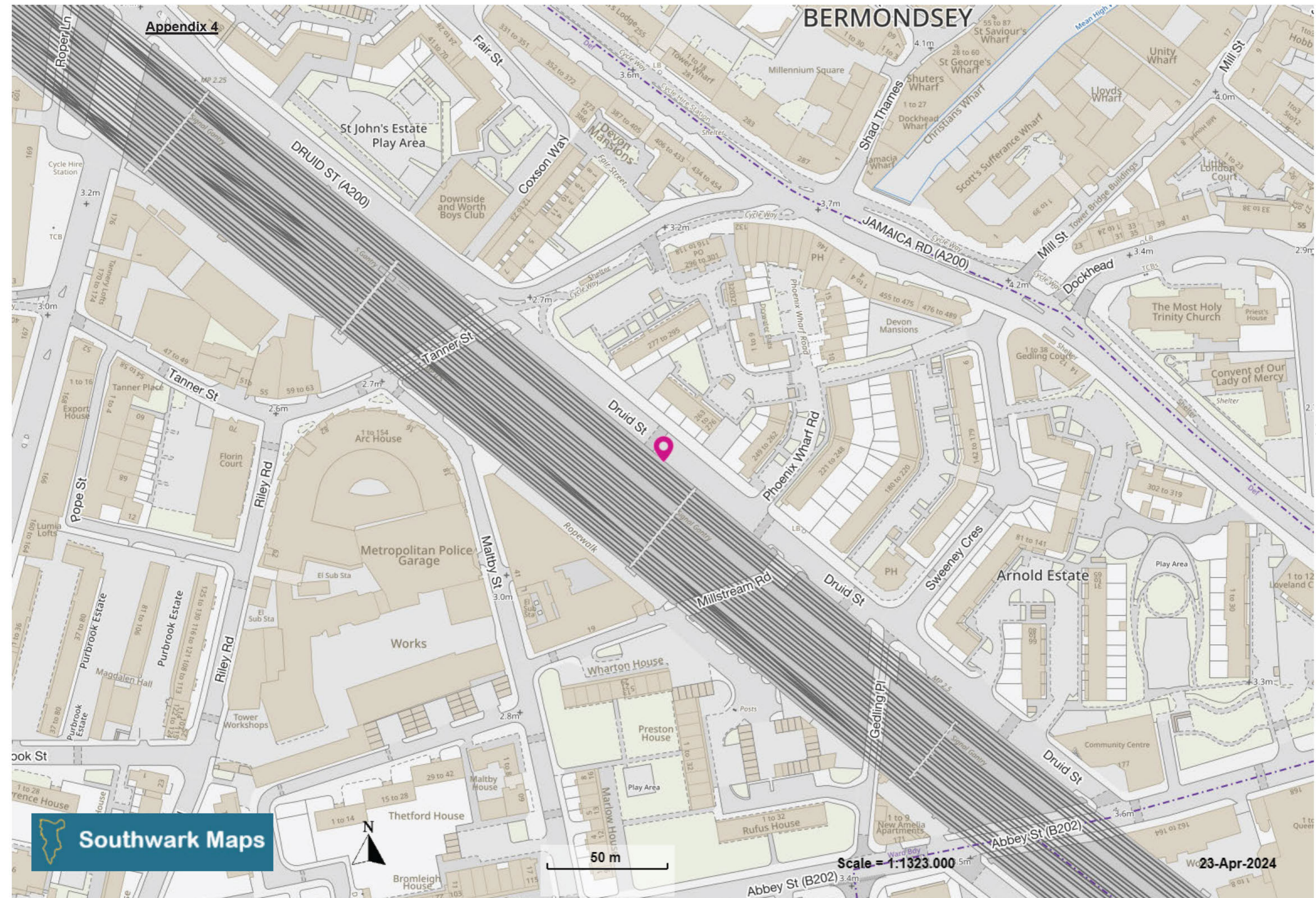


Pedro's, 128 Druid Street



Rinneroon, 130 Druid Street





50 m

Scale = 1:1323.000

23-Apr-2024

<b>To:</b> Licensing Unit	<b>From:</b> Wesley McArthur <a href="mailto:wesley.mcarthur@southwark.gov.uk">wesley.mcarthur@southwark.gov.uk</a> 020 7525 5779 (on behalf of the Licensing Unit in its role as a responsible authority)	<b>Date:</b> 03 May 2024
<b>Subject:</b>	<b>FURTHER COMMENTS</b>	
<b>Act:</b>	The Licensing Act 2003 (the Act)	
<b>Premises:</b>	These Days Aperitivo Bar, 100 Druid Street, London, SE1 2HQ	
<b>Ref:</b>	<b>882261</b>	

We have the following further comments in support of our objection to the grant of an application to vary a premises licence, submitted by Oliver Man under The Licensing Act 2003 (the Act), in respect of the premises known as These Days Aperitivo Bar, 100 Druid Street, London, SE1 2HQ.

### **1. Cumulative Impact**

Paragraph 14.42 of the s.182 Guidance under the Licensing Act 2003, which states:

- “The absence of a [cumulative impact assessment/policy] does not prevent any responsible authority or other person making representations on an application for the grant or variation of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives....”

***We do note that all applications must be considered on their own merit***, however, we contend that, although the premises are not in a cumulative impact area, the area is over saturated with licensed premises (particularly those selling alcohol and providing entertainment), and that the cumulative impact of these premises has a negative effect on the quality of life and amenity for local residents.

The late operation of premises in the area, and of people leaving the locale late at night, has a deleterious impact upon local residents living nearby and in the surrounding streets.

We say that granting extended operating hours to the premises will exacerbate the negative effect that licensed premises have in the locale.

We further say, that aside from adding to the collective negative effect that licensed premises have in the area, extending the operating hours of the premises increases the individual risk from the premises with regard to addressing the licensing objectives.

Paragraph 117 of this council’s Statement of Licensing Policy (SoLP) states the following:

**“Location and other relevant considerations**

*117. In considering applications for new licences, variations of existing licences and licence reviews, this Authority will take the following matters into account:*

- *Whether the premises is located within a current Cumulative Impact Area;*
- *The type and mix of premises and their cumulative impact upon the local area;*
- *The location of the premises and their character;*
- *The views of the Responsible Authorities and other persons;*
- *The past compliance history of the current management;*
- *The proposed hours of operation;*
- *The type and numbers of customers likely to attend the premises;*

- *Whether the Applicant is able to demonstrate commitment to a high standard of management for example through the level of consideration given to the promotion of the licensing objectives; by active participation in PubWatch; and adopting the Council's Women's Safety Charter;*
- *The physical suitability of the premises for the proposed licensable activities i.e. in terms of safety, access, noise control etc."*

We say that, taking the above factors into account, the premises should not operate past 23:00 hours.

Paragraph 118 of the SoLP states the following:

*"118. Applicants should refer to section 6 of this policy for detail of the current local Cumulative Impact Areas **and also consider the general operating hours in section 7 of this policy. Applicants should not try to replicate later operating hours even if there are other premises nearby that currently operate for longer.** This Authority will need to carefully balance the conflicting needs of residents, patrons and businesses in relation to the introduction of premises and flexible opening hours for the sale and supply of alcohol and late night refreshment."* (Emphasis added)

Although there are two premises that operate past 23:00 on Druid Street it should be noted that one of the premises (The Marquis of Wellington) is a pub where the operating hours for the premises predate the Licensing Act 2003 and have been in place for at least 20 years.

Operating hours past 23:00 were granted to another premises (El Pastor) prior to an application to extend operating hours past 23:00 in regards to Southwark Brewing Company was refused at an LSC hearing, and an appeal against that decision dismissed at Magistrates' Court.

We are of the view that the operating hours of the two premises referred to above should not be viewed as setting a precedent regarding potential operating hours for other licensed premises on Druid Street, and that section 118 (bold text) is taken onto account in the LSC's determination of this application.

## **2. Complaints**

Paragraphs 165 – 167 of the SoLP state the following:

### ***"Cumulative impact outside local CIAs***

*165. Where an application for a grant a new premises licence, or to vary an existing, premises licence is made in an area that is not part of a cumulative impact policy area there is a presumption to grant.*

*166. The Authority will accept representations that include evidence of cumulative impact issues that relate, or could relate, to the operation of the premises and the licensing objectives as a relevant consideration in determining an application.*

*167. While a rebuttable presumption not to grant in a cumulative impact area does not apply to applications to review a premises licence, cumulative impact can form part of a representation with supporting evidence."*



In the past 3 years we have 61 complaints regarding licensed premises in Druid Street. Some of these complaints relate to specific premises and some of the complaints are in general about the negative effect of licensed premises in the locale.

Although the complaints submitted above are unsubstantiated, **we contend that the complaints are indicative of the operation of licensed premises causing problems in the locale**, and that the licensing sub-committee take them into consideration in determining this application.

Please note that 'unsubstantiated' simply means that we were not able to investigate the complaints at the time we received them. We received the complaints after the alleged problems had occurred. It means that we cannot verify whether the alleged incidents detailed in the complaints occurred, **not that they did not occur**.

We say that the amount of recent complaints regarding licensed premises in Druid Street is evidence of cumulative impact issues that relating to licensed premises in Druid Street.

We say that given the history of complaints regarding the operation of licensed premises in the locale, extending the operating hours of the premises could lead to the alleged noise nuisance and anti-social behaviour related to the operation of the premises being carried on, and affecting local residents, later into the night.

**Table 1: Recent complaints relating to licensed premises in Druid Street**

Number	Date of complaint	Complaint reference	Complaint category	Unit
1	17/05/2021	951459	L72 Public nuisance	Southwark Licensing
2	01/06/2021	952517	L72 Public nuisance	Southwark Licensing
3	19/06/2021	954320	L72 Public nuisance	Southwark Licensing
4	19/06/2021	954319	NR1 Loud Music - RR	Noise Rapid Response
5	09/07/2021	955975	NR1 Loud Music - RR	Noise Rapid Response
6	25/07/2021	957459	NR1 Loud Music - RR	Noise Rapid Response
7	25/07/2021	957466	NR1 Loud Music - RR	Noise Rapid Response
8	06/08/2021	958501	N01 Loud Music	Noise Team
9	12/08/2021	959055	L72 Public nuisance	Southwark Licensing
10	23/08/2021	959898	NR1 Loud Music - RR	Noise Rapid Response
11	11/09/2021	961585	NR4 People Noise - Inadequate Sound Insulation - RR	Noise Rapid Response
12	27/10/2021	965171	L72 Public nuisance	Southwark Licensing
13	29/10/2021	965284	N04 People Noise - Banging, shouting, unreasonable behaviour etc	Noise Team

14	17/12/2021	968192	L72 Public nuisance	Southwark Licensing
15	17/12/2021	968173	N01 Loud Music	Noise Team
16	16/01/2022	969523	L72 Public nuisance	Southwark Licensing
17	17/01/2022	969582	N71 Other / Unidentified - music	Noise Team
18	31/01/2022	970364	L72 Public nuisance	Southwark Licensing
19	08/02/2022	970884	L72 Public nuisance	Southwark Licensing
20	08/02/2022	970928	L72 Public nuisance	Southwark Licensing
21	30/04/2022	975759	NR4 People Noise - Inadequate Sound Insulation - RR	Noise Rapid Response
22	02/05/2022	975830	L72 Public nuisance	Southwark Licensing
23	09/05/2022	976295	L72 Public nuisance	Southwark Licensing
24	10/05/2022	976392	N71 Other / Unidentified - shouting	Noise Team
25	31/05/2022	977708	L72 Public nuisance	Southwark Licensing
26	13/06/2022	978544	L72 Public nuisance	Southwark Licensing
27	17/06/2022	978851	L72 Public nuisance	Southwark Licensing
28	02/07/2022	979939	N71 Other / Unidentified - music	Noise Rapid Response
29	07/07/2022	980315	N71 Other / Unidentified - music	Noise Rapid Response
30	12/07/2022	980666	N71 Other / Unidentified - shouting	Noise Rapid Response
31	20/07/2022	981216	L72 Public nuisance	Southwark Licensing
32	22/07/2022	981348	L72 Public nuisance	Southwark Licensing
33	22/07/2022	981349	L72 Public nuisance	Southwark Licensing
34	22/07/2022	981350	L72 Public nuisance	Southwark Licensing
35	22/07/2022	981353	L72 Public nuisance	Southwark Licensing
36	24/09/2022	985900	N71 Other / Unidentified	Noise Rapid Response
37	16/10/2022	987144	NR1 Loud Music - RR	Noise Rapid Response
38	17/10/2022	987208	N01 Loud Music	Noise Team
39	29/10/2022	987929	N71 Other / Unidentified	Noise Team
40	24/01/2023	992792	CS7 Councillor/MP	Southwark Licensing

			Enquiry	
41	30/05/2023	A00135	L72 Public nuisance	Southwark Licensing
42	11/07/2023	A02939	NR1 Loud Music - RR	Noise Rapid Response
43	12/07/2023	A02980	N01 Loud Music	Noise Team
44	15/07/2023	A03203	NR1 Loud Music - RR	Noise Rapid Response
45	18/07/2023	A03472	N05 People Noise - Adjacent to Licensed Premises	Noise Team
46	19/07/2023	A03445	L72 Public nuisance	Southwark Licensing
47	21/07/2023	A03544	N05 People Noise - Adjacent to Licensed Premises	Noise Team
48	24/07/2023	A03804	L72 Public nuisance	Southwark Licensing
49	31/07/2023	A04203	NR1 Loud Music - RR	Noise Rapid Response
50	22/08/2023	A05646	L72 Public nuisance	Southwark Licensing
51	29/08/2023	A06015	N04 People Noise - Banging, shouting, unreasonable behaviour etc	Noise Team
52	02/09/2023	A06294	NR1 Loud Music - RR	Noise Rapid Response
53	02/09/2023	A06297	NR1 Loud Music - RR	Noise Rapid Response
54	12/09/2023	A07109	L72 Public nuisance	Southwark Licensing
55	29/09/2023	A08201	NR1 Loud Music - RR	Noise Rapid Response
56	29/09/2023	A08216	NR1 Loud Music - RR	Noise Rapid Response
57	07/10/2023	A08727	NR1 Loud Music - RR	Noise Rapid Response
58	26/10/2023	A09770	L72 Public nuisance	Southwark Licensing
59	06/11/2023	A10379	L72 Public nuisance	Southwark Licensing
60	19/11/2023	A11065	NR1 Loud Music - RR	Noise Rapid Response
61	21/11/2023	A11183	N04 People Noise - Banging, shouting, unreasonable behaviour etc.	Noise Team

### 3. Licensing hours

Section 171 of the SoLP states the following:

**“Licensing hours**

*171. This Authority recognises the increase in the numbers of premises licensed for the sale or supply of alcohol since the introduction of the 2003 Act and, particularly, the increase in the numbers and density of such premises within the night time economy. In such a densely populated borough such as Southwark where there is often little demarcation between residential and commercial areas the potential for late operating venues and businesses to cause nuisance and disturbance to local residents is considerable. **Therefore, there will be no presumption in favour of lengthening licensing hours.** The four licensing objectives should be paramount considerations at all times.”* (Emphasis added).

Because of the concentration of licensed premises in the locale, we do not think that there are any further, or more robust, conditions that could be offered that would mitigate the negative effect on the quality of life for local residents should this application be granted. We seek that the LSC takes note of the section of paragraph 171 of the SoLP in bold text above.

**Table 2:** Operating hours of premises in Druid Street

Number	Name	Address	Alcohol	Entertainment	Late night refreshment	Opening hours
1	Marquis of Wellington (Year of premises licence issue with current operating hours: 2005)	21 Druid Street	<u>Monday – Wednesday</u> 11:00 – 23:00  <u>Thursday</u> 11:00 – 00:00  <u>Friday &amp; Saturday</u> 11:00 – 01:00  <u>Sunday</u> 11:00 – 00:00	<u>Monday – Wednesday</u> 11:00 – 23:00  <u>Thursday</u> 11:00 – 00:00  <u>Friday &amp; Saturday</u> 11:00 – 01:00  <u>Sunday</u> 11:00 – 00:00	<u>Monday – Saturday</u> 23:00 – 23:30	<u>Monday – Wednesday</u> 11:00 – 23:00  <u>Thursday</u> 11:00 – 00:00  <u>Friday &amp; Saturday</u> 11:00 – 01:00  <u>Sunday</u> 11:00 – 00:00
2	Southwark Brewing Company (2014)  (2018 – variation to extend hours past 23:00 refused by LSC on	46 Druid Street	<u>Monday – Friday</u> 11:00 – 23:00  <u>Saturday</u> 09:00 – 23:00  <u>Sunday</u> 10:00 – 23:00			<u>Monday – Friday</u> 11:00 – 23:00  <u>Saturday</u> 09:00 – 23:00  <u>Sunday</u> 10:00 – 23:00

	22/10/2018. Appeal dismissed at Mag's court on 12/04/2019)					
3	Forever Good (2021)	54 Druid Street	On sales: Monday – <u>Sunday</u> 09:00 – 22:30  Off sales: Monday – Sunday 09:00 – 20:00			<u>Monday – Sunday</u> 09:00 – 23:00
4	Doodle Bar (2016)	60 Druid Street	<u>Sunday – Thursday</u> 10:00 – 23:30  <u>Friday &amp; Saturday</u> 10:00 – 00:30	<u>Sunday – Thursday</u> 10:00 – 23:30  <u>Friday &amp; Saturday</u> 10:00 – 00:30		<u>Sunday – Thursday</u> 10:00 – 00:00  <u>Friday &amp; Saturday</u> 10:00 – 01:00
5	St.John Bakery (2011)	72 Druid Street	<u>Monday – Saturday</u> 11:00 – 23:00  <u>Sunday</u> 12:00 – 23:00			<u>Monday – Saturday</u> 11:00 – 23:00  <u>Sunday</u> 12:00 – 23:00
6	The Barrel Project (2017)	80 Druid Street	On sales: Monday – <u>Sunday</u> 11:00 – 22:30  Off sales: Monday – <u>Sunday</u> 11:00 – 23:00			<u>Monday – Sunday</u> 11:00 – 23:00
7	Hawkes (2019)	90 Druid Street	On sales: Monday – <u>Sunday</u> 10:00 – 22:30			<u>Monday – Sunday</u> 07:00 – 23:00

			Off sales: Monday – <u>Sunday</u> 10:00 – 23:00			
8	Comptoir Gourmand (2016)	98 Druid Street	<u>Monday – Saturday</u> 08:00 – <u>22:30</u>  <u>Sunday</u> 09:00 – <u>22:30</u>			<u>Monday – Saturday</u> 08:00 – <u>23:00</u>  <u>Sunday</u> 09:00 – <u>23:00</u>
9	Billy Franks (2020)	104 Druid Street	<u>Monday – Sunday</u> 10:00 – 22:30			<u>Monday – Sunday</u> 07:00 – 23:00
10	El Pastor (24/04/2018)	106 Druid Street	<u>Monday – Sunday</u> 11:00 – 23:00			<u>Monday – Sunday</u> 09:00 – 23:30
11	Ops Wines (2020)	108 Druid Street	<u>Monday – Sunday</u> 10:00 – 22:30			<u>Monday – Sunday</u> 10:00 – 23:00
12	Anspach & Hobday (2013)	116 Druid Street	<u>Monday – Sunday</u> 08:00 – 23:00			<u>Monday – Sunday</u> 08:00 – 23:00
13	Pedro's Wine Bar (2021)	128 Druid Street	On sales: Monday – <u>Sunday</u> 10:00 – 22:30  Off sales: Monday – <u>Sunday</u> 10:00 – 23:00			<u>Monday – Sunday</u> 10:00 – 23:00
14	Rinneroon (2018)	130 Druid Street	<u>Monday – Saturday</u> 12:00 – 22:30  <u>Sunday</u>			<u>Monday – Saturday</u> 12:00 – 23:00  <u>Sunday</u>

			12:00 – 17:30			12:00 – 18:00
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#### **4. Council’s decision regarding Southwark Brewing Company and subsequent appeal at magistrates court.**

In 2018 Southwark Brewing Company applied to vary the operating hours relating to 46 Druid Street. The application sought to extend the operating hours of the premises past 23:00.

The licensing sub-committee refused the application at a hearing on 22 October 2018, taking into account the negative cumulative impact of licensed premises in Druid Street.

Southwark Brewing Company appealed the decision at Magistrates Court. The appeal was dismissed by District Court Judge Susan Holdham on 12 April 2019.

Although the application being considered is for an entirely separate premises, and premises management, we say that the council’s decision of 22 October 2018 regarding Southwark Brewing Company, and the subsequently dismissed appeal should be taken into account by the LSC in their determination of this application.

Although the dismissed appeal *does not* set a precedent, in our opinion, it should be seen as *persuasive* in the LSC’s determination of this application.

Copies of the Notice of Decision relating to the LSC’s decision of 22 October 2018 and the District Court Judge Susan Holdham’s decision of 12 April 2019 are attached as appendix 1.

A copy of text from an Institute of Licensing article summing up the appeal decision concisely is attached as appendix 2.

Since the decisions referred to above no premises licences with operating hours past 23:00 have been granted in respect of Druid Street.

Yours sincerely,

**Wesley McArthur**  
Principal Enforcement Officer



## NOTICE OF DECISION

### LICENSING SUB-COMMITTEE – 22 OCTOBER 2018

#### SECTION 34 LICENSING ACT 2003: SOUTHWARK BREWING COMPANY, 46 DRUID STREET, LONDON SE1 2EZ

#### 1. Decision

That the application made by Southwark Brewing Company Limited to vary a premises licence granted under the Licensing Act 2003 in respect of the premises known as Southwark Brewing Company, 46 Druid Street, London SE1 2EZ be refused.

#### 2. Reasons

The licensing sub-committee heard from the representative for the applicant who advised that the premises was a micro-brewery and taproom. The variation application sought to extend the permitted hours on Friday and Saturday to cater for private functions. The written application originally sought to extend the operating hours to 01:00 hours on Friday and Saturdays. This was subsequently amended and reduced to 00:00 hours on Friday and Saturdays. The applicant did not seek to open every Friday and Saturday until 00:00 hours. This would be limited to just booked functions which were currently being held under temporary event notices (TENs). None of the past TENs had been objected to, nor had any issues arisen during them. Complaints referred to by the responsible authorities were scaremongering and related to a different section of Druid Street, and were completely unconnected to the premises. On questioning from members the applicant admitted that despite proposing to reduce the terminal hour until midnight, they would in fact be looking to close the premises at around 00.20 hours, allowing for drinking up time.

The licensing sub-committee heard from the Metropolitan Police Service who stated that there was a very high concentration of micro-breweries/taprooms in a small geographical area. The area was now at saturation. The increase in hours would have an impact on crime and disorder and public nuisance. A considerable amount of complaints had been received from local residents regarding the overall increase of breweries opening in the Druid Street area and as a result, the variation application should be refused.

The licensing sub-committee then heard from the representative for the environmental protection team (EPT) who advised that the proposed opening hours exceeded those provided in Southwark's Statement of Licensing Policy 2016-2020 and that they were inappropriate in such a densely residential area. Granting an increase of hours outside the policy would attract applications from other similar premises requesting the same which would have a detrimental impact on local residents. It would also set a precedent for micro-breweries/taprooms being granted later hours beyond those set in the licensing policy.

The licensing sub-committee then heard from the officer for licensing as a responsible authority who referred to Southwark's Statement of Licensing Policy 2016-2020 and to the appropriate closing times for restaurants, cafes, public houses, wine bars or other drinking establishments within a residential area being 23:00 hours daily. The application exceeded the recommended hours and in addition to this, the application did not provide any control measures within the operating schedule to address the licensing objectives, in particular the impact of patrons leaving the area later at night. The late operation of the premises and of people leaving the



premises late at night would impact upon local residents living nearby and in the surrounding streets.

The licensing sub-committee heard from the officer for public health who informed the committee that the premises was located in the former Riverside ward which accounted for the fourth highest number of ambulance call-outs in Southwark between 2016–2018 and as such, alcohol-fuelled activities were having a negative impact on the area. Furthermore, studies had shown that each additional one-hour extension to the opening times of premises selling alcohol was associated with a 16% increase in violent crime (Rossow & Norstrom 2012) and a 34% increase in alcohol-related injuries (de Goeij, Veldhuizen, Buster & Kunst, 2015). The officer recommended the sub-committee refuse the application.

A local ward councillor spoke to the licensing sub-committee and whilst the councillor was positive about the brewing industry creating new businesses and tourism in the area, he said they collectively increased the complaints of noise nuisance along the whole of Druid Street, having a negative impact on the local residents, who were unable to live in peace. Some of the residents were elderly or people with disabilities. An increase in noise could also lead to frustration, anger and total disorder. The granting of a licence with hours beyond those recommended would worsen the situation. A report on whether a cumulative impact policy should be introduced in the Druid Street area was due to be presented to the full licensing committee on 7 November 2018. The ward councillor requested that the application be refused until the outcome of the 7 November meeting and a separate meeting with councillors, officers and businesses to discuss the impact of their operations on the local residential community had taken place.

The licensing sub-committee noted the representations from the two other persons.

The licensing sub-committee considered all the facts before it:

The Druid Street area is a hotspot for micro-breweries within the borough of Southwark and is known as a hotspot for craft breweries and their taprooms situated along roughly a mile of railway line in SE1. The licensing sub-committee has seen a significant increase in licensing applications for the Druid Street area, which is also known as the “Bermondsey Beer Mile”. Concerns have been raised about the number of micro-breweries in the area. In a notice of decision dated 3 July 2018 it was noted that “the sub-committee are acutely conscious that the area is predominantly a residential area, with a housing estate opposite these licensed premises. It is for this reason this licensing sub-committee recommends that the licensing team investigate and report to the licensing committee on 2 October 2018 on the viability of going to public consultation of the Druid Street area becoming a cumulative impact area in Southwark’s Statement of Licensing Policy 2020-2024.” Whilst creating business and tourism, the area has also become known for noise and revelers that frequent the breweries’ taprooms.

The premises falls within an area identified as residential and Southwark’s Statement of Licensing Policy recommends that the closing time is no later than 23:00 hours. Paragraph 109 of the policy provides:

*“109. In considering applications for new licences, variations of existing licences and licence reviews, this Authority will take the following matters into account:*

- *The type and mix of premises and their cumulative impact upon the local area*
- *The location of the premises and their character*
- *The views of the responsible authorities and other persons*
- *The proposed hours of operation*
- *The type and numbers of customers likely to attend the premises”*

In considering this variation application this licensing sub-committee further noted that:

- i. The Druid Street area is “saturated” by micro-breweries (Police). There has been an increase in complaints from the local residents (Police, EPT, licensing and ward councillors)
- ii. The premises is located on Druid Street, which is classed as a residential area.
- iii. Four responsible authorities and three other persons objected to this application. Each of the responsible authorities invited the sub-committee to refuse this application.
- iv. The proposed hours exceed those in the Southwark’s Statement of Licensing Policy.
- v. The applicant advised the sub-committee that they could accommodate 65 patrons in the premises.

Paragraph 150 of the Statement of Licensing Policy makes it clear that if applying for hours that fall outside the recommended policy hours, applicants are expected to explain fully within their application the arrangements intended to be put in place to ensure that the premises does not add to cumulative impact. This the applicant failed to do. The applicant also failed to provide any details of measures that they put in place to ensure that the premises does not add to cumulative impact or any measures to mitigate against crime, disorder and public nuisance.

It is therefore this licensing sub-committee’s decision to refuse this application.

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**

The applicant may appeal against any decision:

- a) To impose conditions on the licence.
- b) To exclude a licensable activity or refuse to specify a person as premises supervisor.

Any person who made relevant representations in relation to the application who desire to contend that:

- a) The licence ought not to be been granted; or
- b) That on granting the licence, the licensing authority ought to have imposed different or additional conditions to the licence, or ought to have modified them in a different way

may appeal against the decision.

Any appeal must be made to the Magistrates’ Court for the area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices’ clerk for the Magistrates’ Court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

Issued by the constitutional team on behalf of the director of law and democracy.

Date: 22 October 2018

Case No: 011802738244

IN THE CAMBERWELL GREEN MAGISTRATES' COURT  
AN APPEAL UNDER THE LICENSING ACT 2003

Date: 12<sup>th</sup> April 2019

**Before :**

**DISTRICT JUDGE HOLDHAM**

**Between :**

**████████████████████**  
**SOUTHWARK BREWING COMPANY LTD**  
**(at 46 Druid Street Southwark SE1 2EZ)**

**Appellants**

**- and -**

**THE LONDON BOROUGH OF SOUTHWARK**  
**LICENSING AUTHORITY**

**Respondent**

1. This is an appeal by the Southwark Brewing Company against a decision of Southwark Council's Licensing Sub-Committee to refuse a variation of a premises licence in respect of the Southwark Brewing Company at 46, Druid Street, London SE1 2EZ.
2. The premises licence is held by ██████████ and the Southwark Brewing Company Limited. On 28<sup>th</sup> August 2018 the appellants applied to vary the premises licence by

extending the hours for the sale of alcohol and the opening times from 23.00 to 01.00 on Fridays and Saturdays. At the hearing of the Licensing Sub-Committee, the appellants amended their application to seek a variation of the times for the sale of alcohol from 23.00 to 00.00 on Fridays and Saturdays and to extend the opening time on Fridays and Saturdays from 23.00 to 00.20. For the purposes of this appeal, the appellants seek a variation in the licence to sell alcohol until 00.00 on Fridays and Saturdays and to close on these days at 00.20.

3. The Licensing Sub-Committee hearing took place on 28<sup>th</sup> October 2018 and the Sub-Committee heard representations from the responsible authorities, the objectors and the appellants and refused the application to vary the licence.
4. The Licensing Sub-Committee set out the reasons for the refusal in their Notice of Decision dated 22<sup>nd</sup> October 2018. (DM/14 p C51 of the bundle) Their reasons were that the premises were in a residential area. Southwark's licensing policy recommends no later than 23.00 as a closing time in residential areas. They also took into account the matters listed at paragraph 109 of the policy and observed that paragraph 150 of the licensing policy required applicants to explain fully the arrangements intended to be put in place to ensure that the premises did not add to the cumulative impact. The applicants did not provide details of any such measures nor any measures to mitigate against crime, disorder and public nuisance.
5. I remind myself of how I should approach this appeal as set out in *the Queen on the Application of Hope and Glory Public House Limited v. The City of Westminster Magistrates' Court* [2011] EWCA Civ 31 where Toulson LJ said at paragraph 28:

“It is not in dispute that the appeal is a rehearing at which the affected parties are all entitled to call evidence, and that the court must make its decision on the full material before it.”

And further at para 45:

“It is right in all cases that the magistrates court should pay careful attention to the reasons given by the licensing authority for arriving at the decision under appeal, bearing in mind that Parliament has chosen to place responsibility for making such decisions on local authorities. The weight which the magistrates should ultimately attach to those reasons must be a matter for their judgment in all the circumstances, taking into account the fullness and clarity of the reasons, the nature of the issues and the evidence given on the appeal.”

6. I heard evidence from the following witnesses:
7. The appellant [REDACTED], is the designated premises supervisor who holds a personal licence. He explained that he was applying for a variation in the licence hours to cater for the demand for private parties which wanted late licences. He had applied for Temporary Extension Notices (TENS) in the past, all of which had been granted, but these were limited to 15 year and if he wished to accommodate further functions with late licences he had no option other than to apply for a permanent variation to his licence although he

did not intend to open late every weekend. He would wish to open late maybe 20 weekends a year- it depended on demand. He pointed out that the Southwark Brewing Company was opposite the St. John's estate rather than the Arnold estate, from where most of the complaints originated. The form provided on-line by the licensing authority did not make it easy to set out his proposals although he provided some information in the boxes which related to the licensing objectives. In the form he said that

- i) All staff will be adequately trained in the objectives and the premises adequately staffed.
  - ii) Supervisory control will be provided at all times including security staff when appropriate.
  - iii) Staff to maintain observation of the environment ensuring safety of the public.
  - iv) Staff to be trained not to serve anyone who appears to be under the influence of alcohol Special attention given when the public are leaving the premises to ensure noise levels are kept to acceptable levels.
  - v) Under 18s to be accompanied by an adult. Challenge 25 programme to be followed.
8. There had been no complaints specifically about noise at his premises or from patrons who had been to his premises.
  9. He referred to the photographs exhibited by Jayne Tear which had been taken from the premises website. He said the photographs had been taken before 2015. Since a visit from a licensing officer in September 2018, their practices had changed and they no longer permitted drinking outside. The doors remained opened until 10pm in the week and until 7pm on Saturdays. The photograph of the shellfish stall was for promotional purposes and had never traded outside, it had only traded inside the premises and no longer did so. The photograph of the Bermondsey Beer Street festival was a completely separate event in a park. The Southwark Brewing Company had been asked to be the official providers of beer. It was an annual event which finished at 6pm in September. He said there was train noise from the trains from London Bridge until well after midnight.
  10. The respondent licensing authority called the following evidence:
    11. **Jayne Tear**, a principal licensing officer at Southwark gave evidence that Druid Street was in an area designated as a residential area. This designation was made after a lengthy consultation policy in 2015. She also exhibited the Southwark Statement of Licensing Policy 2016-2020. The policy for closing time for a "public house, wine bars or other drinking establishments" in a residential area was 23.00. She was not aware of anything put forward by the appellants to justify a departure from that policy.
    12. She made representations about the cumulative impact of an extension of the licensing hours. There would be increased footfall, increased noise from patrons calling out walking along Druid Street, more drinking and anti-social behaviour, taxi doors shutting at a later hour.

13. There are 17 licensed premises within a 100-metre radius of the Southwark Brewing Company. Of those 13 have a closing time of 11pm or earlier and four premises have a closing time later than 11pm. The later licences were historic. It was suggested to Ms. Tear that customers started to disperse at 22.30, rather than a large number of customers leaving at 23.00. Ms. Tear's response was that it became continuous and later at night was more of a problem. She said that earlier in the evening residents would be awake watching TV. by 11pm residents were settling down to go to bed, that traffic dies down around this time and in summer residents may wish to have their windows open if the weather was hot.
14. She agreed that she had not seen any conditions which would mean that licence holders could control customers after leaving their premises.
15. She accepted that the photographs she had exhibited were old photographs and did not represent the current situation.
16. She said that there was no pavement in front of the railway arches where the Southwark Brewing Company was situated, thus to walk safely, departing customers had to cross over the road to access the pavement in front of the flats on the St. John estate.
17. She said that the measures that [REDACTED] had suggested, did not satisfy her in relation to cumulative impact. What she had to consider were the licensing objectives.
18. She was asked about the measures [REDACTED] had suggested in his application. She observed that security staff could not control people in the street and that it was unlawful to serve patrons who were drunk and that the "Challenge 25" programme was already an existing condition. She had given the application individual consideration.
19. She accepted that there were no complaints specifically against his premises and that Mr. [REDACTED] operated in a proper manner.
20. She did not accept that the patrons who had left premises which closed at 11pm would have left the street by midnight. She felt it would prolong the period during which customers were leaving. She also thought that taxis could cause problems by using their horn and the slamming off doors.
21. She had no status to object to TENS.
22. **P.C. Clements** works within the licensing office of the Metropolitan Police Force. He objected to an extension in hours. Within a short period of time Druid Street had gone from being a quiet residential street to one with a large number of licensed premises which has led to large number of complaints. His objection was the basis of the general impact on noise, nuisance and disorder. If the extension was allowed to midnight then that may lead to increased intoxication levels with a consequential increase in disorder. He also mentioned that the only footpath was on the residential side of the road. He

supported the Framework guidance of closure at 11pm. The measures put forward by Mr. [REDACTED] were not sufficient.

23. Only the police and the environmental health could object to TENS. The police had not objected to a TENS for Southwark Brewing Company in the past because TENS were subject to a "light touch" and there had to be a very good reason for an objection such to be made such as crime and disorder specifically linked to the premises. The concept of cumulative impact cannot be applied to TENS. The current licence has a terminal hour in line with licensing policy which is designed for the promotion of the licensing objectives. A change in closing time from 11pm to 12.20am was not a minor change.
24. **Richard Earis** is the principal Environmental Protection officer for Southwark. He was concerned about the effect an extension to opening hours to 12.20am would have in terms of cumulative impact. He considered it would lead to an extended period when there would be noise from the street. The later time was a more sensitive period when residents were more likely be asleep or trying to sleep. There was increased sensitivity after 11pm which marked the start of night-time in UK and European noise policy. That was why the Southwark policy suggested 11pm for residential areas. A residential area was not appropriate for late opening venues. A dispersal policy did not satisfy his concerns. There was not really any policy or condition which could deal with the problems of noise at night. It was virtually impossible to work out where customers had come from.
25. He had not objected to the TENS because very serious objections were required to object to a TENS. Cumulative impact was not a consideration for TENS because the licence was temporary. It was suggested that when the TENS were granted then the Southwark Brewing Company had successfully managed the late opening. Mr. Earis said that they received complaints about noise on Druid Street but there was no issue about the operation of the premises. A suggestion was made on behalf of the appellants that if an extension was granted then a condition could be made that Mr. [REDACTED] notify the licensing authority when he was holding a function and would use the late licence. Mr. Earis pointed out that once the licence was granted the late licence could be used every weekend upon notice being given.
26. **Cilizia Deidda**, the Public Health Policy officer for Southwark explained that the ward that the Southwark Brewing Company was in, previously was known as the Riverside ward but after boundary changes was the London Bridge and West Bermondsey ward. She referred to research that for each additional hour extension to the opening times of premises selling alcohol there was a 16% increase in violent crime and a 34% increase in alcohol related injuries. These were international studies.
27. She explained the effect that lack of sleep can have especially upon children. She pointed out that a number of organisations including the WHO based on scientific reviews recommend the control of hours of sales of alcohol as a means to reduce alcohol misuse and harm.

28. No measures proposed by Mr. [REDACTED] satisfied her concerns. The Riverside ward accounted for 4<sup>th</sup> highest number of alcohol related callouts in Southwark.
29. She did consider each case on its own merits but generally they objected when the proposed hours fell outside the hours in the policy document because generally there were concerns about later licensing hours.
30. **Humaira Ali**, Ward Councillor for London Bridge and West Bermondsey was one of three councillors for the ward who together made written representations opposing the application and Damien O'Brien appeared at the Licensing Sub-Committee. The estate opposite the Southwark Brewing Company was St. John's not the Arnold estate.
31. Since she was elected she had heard complaints from many residents about the noise and anti-social behaviour in the whole of Druid Street. The new business had brought the street to life but there was noise from deliveries and anti-social behaviour. Those attending the premises in Druid Street were often boisterous and sometimes aggressive. There was broken glass which was a health and safety issue and food thrown to the floor had led to an infestation of rats.
32. Some residents had young children in the family or elderly parents who needed to go to sleep. Other constituents were shift workers or worked during the weekend so needed to sleep at a reasonable hour. One constituent suffered from post-traumatic stress disorder and was very anxious.
33. The Southwark Brewing Company was not a problem premises. The problem was the cumulative impact of the number of breweries and eateries in a small area. She had spoken to the landlord of the arches about there being too many breweries for a residential area. The area attracted stag and hen parties which sometimes led to drunken behaviour.
34. She said if there was an extension to midnight it may mean more people in the area but primarily it would increase the time that patrons were in the street. It would also mean that customers would move on from the premises that closed at 11pm to those who closed at midnight or beyond. If one set of premises was allowed an extension then it would set a precedent. It was not correct to suggest that patrons leaving the premises that shut at 11pm would have left and those leaving at 12.20am would be going into a quieter area.
35. She accepted that the Southwark Brewing Company had not received complaints but was not surprised that residents did not want to address the brewery directly. They could find it intimidating. Residents have tried to remonstrate with other premises in the past to no effect. Residents are often uncomfortable about confronting those running the premises and are frightened to do so.
36. She did not ask residents what conditions they would wish to have put on an extended hours application. She always asked questions in a very open way such as "do you have any issues in the local area?"



37. [REDACTED] co-chair of the Tenants Residents Association for the Arnold Estate explained that it was the St. John estate that faced the Southwark Brewing Company, the Arnold estate was further down Druid Street. The part of the Arnold estate that was closest to the Southwark Brewing Company was about 60-70 metres away from the premises. She spoke about the cumulative impact of having a large number of licensed premises nearby. She said that she and the residents dreaded weekends. They particularly dreaded when the weather was nice as that attracted more people and the Christmas period when there were parties. The area was being aggressively marketed as the Bermondsey Beer Mile encouraging the ideas of a pub crawl and moving from one establishment to the other.
38. She said that the customers were usually perfectly nice people but when they had been drinking, nuisance and anti-social behaviour occurred. She had seen commercial waste thrown into the cycle lane although she accepted that was lower down Druid Street and not where the Southwark Brewing Company was situated. She had seen patrons play-fighting in the street, urinating in the street, traffic cones move to the street. There was chanting and singing-often from birthday parties and when there were sporting events.
39. At weekends the problems were from 3pm to midnight or 1am. Patrons walked back and forth between establishments and there were often taxi doors slamming.
40. The residents found it very stressful; not only the actual nuisance and behaviour itself but the anticipation of what was going to happen. She dreaded weekends. Thursday, Friday and Saturday were problem days with Saturday as the key day. Residents planned outings and events especially with children to ensure they were not at home. Residents used various strategies to cover the noise: switching up televisions, playing music loudly, doing the washing or hoovering. The onus was also on the residents to record the incidents. If a resident complained to the noise team at the council, they were unlikely to have the resources to come out at the time and sort the problem out. They would attend on another day to record the complaint. Further stress was caused by needing to keep records of noise disturbance.
41. Some premises did not close at the agreed time. Patrons tended to mill around or wait for cabs outside the venues. Having an 11pm closing time was vital because even with an 11pm closing the residents really struggled with the noise. Lots of families had rearranged their sleeping arrangements so that the children did not sleep on the side nearest to Druid Street. There was a prolonged period when people just hung around or walked through to go to a place with a later licence.
42. The security staff at the venues did not intervene. They were not effective, it felt as if the licensed premises were using the presence of security staff as a tick box to look as if they were doing something. They did not minimise the disturbances.

43. Some residents were intimidated about complaining. [REDACTED] complained regularly but other residents could see that she had not achieved anything and would think why bother?
44. She accepted that mismanagement contributed to the problem but said even if premises were well managed then then it was a problem. There were complaints from the Arnold estate but she went to the police panel and the chairs from the other TRAs of all the estates nearby all had complaints.
45. People were outside until about 1am. This was because some premises exceeded their allowed closing time and also people were making their way to London Bridge station and Blue. She did not accept that if the other premises closed at 11pm that their patrons would be out of the area if the Southwark Brewing Company then stopped serving at midnight. The result would not be a staggered departure but extending the time of disruption until much later.
46. **Dorcas Mills**, a principal licensing officer at Southwark had made a statement which exhibited a number of documents from Southwark Licensing Sub-Committee. Her statement was read.
47. The powers I have under S. 181(2) Licensing Act 2003 in respect of this appeal are
- i) To dismiss the appeal
  - ii) To substitute the decision appealed against for any other decision which could have been made by the licensing authority or
  - iii) Remit the case to the licensing authority to dispose of it in accordance with the direction of the Court.
48. I must promote the licensing objectives which are
- i) The prevention of crime and disorder
  - ii) The prevention of public nuisance
  - iii) Public safety
  - iv) The protection of children from harm
49. I have considered the licensing objectives and the April 2018 revised guidance from the Secretary of State for the Home Office and the Statement of Licensing Policy for the London Borough of Southwark for 2016 -2020.
50. The appeal is dismissed. I have considered afresh the evidence and indeed I have heard evidence the Licensing Sub-Committee did not hear. I conclude that the application for the variation in the licence should not be granted and that the Licensing Sub-Committee were correct when they came to the same conclusion. The appellants have not discharged the burden to show that the decision was wrong. The licensing authority's decision is not wrong at the time of this hearing and in the light of the evidence I have heard.

51. The appellants submitted that the Licensing Sub-Committee and those who gave evidence at the Licensing Sub-Committee did not consider the case on its merits but simply saw that the variation would have taken the licenced period outside that in the Statement of Licensing Policy and dismissed the application out of hand. I do not accept that the Licensing Sub-Committee did not properly consider the application and that the Licensing Sub-Committee automatically refused the application because it contravened the Statement of Policy. The case was considered on its merits but it was accepted that it was difficult to think of conditions that would overcome the concerns of cumulative impact. However, it was for the appellants to suggest appropriate conditions to deal with the concerns. The conditions and suggestions put forward were inadequate.
52. The appeal is dismissed for the following reasons:
53. The premises are located in Druid Street which is classed as a residential area. The premises are situated in a railway arch which has no footpath in front of it. In order not to walk in the road, pedestrians are obliged to cross over to the other side of the road where the St. John estate is situated.
54. There are a substantial number of licenced premises in Druid Street. There are 17 licensed premises within a 100-metre radius of the Southwark Brewing Company. The Southwark Brewing Company is located towards the top end of Druid Street, nearer to London Bridge station which is about a 10-minute walk away. It is known and has been marketed as Bermondsey Beer Mile.
55. The residents suffer from noise made by patrons outside the various premises in Druid Street usually when leaving. This takes the form of rowdiness, singing or chanting, the slamming of taxi doors. The residents dread the weekends. An increase in hours as suggested would lead to an extension of the period when patrons are leaving or milling about waiting for taxis or moving on to other later licensed premises. Not only would it be an extension of this period, but it would be an extension into a sensitive time when nearby residents would wish to sleep. As Mr. Earis stated "There was increased sensitivity after 11pm which marked the start of night-time in UK and European noise policy. That was why the Southwark policy suggested 11pm for residential areas". The appellants have not suggested measures that would effectively deal with the disruption and noise after 11pm. Because it is not possible for premises to control the behaviour of his patrons once they have left it is difficult to think of measures that would prevent or curtail further noise nuisance and disruption.
56. I dismiss the appeal primarily to prevent further public nuisance by noise and disruption. However, I consider that the prevention of crime and disorder and the protection of children from harm are also secondary reasons to dismiss the appeal.
57. P.C. Clements objected on the general cumulative impact on noise, nuisance and disorder. He said if the extension was allowed to midnight then that was likely to lead to increased intoxication levels with a consequential increase in disorder. I was told that there was international research to show that for each additional hour extension to the opening times

of premises selling alcohol there was a 16% increase in violent crime and a 34% increase in alcohol related injuries. Thus, I dismiss the appeal to prevent crime and disorder.

58. I was told of the children who lived in the estates opposite Druid Street and how some parents had changed the bedrooms round to protect their children from the noise on the street and how many families made sure they were not around at the weekend to avoid the noise. The noise from Druid Street disturbed the resident children's sleep regularly. Southwark's Public Health Policy officer explained the serious effects that lack of sleep can have especially upon children. Thus, I also dismiss the appeal to protect children from harm.
59. The appellants have not suggested any measures which would adequately deal with these concerns. The measures that he has suggested in his application either were conditions of the licence in any event or were vague. For example, "security staff when appropriate" "staff will maintain observation of the environment ensuring public safety" He has also since his application said he will erect prominent signs asking customers to be quiet upon leaving and giving numbers of local cab companies and the post code for Uber drivers and a dispersal policy. However, these measures are inadequate to deal with the issues.
60. It is said on behalf of the Southwark Brewing Company that there have been no complaints made against them either generally or when operating a TENS. Witnesses have that it is not a problem premises. The problem is one of cumulative impact. I also note the evidence that some residents do not make formal complaints either from fear of intimidation (whether rightly or wrongly) or because it is thought that the complaints do not achieve anything. It is also difficult for residents to pinpoint which premises people who are being noisy or rowdy have been drinking in.
61. I accept that [REDACTED] must find it difficult to follow why he has been granted 19 TENS where alcohol was sold until midnight or 1am, since January 2018 without objection. The grounds for objection are different for TENS and a permanent variation to the licence. Cumulative impact cannot be considered when there is an application for a TENS.
62. This decision does not reflect upon [REDACTED] personally and the way he runs his premises.
63. I make an order for costs in the sum requested against the appellants jointly and severally in favour of the respondents.

Susan Holdham

District Judge (Magistrates' Court)

## Appendix 2

# Court dismisses Bermondsey Beer Mile Appeal

Published Date: 15/04/2019

The “Bermondsey Beer Mile” in the London Borough of Southwark has become famous for the number of micro-breweries and tap-rooms that have set up in recent years under the railway arches in Druid Street close to London Bridge station. It attracts groups who sample their delights one after the other. This has led to varying degrees of sobriety and drunkenness but still impactful on the locality nonetheless.

The residents who live in estates opposite the railway arches are less enamoured. They have experienced the cumulative impact of this activity in the form of public nuisance, anti-social behaviour and general disturbance on a weekly basis.

But the Bermondsey Beer Mile is not within one of Southwark’s Cumulative Impact Policy areas. This case highlights the propriety of Council’s considering an application for extended hours where there is evidence of cumulative impact, albeit not in an area subject to a formal cumulative impact policy. The appeal court subsequently also approved the Council’s approach to applications beyond its framework hours.

The Southwark Brewing Co, has operated from its railway arch in Druid Street since 2014. The premises holds a premises licence with a terminal alcohol hour of 23:00hrs. That hour already matches Southwark’s Framework Hours policy for applications within “residential areas”, such as this one.

The operator sought, by way of variation, an extension of his terminal hour to midnight (plus drinking up time) and offered a number of additional conditions. His application was refused by Southwark’s experienced licensing sub-committee. On appeal to the magistrates’ court the operator submitted that his extension ought to be permitted and the Council had wrongly taken into account cumulative impact as a justification for refusing it and so hadn’t considered the individual merits of his case. The operator also accepted under cross-examination that none of his proposed conditions could

control the behaviour and impact of his customers after they had left the immediate vicinity of his premises. And therein lies the likelihood of extended hours adding to the existing cumulative impact and prolonging the effects even later into the night to the detriment of residents' quality of life.

In dismissing the operators' appeal on 12 April 2019, District Judge Susan Holdham, sitting at Camberwell Magistrates Court, agreed with the Council's argument that it was perfectly proper to take into account evidence of cumulative impact as well as the Southwark's Framework Hours policy, when refusing the variation. The Court was referred to paragraph 14.42 of the s.182 Guidance which states:

14.42 The absence of a [cumulative impact assessment/policy] does not prevent any responsible authority or other person making representations on an application for the grant or variation of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives, However, in each case it would be incumbent on the person making the representation to provide relevant evidence of cumulative impact.

In such applications, representors are required to adduce sufficient evidence of cumulative impact in a particular case. Unlike the position where there the application is subject to a formal cumulative impact policy, there is no rebuttable presumption of refusal.

Further, the Council argued, and the Court accepted, the sub-committee were entitled to be guided by their Framework Hours policy in refusing the application when the applicant had provided no good reasons to depart from it.

Although this first-instance decision has no binding effect, it does highlight the Courts' willingness to approve Council decisions based on cumulative impact in the absence of a cumulative impact policy. The decision may also lead to a curtailing of future applications in the Bermondsey Beer Mile, particularly those that go beyond Policy Framework Hours.

The Council were awarded their costs in full.

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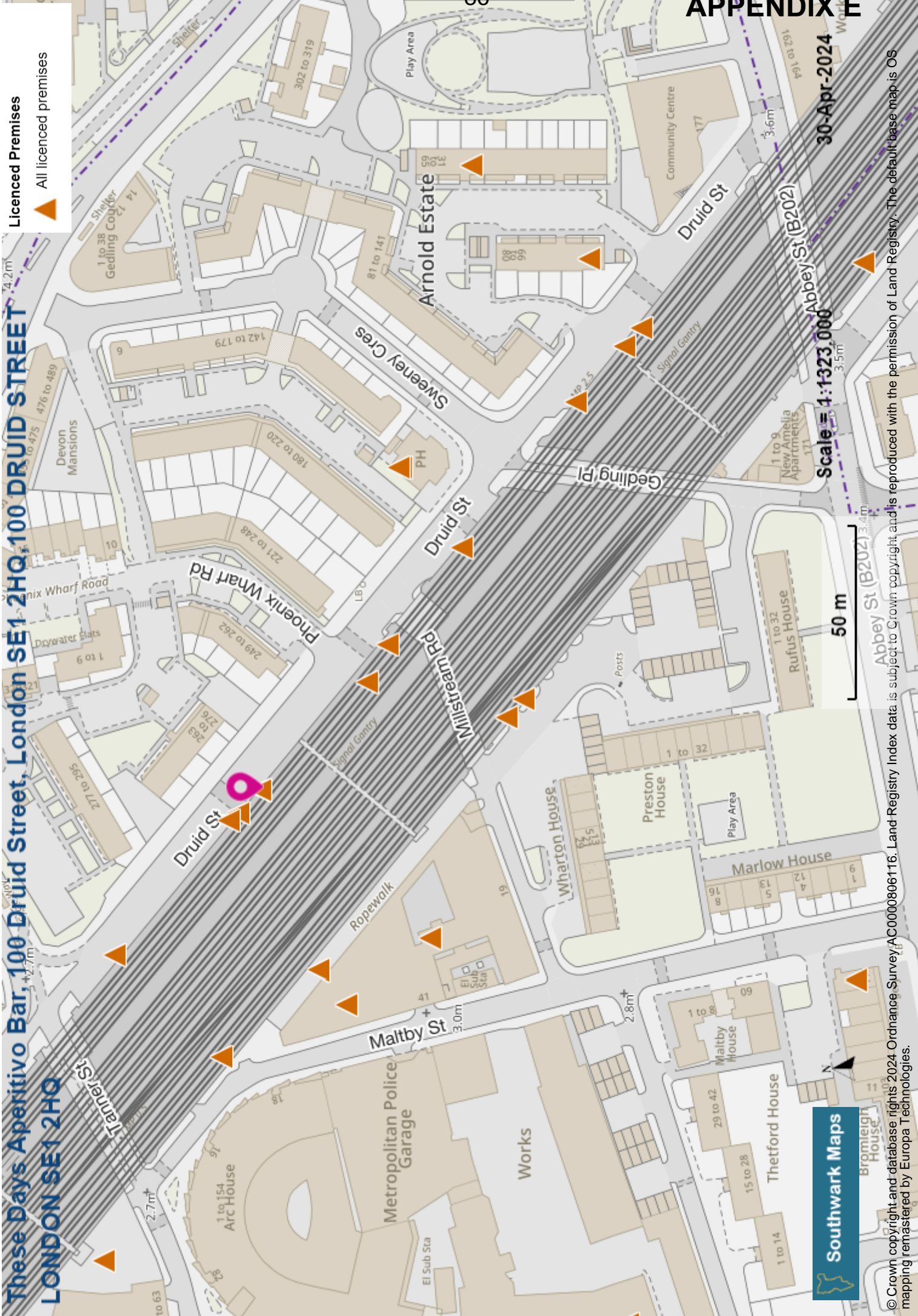
## Licensed premises in Druid Street

Name	Address	Sale of alcohol	Opening hours
Marquis of Wellington	21 Druid Street SE1 2HH	Monday 11:00 to 23:00 Tuesday 11:00 to 23:00 Wednesday 11:00 to 23:00 Thursday 11:00 to 00:00 Friday 11:00 to 01:00 Saturday 11:00 to 01:00 Sunday 11:00 to 00:00	Monday 11:00 to 23:00 Tuesday 11:00 to 23:00 Wednesday 11:00 to 23:00 Thursday 11:00 to 00:00 Friday 11:00 to 01:00 Saturday 11:00 to 01:00 Sunday 11:00 to 00:00
Southwark Brewing Company Limited	46 Druid Street SE1 2EZ	Monday 11:00 to 23:00 Tuesday 11:00 to 23:00 Wednesday 11:00 to 23:00 Thursday 11:00 to 23:00 Friday 11:00 to 23:00 Saturday 09:00 to 23:00 Sunday 10:00 to 23:00	Monday 11:00 to 23:00 Tuesday 11:00 to 23:00 Wednesday 11:00 to 23:00 Thursday 11:00 to 23:00 Friday 11:00 to 23:00 Saturday 09:00 to 23:00 Sunday 10:00 to 23:00
Forevergood	54 Druid Street SE1 2EZ	Monday 09:00 to 22:30 Tuesday 09:00 to 22:30 Wednesday 09:00 to 22:30 Thursday 09:00 to 22:30 Friday 09:00 to 22:30 Saturday 09:00 to 22:30 Sunday 09:00 to 22:30	Monday 09:00 to 23:00 Tuesday 09:00 to 23:00 Wednesday 09:00 to 23:00 Thursday 09:00 to 23:00 Friday 09:00 to 23:00 Saturday 09:00 to 23:00 Sunday 09:00 to 23:00
Doodle Bar	60 Druid Street SE1 2EZ	Monday 10:00 to 23:30 Tuesday 10:00 to 23:30 Wednesday 10:00 to 23:30 Thursday 10:00 to 23:30 Friday 10:00 to 00:30 Saturday 10:00 to 00:30 Sunday 10:00 to 23:30	Monday 10:00 to 00:00 Tuesday 10:00 to 00:00 Wednesday 10:00 to 00:00 Thursday 10:00 to 00:00 Friday 10:00 to 01:00 Saturday 10:00 to 01:00 Sunday 10:00 to 00:00
St John Bakery	72 Druid Street SE1 2HQ	Monday 11:00 to 23:00 Tuesday 11:00 to 23:00 Wednesday 11:00 to 23:00 Thursday 11:00 to 23:00 Friday 11:00 to 23:00 Saturday 11:00 to 23:00 Sunday 12:00 to 23:00	Monday 11:00 to 23:00 Tuesday 11:00 to 23:00 Wednesday 11:00 to 23:00 Thursday 11:00 to 23:00 Friday 11:00 to 23:00 Saturday 11:00 to 23:00 Sunday 12:00 to 23:00
The Barrel Project	80 Druid Street SE1 2HQ	Monday 11:00 to 22:30 Tuesday 11:00 to 22:30 Wednesday 11:00 to 22:30 Thursday 11:00 to 22:30 Friday 11:00 to 22:30 Saturday 11:00 to 22:30 Sunday 11:00 to 22:30	Monday 11:00 to 23:00 Tuesday 11:00 to 23:00 Wednesday 11:00 to 23:00 Thursday 11:00 to 23:00 Friday 11:00 to 23:00 Saturday 11:00 to 23:00 Sunday 11:00 to 23:00
Hawkes	90 Druid Street SE1 2HQ	Monday 10:00 to 22:30 Tuesday 10:00 to 22:30 Wednesday 10:00 to 22:30 Thursday 10:00 to 22:30 Friday 10:00 to 22:30 Saturday 10:00 to 22:30 Sunday 10:00 to 22:30	Monday 07:00 to 23:00 Tuesday 07:00 to 23:00 Wednesday 07:00 to 23:00 Thursday 07:00 to 23:00 Friday 07:00 to 23:00 Saturday 07:00 to 23:00 Sunday 07:00 to 23:00

Comptoir Gourmand	98 Druid Street SE1 2HQ	Monday 08:00 to 22:30 Tuesday 08:00 to 22:30 Wednesday 08:00 to 22:30 Thursday 08:00 to 22:30 Friday 08:00 to 22:30 Saturday 08:00 to 22:30 Sunday 09:00 to 22:30	Monday 08:00 to 23:00 Tuesday 08:00 to 23:00 Wednesday 08:00 to 23:00 Thursday 08:00 to 23:00 Friday 08:00 to 23:00 Saturday 08:00 to 23:00 Sunday 09:00 to 23:00
Billy Franks	104 Druid Street SE1 2HQ	Monday 10:00 to 22:30 Tuesday 10:00 to 22:30 Wednesday 10:00 to 22:30 Thursday 10:00 to 22:30 Friday 10:00 to 22:30 Saturday 10:00 to 22:30 Sunday 10:00 to 22:30	Monday 07:00 to 23:00 Tuesday 07:00 to 23:00 Wednesday 07:00 to 23:00 Thursday 07:00 to 23:00 Friday 07:00 to 23:00 Saturday 07:00 to 23:00 Sunday 07:00 to 23:00
El Pastor	106 Druid Street SE1 2HH	Monday 11:00 to 23:00 Tuesday 11:00 to 23:00 Wednesday 11:00 to 23:00 Thursday 11:00 to 23:00 Friday 11:00 to 23:00 Saturday 11:00 to 23:00 Sunday 11:00 to 23:00	Monday 09:00 to 23:30 Tuesday 09:00 to 23:30 Wednesday 09:00 to 23:30 Thursday 09:00 to 23:30 Friday 09:00 to 23:30 Saturday 09:00 to 23:30 Sunday 09:00 to 23:30
Ops Wines Ltd	108 Druid Street SE1 2HH	Monday 10:00 to 22:30 Tuesday 10:00 to 22:30 Wednesday 10:00 to 22:30 Thursday 10:00 to 22:30 Friday 10:00 to 22:30 Saturday 10:00 to 22:30 Sunday 10:00 to 22:30	Monday 10:00 to 23:00 Tuesday 10:00 to 23:00 Wednesday 10:00 to 23:00 Thursday 10:00 to 23:00 Friday 10:00 to 23:00 Saturday 10:00 to 23:00 Sunday 10:00 to 23:00
Anspach & Hobday	116-118 Druid Street SE1 2HH	Monday 08:00 to 23:00 Tuesday 08:00 to 23:00 Wednesday 08:00 to 23:00 Thursday 08:00 to 23:00 Friday 08:00 to 23:00 Saturday 08:00 to 23:00 Sunday 08:00 to 23:00	Monday 08:00 to 23:00 Tuesday 08:00 to 23:00 Wednesday 08:00 to 23:00 Thursday 08:00 to 23:00 Friday 08:00 to 23:00 Saturday 08:00 to 23:00 Sunday 08:00 to 23:00
Pedro's Wine Bar	128 Druid Street SE1 2HH	Monday 10:00 to 22:30 Tuesday 10:00 to 22:30 Wednesday 10:00 to 22:30 Thursday 10:00 to 22:30 Friday 10:00 to 22:30 Saturday 10:00 to 22:30 Sunday 10:00 to 22:30	Monday 10:00 to 23:00 Tuesday 10:00 to 23:00 Wednesday 10:00 to 23:00 Thursday 10:00 to 23:00 Friday 10:00 to 23:00 Saturday 10:00 to 23:00 Sunday 10:00 to 23:00
Rinneroon	130 Druid Street SE1 2HH	Monday 12:00 to 22:30 Tuesday 12:00 to 22:30 Wednesday 12:00 to 22:30 Thursday 12:00 to 22:30 Friday 12:00 to 22:30 Saturday 12:00 to 22:30 Sunday 12:00 to 17:30	Monday 12:00 to 23:00 Tuesday 12:00 to 23:00 Wednesday 12:00 to 23:00 Thursday 12:00 to 23:00 Friday 12:00 to 23:00 Saturday 12:00 to 23:00 Sunday 12:00 to 18:00



These Days Aperitivo Bar, 100 Druid Street, London SE1 2HQ, 100 DRUID STREET  
LONDON SE1 2HQ



Licensed Premises  
▲ All licensed premises

Southwark Maps

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<b>Meeting name:</b>	Licensing Sub-Committee
<b>Date:</b>	16 May
<b>Report Title</b>	Licensing Act 2003: Club 701, Basement and Ground Floors, 516 Old Kent Road, London SE1 5BA - Transfer of Premises Licence
<b>Ward(s) or groups affected:</b>	Old Kent Road
<b>Classification:</b>	Open
<b>Reasons for lateness (if applicable):</b>	N/a

## RECOMMENDATION

1. That the licensing sub-committee consider an objection notice served by the Metropolitan Police Service in regards to an application submitted by Eddie Hanson to transfer the premises licence, submitted under Section 42 of the Licensing Act 2003 in respect of the premises known as Club 701, Basement and Ground Floors, 516 Old Kent Road, London SE1 5BA.
2. Notes:
  - a) The application is subject to an objection notice from the Metropolitan Police Service and is therefore referred to the sub-committee for determination.
  - b) Paragraphs 9 to 11 of this report provide a summary of the application under consideration by the sub-committee. A copy of the application is attached as Appendix A.
  - c) Paragraphs 12 to 16 of this report deal with the police objection notice received to the transfer application. A copy of the relevant police objection notice is attached as Appendix B.
  - 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 application to transfer a premises licence involves the provision of all relevant information required under the Act to the licensing authority. If the licensing authority receives a police objection notice that is not withdrawn, it must hold a hearing to consider the objection notice (unless all parties agree that this is unnecessary).
8. The police may submit an objection notice to an application to transfer a premises licence when relevant to the promotion of the four licensing objectives.

## KEY ISSUES FOR CONSIDERATION

### Premises licence transfer

9. On 4 April 2024 a premises licence transfer application was submitted by Eddie Hanson to transfer the premises licence issued in respect of the premises known as Club 701, Basement and Ground Floors, 516 Old Kent Road, London SE1 5BA from Erico Entertainment Limited to Eddie Hanson. Consent to the transfer from Erico Entertainment Limited was submitted with the application.
10. The transfer application was applied for with immediate interim effect.
11. A copy of the transfer application is attached as Appendix A

### Objection notice

12. On 12 April 2024 the Metropolitan Police Service submitted an objection notice in respect of the application.
13. The police state this premises licence was subject of a summary review under Section 53a of the Licensing Act 2003 following a serious incident that occurred whilst the premises was in operation under this premise licence. On 8 February 2024 the licensing sub-committee decided that after hearing evidence from all parties concerned that it was appropriate to revoke the premises licence.
14. The police contend that this matter is now subject to an ongoing appeal to be heard at the magistrate's court. The practice of transferring a premises licence following applications to review premises licenses has become a concern for the police and the licensing authority. It has been used as a method to circumvent the review process and subsequent appeals process. It has become such a concern that it was included in the latest version of Southwark's statement of licensing policy. Paragraphs 94 & 95 of the policy state:

'Applications for transfer of a premises licence following application for a Review

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

95. Where, such applications are made, this Authority will require documented proof of transfer of the business / lawful occupancy of the premises (such as a lease), to the new proposed licence holder to

support the contention that the business is now under new management control'.

15. The police take no issue with the applicant as an individual. They state that the applicant has failed to submit any documented proof of the true transfer of the business, lawful occupancy of the premises or anything similar to support the inference that this premises is now under new management control. It could be considered at this time that the premises known as Club 701 is still under the overall control of Erico Entertainment Ltd. Police object to the transfer of this premises licence on the grounds that it would undermine the review/appeal process and therefore undermine the original review application made under the prevention of crime and disorder
16. A copy of the objection notice is attached to this report as Appendix B.

### **Premises licence**

17. The premises licence issued to Erico Entertainment Limited on 19 March 2020 in respect of the premises known as Club 701, Basement and Ground Floors, 516 Old Kent Road, London, SE1 5BA allows licensable activities as follows:
  - Plays, films, live music, recorded music, performances of dance, entertainment similar to live or recorded music, the sale of alcohol to be consumed on the premises:
    - Wednesday: 22:00 to 02:00
    - Thursday to Saturday; 22:00 to 04:00
    - Sunday: 22:00 to 01:00
  - Late night refreshment (indoors):
    - Wednesday: 23:00 to 02:00
    - Thursday to Saturday: 23:00 to 04:00
    - Sunday: 23:00 to 01:00
  - Opening hours:
    - Wednesday: 22:00 to 03:00
    - Thursday to Saturday: 22:00 to 05:00
    - Sunday: 22:00 to 02:00.

### **Designated premises supervisor**

18. The designated premises supervisor (DPS) stated on that licence is Mr George Omozejele.

19. A copy of the current premises licence is attached as Appendix C to this report.

### **Premises history**

20. A premises licence was issued in respect of the premises to Erico Entertainment Limited on 19 February 2016.
21. On 8 July 2016 a licensing induction was undertaken with the DPS of the premises. At the induction the terms and conditions of the licence were explained, as were the role and remit of the licensing unit.
22. On 13 August 2016 the Metropolitan Police Service issued a closure notice under Section 19 of the Criminal Justice and Police Act 2001 regarding alleged breaches of licence conditions 297, 341, 342 and 297.
23. On 10 September 2016 the Metropolitan Police Service issued a closure notice under Section 19 of the Criminal Justice and Police Act 2001 regarding alleged breaches of licence conditions 289, 341 and 342,
24. On 23 October 2016 the Metropolitan Police Service issued a closure notice under Section 19 of the Criminal Justice and Police Act 2001 regarding an alleged breach of licence condition 359.
25. On 26 November 2016 a second licensing induction was undertaken with the DPS of the premises. At the induction the terms and conditions of the licence were explained, as were the role and remit of the licensing unit.
26. On 2 September 2017 a licensing inspection of the premises was undertaken. The premises were found to be being operated in breach of conditions 288, 307, 344, 345, 349, 353, 357, 379, 392, 4A1 & 793 of the premises licence issued in respect of the premises.
27. On 14 October 2017 an application to vary the premises licence was submitted.
28. On 11 November 2017 a licensing re-inspection of the premises was undertaken. The premises were found to be being operated in breach of conditions 289, 307, 341, 342, 364, 377 and 793.
29. On 19 November 2017 the Metropolitan Police Service visited the premises. The premises were found to be being operated in breach of conditions 289 and 373 of the premises licence issued in respect of the premises.

30. On 11 January 2018 subsequent to the application to vary the premises licence submitted on 14 October 2017, and following a licensing sub-committee hearing, an amended premises licence was issued to Erico Entertainment Limited.
31. On 6 July 2018 the DPS of the premises accepted a simple caution regarding offences under the Licensing Act 2003 that occurred at the premises on 2 September 2017 and 11 and 19 November 2017
32. On 28 August 2018 the Metropolitan Police Service issued a Notification of Alleged Offence under the Licensing Act 2003 relating to the unauthorised operation of the premises on 28 August 2018.
33. On 11 June 2019 the DPS of the premises accepted a simple caution regarding offences under the Licensing Act 2003 that occurred at the premises on 28 August 2018.
34. On 11 June 2019 a third licensing induction was undertaken with the DPS of the premises. At the induction the terms and conditions of the licence were explained, as were the role and remit of the Licensing Unit.
35. On 5 November 2019 an application for a summary review was made under Section 53A of the Licensing Act 2003 by the chief of police for the metropolitan police.
36. On 7 November 2019 the licensing sub-committee took the interim steps decision to suspend the premises licence until the full review hearing on 28 November 2019.
37. On 28 November 2019 at the full review licensing sub-committee hearing, it was the decision of the licensing sub-committee to suspend the premises licence for 3 months.
38. On 17 January 2024 an application for a summary review was made under Section 53A of the Licensing Act 2003 by the chief of police for the Metropolitan Police Service.
39. The licensing sub-committee hearing to consider interim steps took place on 19 January 2024 whereby the licensing sub-committee took the decision to suspend the licence until the full hearing on 8 February 2024.
40. On 8 February 2024 at the licensing sub-committee hearing for the full review it was the decision of the licensing sub-committee to revoke the premises licence. The licensing sub-committee also continued the interim steps imposed on 19 January 2024, to suspend the licence,

41. Copies of the licensing sub-committee notices of decision from 19 January 2024 and 8 February 2024 to this report are attached as Appendix D.
42. On 23 February 2024, appeals were lodged at Croydon Magistrates' Court appealing both the interim steps suspension of the premises licence and the revocation of the licence at the full hearing.
43. On 4 April 2024 this application to transfer the premises licence was received by the council licensing unit.
44. On 18 April 2024 the appeal against the interim steps was withdrawn at Croydon Magistrates' Court. On the same day the appeal for the revocation of the premises licence was set to be heard at Croydon Magistrates' Court for 24 September 2024.
45. On 18 April 2024 an application to vary the designated premises supervisor (DPS) was submitted by Eddie Hanson to vary the DPS from George Omozejele to himself. At the time of writing this report there has been no objection notice received against the application.

### **Consideration by the sub-committee**

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

### **Map**

47. A map showing the location of the premises is attached to this report as Appendix E.

### **Southwark council statement of licensing policy**

48. Council assembly approved Southwark's statement of licensing policy 2021 - 2026 on 25 November 2020. The policy came into effect on 1 January 2021. Sections of the statement that are considered to be of particular relevance to the sub-committee's consideration are:
  - Section 3 - Purpose and scope of the policy. This reinforces the four licensing objectives and the fundamental principles upon which this Authority relies in determining licence applications.
  - Section 5 – Determining applications for premises licences and club premises certificates. This explains how the policy works and considers issues such as location; high standards of management; and the principles behind condition setting.



- Section 6 – Local cumulative impact policies. This sets out this authority’s approach to cumulative impact and defines the boundaries of the current special policy areas and the classifications of premises to which they apply. To be read in conjunction with Appendix B 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.
49. 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.
50. 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>

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

### **Community impact statement**

51. 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**

52. 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.
53. 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.
54. 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>.
55. The equalities impact assessment is available at:

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

### **Health impact statement**

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

### **Resource implications**

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

## **Consultation**

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

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

### **Assistant Chief Executive – Governance and Assurance**

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

### **Principles for making the determination**

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

### **Reasons**

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

### **Hearing procedures**

65. Subject to the licensing hearing regulations, the licensing sub-committee may determine its own procedures. Key elements of the regulations are that:
- The hearing shall take the form of a discussion led by the authority. Cross-examination shall not be permitted unless the authority considered that it is required for it to consider the representations.
  - Members of the authority are free to ask any question of any party or other person appearing at the hearing.

- The committee must allow the parties an equal maximum period of time in which to exercise their rights to:
  - Address the authority
  - If given permission by the committee, question any other party
  - In response to a point which the authority has given notice it will require clarification, give further information in support of their application.
- The committee shall disregard any information given by a party which is not relevant to the particular application before the committee and the licensing objectives.
- The hearing shall be in public, although the committee may exclude the public from all or part of a hearing where it considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in private.
- In considering any representations or notice made by a party the authority may take into account documentary or other information produced by a party in support of their application, representations or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing.

66. This matter relates to the determination of an application for a premises licence under section 42 of the Licensing Act 2003. Regulation 26(1) (a) requires the sub-committee to make its determination at the conclusion of the hearing.

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

67. 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.
68. 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.

69. 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.
70. 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.
71. The sub-committee can only consider matters within the application that have been raised through the objection notice submitted by the police. This will be decided on a case to case basis.
72. Under the Human Rights Act 1998, the sub-committee needs to consider the balance between the rights of the applicant and those making objection to the application when making their decision. The sub-committee has a duty under section 17 Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the borough.
73. All interested parties have the right to appeal the decision of the sub-committee to the magistrates' court within a period of 21 days beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against.

### **Guidance**

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

### **Strategic Director of Finance**

75. 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**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
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 & Enforcement, 160 Tooley Street, London, SE1 2QH	Kirty Read Tel: 020 7525 5748

**APPENDICES**

<b>No.</b>	<b>Title</b>
Appendix A	Copy of the transfer application
Appendix B	Copy of the police objection notice
Appendix C	Copy of the premises licence
Appendix D	Copies of notices of decision from 19 January 2024 and 8 February 2024
Appendix E	Map

**AUDIT TRAIL**

<b>Lead Officer</b>	Toni Ainge, Strategic Director Environment, Neighbourhoods and Growth	
<b>Report Author</b>	Jayne Tear, Principal Licensing Officer	
<b>Version</b>	Final	
<b>Dated</b>	2 May 2024	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments sought</b>	<b>Comments included</b>
Assistant Chief Executive Governance and Assurance	Yes	Yes
Strategic Director of Finance	Yes	Yes
<b>Cabinet Member</b>	No	No
<b>Date final report sent to Constitutional Team</b>	2 May 2024	

04/04/2024

Application to transfer premises licence to be granted under the Licensing Act 2003  
Ref No. 2207829

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

Full name	Eddie Hanson
Full name ( 2nd Applicant if appropriate)	

Premises licence number

	870760
--	--------

## Notes for Guidance

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

2. Right to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership which is not a limited liability partnership who:

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

Any premises licence issued on or after 6 April 2017 will lapse if the holder ceases to be entitled to work in the UK.

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

## Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport apply].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland when produced in combination with an official document giving the person's permanent National Insurance number and their

name issued by a Government agency or a previous employer.

- A certificate of registration or naturalisation as a British citizen, when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
  - A current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
  - A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to do the work in question.
  - A current Residence Card issued by the Home Office to a person who is not a national of an EEA state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
  - A current Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
  - A Certificate of Application, less than 6 months old, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of an EEA state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
  - Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
  - Reasonable evidence that a person who is not a national of an EEA state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:
    - o evidence of the applicant's own identity – such as a passport,
    - o evidence of their relationship with the EEA family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
    - o evidence that the EEA national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
      - (i) working e.g. employment contract, wage slips, letter from the employer,
      - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
      - (iii) studying e.g. letter from the school, college or university and evidence
- of sufficient funds; or



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

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

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

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

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

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

#### Home Office online right to work checking service

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

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

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

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable

to obtain a share code from the service should submit copy documents as set out above.

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

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

Address Line 1	C/O Eddie Hanson
Address Line 2	[REDACTED]
Town	London
County	
Post code	[REDACTED]
ordnance survey map reference	

Telephone Numbers ( at premises )

Telephone number	
------------------	--

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

	Licensed Premises
--	-------------------

Name of current premises licence holder

	Erico Entertainment Limited
--	-----------------------------

Notes for Guidance

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

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

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

If you have selected a) or b) above, please select one of the following

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

## Personal Details

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

Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see guidance below)

Please enter	
--------------	--

## Current Postal address if different from Premises address

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

## Contact Details

Daytime contact telephone number	██████████████
Email Address	████████████████████

## Guidance notes

Do you wish to add a second individual applicant?

	No
--	----

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

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

	No
--	----


Do you wish the transfer to have an immediate effect?

	Yes
--	-----

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

--	--

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

	Yes
Upload consent form	

Please give reasons for not providing the consent form

--	--

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

	Yes
--	-----

I will post the existing Premises Licence back

	Yes
--	-----

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

	N/A
--	-----

Checklist

	I have posted the premises licence or relevant part of it or explanation I understand that if I do not comply with the above requirements my application will be rejected I have submitted the consent form signed by the existing premises licence holder or my statement as to why it is not enclosed
--	---

I confirm the Information I have submitted is true and accurate

	I agree
--	---------

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

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

Please tick to indicate agreement

<input type="checkbox"/>	I am not a company or limited liability partnership
--------------------------	---

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

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

I agree to the above statement

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

Please upload your right to work documents. For more information see note 2.

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

It is an offence, under Section 158 of the Licensing Act 2003, to make a false statement in or in connection with this application. 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 for 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.

I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 2)

Note 2: Right to work/immigration status

A licence may not be issued to an individual or an individual in a partnership which is not a limited liability 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 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 the right to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

They do this in one of two ways: by providing with this application copies or scanned copies of the documents which an applicant has provided, to demonstrate their entitlement to work in the UK (which do not need to be certified) as per information published on gov.uk and in guidance. 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).

Home Office online right to work checking service.

As an alternative to providing a copy of original documents, 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 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, 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 shared digitally. 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 copies of documents as set out above.

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. You have complied with this guidance.

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

Name of Applicant	Eddie Hanson
Applicant's solicitor or other duly authorised agent	
Capacity	Solicitors on Behalf of Applicant
Date	04/04/2024

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

Joint names	
Capacity	
Date	04/04/2024

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

Contact name	
Telephone	
Email	

Postal address for correspondence associated with this application

Address Line 1	
Address Line 2	
Town	

County	
Post code	████████

Guidance Notes

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

## Consent of premises licence holder to transfer

I/we	ERICO ENTERTAINMENT LIMITED
	<i>[full name of premises licence holder(s)]</i>
the premises licence holder of premises licence number	870760
	<i>[insert premises licence number]</i>
relating to	Basement and Ground Floors 516 Old Kent Road, London, SE1 5BA
	<i>[name and address of premises to which the application relates]</i>
hereby give my consent for the transfer of premises licence number	870760
	<i>[insert premises licence number]</i>
to	Eddie Hanson
	<i>[full name of transferee].</i>

signed

name  
(please print)

Eric Doe

dated

22 Mar 2024





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

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

Tel: 020 7232 6756

Email: SouthwarkLicensing@met.police.uk

**Our reference:** MD/21/349/24

**Date:** 12<sup>th</sup> April 2024

**Re:- Mr Eddie Hanson Club 701, 516 Old Kent Road SE1 5BA**

Dear Sir/Madam

On the 4<sup>th</sup> April 2024 the Metropolitan Police received an application from Mr Eddie Hanson to transfer premises licence 870760 for Club 701, 516 Old Kent Road SE1 5BA, currently held by Erico Entertainment Ltd.

This premises licence was subject of a summary review under section 53a of the licensing act 2003 following a serious incident that occurred whilst the premises was in operation under this premise licence. On the 8<sup>th</sup> February 2024 the licensing sub-committee decided that after hearing evidence from all parties concerned that it was appropriate to revoke the premises licence.

This matter is now subject to an ongoing appeal to be heard at the magistrate's court. The practice of transferring a premises licence following applications to review premises licenses has become a concern for the police and the licensing authority. It has been used as a method to circumvent the review process and subsequent appeals process. It has become such a concern that it was included in the latest version of Southwark's statement of licensing policy. Paragraphs 94 & 95 of the policy state:

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

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

**95. Where, such applications are made, this Authority will require documented proof of transfer of the business / lawful occupancy of the premises (such as a lease), to the new proposed licence holder to support the contention that the business is now under new management control**

The application for transfer received from Mr Hanson has a number of supporting character and previous employment documents. The Police welcome this approach and take no issue with the applicant as an individual.

The applicant has failed to submit any documented proof of the true transfer of the business, lawful occupancy of the premises or anything similar to support the inference that this premises is now under new management control.

*Working for a safer Southwark*

It could be considered at this time that the premises known as Club 701 is still under the overall control of Erico Entertainment Ltd. Police object to the transfer of this premises licence on the grounds that it would undermine the review/appeal process and therefore undermine the original review application made under the prevention of crime and disorder.

Yours Sincerely

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

# Licensing Act 2003 Premises Licence



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

Premises licence number

870760

## Part 1 - Premises details

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>	
Club 701 Basement and Ground Floors 516 Old Kent Road  <small>Ordnance survey map reference (if applicable): 534180177968</small>	
<b>Post town</b> London	<b>Post code</b> SE1 5BA
<b>Telephone number</b>	

## Licensable activities authorised by the licence

Plays - Indoors  
Films - Indoors  
Live Music - Indoors  
Recorded Music - Indoors  
Performance of Dance - Indoors  
Entertainment Similar to live/recorded music / dance - Indoors  
Late Night Refreshment - Indoors  
Sale by retail of alcohol to be consumed on premises

## The opening hours of the premises. For any non standard timings see Annex 2

Wednesday 22:00 - 03:00  
Thursday 22:00 - 05:00  
Friday 22:00 - 05:00  
Saturday 22:00 - 05:00  
Sunday 22:00 - 02:00

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

Sale by retail of alcohol to be consumed on premises

## The times the licence authorises the carrying out of licensable activities

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

### Plays - Indoors

Wednesday 22:00 - 02:00  
Thursday 22:00 - 04:00  
Friday 22:00 - 04:00  
Saturday 22:00 - 04:00  
Sunday 22:00 - 01:00

**Films - Indoors**

Wednesday 22:00 - 02:00  
Thursday 22:00 - 04:00  
Friday 22:00 - 04:00  
Saturday 22:00 - 04:00  
Sunday 22:00 - 01:00

**Live Music - Indoors**

Wednesday 22:00 - 02:00  
Thursday 22:00 - 04:00  
Friday 22:00 - 04:00  
Saturday 22:00 - 04:00  
Sunday 22:00 - 01:00

**Recorded Music - Indoors**

Wednesday 22:00 - 02:00  
Thursday 22:00 - 04:00  
Friday 22:00 - 04:00  
Saturday 22:00 - 04:00  
Sunday 22:00 - 01:00

**Performance of Dance - Indoors**

Wednesday 22:00 - 02:00  
Thursday 22:00 - 04:00  
Friday 22:00 - 04:00  
Saturday 22:00 - 04:00  
Sunday 22:00 - 01:00

**Entertainment Similar to live/recorded music / dance - Indoors**

Wednesday 22:00 - 02:00  
Thursday 22:00 - 04:00  
Friday 22:00 - 04:00  
Saturday 22:00 - 04:00  
Sunday 22:00 - 01:00

**Late Night Refreshment - Indoors**

Wednesday 23:00 - 02:00  
Thursday 23:00 - 04:00  
Friday 23:00 - 04:00  
Saturday 23:00 - 04:00  
Sunday 23:00 - 01:00

**Sale by retail of alcohol to be consumed on premises**

Wednesday 23:00 - 02:00  
Thursday 23:00 - 04:00  
Friday 23:00 - 04:00  
Saturday 23:00 - 04:00  
Sunday 23:00 - 01:00

## Part 2

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

Erico Entertainment Limited  
516 Old Kent Road  
London  
SE1 5BA  
[REDACTED]

**Registered number of holder, for example company number, charity number (where applicable)**  
09977040

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

George Omozejele  
[REDACTED]

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

Licence No.: [REDACTED]  
Authority.: [REDACTED]

Licence Issue date: 19/03/2020

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

### **Annex 1 - Mandatory conditions**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**489** The responsible person shall ensure that -

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

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

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

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

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

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

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

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

where-

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

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

- (i) the holder of the premises licence;
- (ii) the designated premises supervisor (if any) in respect of such a licence; or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (iv) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (v) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by paragraph (b) of paragraph 2 would (apart from this paragraph) not be

a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

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

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



**Annex 2 - Conditions consistent with the operating Schedule**

**276** That the premises shall be adequately ventilated to allow doors and windows to remain closed during licensed entertainment.

**288** That a CCTV system shall be installed and maintained in full working order. The CCTV system will record footage of evidential quality in all lighting conditions and should be able to capture a clear facial image of all persons that enter the venue. All public areas will be covered by the CCTV system including the bar and smoking areas. The premises shall not be open at any time when the CCTV is not operating correctly.

**289** All CCTV footage shall be kept for a period of thirty one (31) days and shall be made immediately available for inspection to officers of the Police and the Council on request.

**297** That a drugs / weapons amnesty box, approved by the police, shall be installed and maintained in use at the premises at all times that the premises are in operation.

**302** The manager shall notify the police of all drugs or weapons seized and deposited in the amnesty box as soon as possible and arrange for the police to collect the contents of the amnesty box as soon as is practicable to do so.

**303** That the licensee shall require any regular and external promoters or any other 3rd parties hiring the premises to complete the 'Venue Hire Agreement' provided by Southwark Police Licensing Unit and, once completed, you shall ensure that a copy of the agreement is provided to the central licensing unit as detailed on the form 696 and to Southwark Police Licensing Unit a minimum of fourteen days prior to the date of hire.

**305** That clearly legible signage will be prominently displayed at all patron exits, where it can easily be seen and read, requesting that patrons leave the premises in a quiet and orderly manner that is respectful to neighbours.

**307** That an accommodation limit shall be set in respect of the premises. All staff at the premises shall be made aware of the accommodation limit. The SIA security staff employed at the premises shall be responsible for ensuring that the accommodation limit is not exceeded and shall use counting devices to ensure that the accommodation limit is not exceeded. Once the accommodation limit of the premises has been reached the premises shall operate a 'one in, one out' policy.

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

**320** That the sound level of the music being played at the premises will be gradually reduced until no music is audible during the hour before the premises shuts. During this period lighting levels at the premises will be gradually increased until the premises are fully lit.

**336** That a personal licence holder is on the premises and on duty at all times after 22:00 when intoxicating liquor is supplied.

**340** That there shall be at least one member of staff on duty at all times the premises are in operation who is trained and proficient in the operation of the CCTV system and who is capable of operating and retrieving footage at the request of police, council or other authorised officers.

**342** That an ID scanning system of a specification to the reasonable satisfaction of the Police shall be installed and maintained at the premises. The system should be capable of sharing information about banned customers with other venues, identify the hologram on ID, read both passports and ID cards and be able to identify fake or forged ID documents to a reasonable standard. The system must be operating correctly at all times when the premises are open and will be used to record the details of all persons entering the premises including staff, members of the public, performers and their assistants. Entry to the premises will not be permitted without the production of the relevant ID document and / or if the person's details are already stored on the system and they are identified using a biometric identification system.

**343** That at all times the premises are in operation under the premises licence there will be at least one member of staff trained to a satisfactory standard able to operate the ID scan system and able to retrieve data from the system on request of police, council or other authorised officers.

**346** That the internal security door leading to the Old Kent Road will be fitted with an automatic security light and sound cut-out device which will automatically shut down all music systems when opened.

**347** That all beverages will be served in plastic / polycarbonate receptacles, no glasses or bottles will be permitted in the public areas of the venue.

**348** That all incidents of violence and / or disorder that result in an injury will be reported to the police as soon as practicable. The reasoning behind any delayed report will be recorded in the incident report book. This report book will be made available for inspection by police, council or other authorised officers on request.

**349** That acoustic seals, brushes and self-closers (in accordance with BS 6459 Pt. 1 1984) shall be installed to all doors and fire doors leading out into external areas so as to minimise sound escape from the premises.

**350** That sound insulation shall be installed to baffle any vents or air extraction systems to prevent sound escape from the premises.

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

**352** That amplified music, song or speech shall not be broadcast in external areas at any time.

**353** That no drinks shall be permitted outside at any time.

**354** That clearly legible signage will be prominently displayed at all patron exits, where it can easily be seen and read, requesting to the effect that patrons do not take drinks outside.

**355** That any queue to enter the premises must be contained within suitable barriers and supervised at all times by door supervisors

**356** That external waste handling and cleaning of external areas, collections and deliveries shall only occur between the hours of 08.00hrs and 23.00hrs.

**357** That a comprehensive Dispersal Policy shall be produced and implemented at the premises, with all staff trained on the most up to date policy. A record of staff training on the Dispersal Policy shall be kept at the premises and a copy of the policy and such training records shall be made available to the council or police on request.

**358** That licensable activities shall cease at a minimum 30 minutes before the premises' closing hours.

**359** That on Sunday after 00:30, on Wednesday and Thursday after 01:30 and on Friday and Saturday after 02:00 there shall be no new entry to the premises, other than those who leave the premises for the purpose of smoking a cigarette, those persons shall be subject to a further search on the re-entry to the premises.

**362** That all security staff shall be in radio communication with each other and the duty manager whilst working at the premises.

**363** That clearly legible notices will be prominently displayed where they can easily be seen and read by customers warning of potential criminal activity that may target patrons such as theft.

**364** An incident book / incident recording system shall be kept at the premises to record details of any of the following occurrences at the premises:

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

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

**365** That clearly legible notices will be prominently displayed where they can easily be seen and read by customers stating that all customers will be searched prior to entering the premises.

**366** That security staff should always attempt to search in front of a witness or, if possible, carry out the search within sight of the CCTV camera at the entrance to the Club.

**367** That any person who appears under the influence of drugs and will be refused entry.

**368** That where there is a suspicion that an individual is in possession of drugs that individual will be requested to submit to a search. If the individual refuses the search they will be ejected from the premises.

Any person found in possession of drugs will be instructed to place the drugs in the drugs amnesty box at the premises.

**369** That the police will be called immediately if a person is found with a large quantity of drugs that suggests intent to supply, or in cases where a particularly dangerous weapon is found such as a firearm. No attempt will be made to force the person to remain at the premises however a good description of the person must be taken and be provided to the police. In all cases where drugs or weapons are found on a person a detailed note shall be made in the incident log.

**370** That any person who appears to any staff member to be intoxicated and will be refused entry to the premises.

**371** That re-entry to the premises will not be permitted to any customer who has been ejected earlier on during a particular night, who has been banned or who has in any way aggressively supported a person being ejected.

**372** That customers shall not be permitted to wear sunglasses, save for prescription glasses, inside the venue.

**373** That customers shall not be permitted to wear hats or hoods whilst inside the venue.

**374** That SIA staff shall periodically monitor who enters and exits parking lot.

**375** That the premises management reserve the right to ban anybody from the premises at any time or refuse entry to the premises by anybody at any time. The premises reserve the right to refused entry without explanation.

**376** That prior to entry or re-entry all customers must be subject to a search by the SIA security staff employed at the premises. Any person refusing such a search will not be permitted entry or re-entry to the premises.

**377** That customers shall be instructed that bulky items such as bulky bags and coats must be left in the cloakroom before entering the main area of the club. Anyone who refuses to place these types of belongings in the cloakroom will not be able to enter the main area of the club

**378** That all promoters hiring and using the premises must have attained a BIIAB Level 2 Award for Music Promoters prior to hiring and using the premises.

**379** That prior to the premises opening, security checks of the premises and the immediate vicinity that the premises are located in shall be undertaken. Details of such checks shall be recorded in the incident log.

**380** That security staff employed at the premises will be trained to be aware of what is happening inside the premises as well as on the door, and shall be instructed that patrols around the premises may be necessary. Consideration must be given to any hot spots within the premises and especially in the smoking area and regular monitoring of such areas must undertake by the security staff.

**381** That security staff shall be trained to be alert to and respond to alarms given by the DJ, toilet attendants or any other staff employed at the premises.

**382** That any customer who engages in anti-social behaviour in the smoking area shall not be permitted re-entry to the premises.

- 383** That customers using the smoking area will be subject to a search upon re-entry to the premises. Clearly legible notices will be prominently displayed where they can easily be seen and read by customers stating that customers using the smoking area will be subject to a search upon re-entry to the premises.
- 384** That staff who arrive early morning or depart late at night will be instructed to conduct themselves in such a manner to avoid causing disturbance or nuisance to nearby residents.
- 386** That staff shall remove drinks receptacles from patrons who are attempting to leave the premises.
- 388** That staff will advise customers not to congregate outside the premises or in the locale and shall be encouraged to disperse from the area. Any customers who are acting in a noisome or anti social manner when leaving the premises or when immediately outside of the premises will be requested to cease such behaviour.
- 389** That two licensed taxi firms in the local area will be available to customers, so they can arrange suitable transportation home. If staff at the premises order a taxi for a customer they shall request that the taxi controller instructs the taxi-driver not to sound the vehicle's horn on arrival, but to approach a staff member and let the staff member know that the driver has arrived. Staff will inform the patron upon the arrival of their taxi.
- 390** That a member of management will be visible with the door team until all customers have dispersed and shall ensure that the door team are acting effectively and in line with their responsibilities.
- 391** That easily identified staff in high visibility vests will be assisting in customer dispersal, the clearing of any waste arising from the operation of the premises (including 'fliers') and the monitoring of customers whilst they move away from the premises.
- 392** That the location of car parks in the area and other travel facilities shall be identified on all promotional materials, including the premises' website.
- 393** That there will be enough staff in the cloakroom to ensure orderly and timely return of coats / possessions to customers.
- 394** That details of transport links in the area (e.g. public transport options, taxi ranks etc.) shall be made available to customers on request.
- 395** That the document titled 'Operational Policies for Club 701' as submitted on application for this licence shall be amended to reflect the conditions stated in this licence.
- 396** That on Sundays prior to Bank Holiday Mondays, Christmas Eve and New Years Eve the permitted opening hours of the premises are between 22:00 to 05:00 and licensable activities must cease at 04:00 on these days.
- 431** That during any licensed entertainment on the premises all doors and windows leading out to external areas shall remain closed.
- 430** That there shall be no movement of musical or amplification equipment to and from the premises between the hours of 23.00hrs and 08.00hrs.

**4AA** That a challenge 25 scheme shall be maintained at the premises requiring that staff selling alcohol request that any customer who looks under 25 years old, and who is attempting to purchase alcohol, provides valid photographic identification proving that the customer is at least 18 years old. Valid photographic identification is composed of a driving licence, passport, UK armed services ID card and any Proof of Age Standards Scheme (PASS) accredited card such as the Proof of Age London (PAL) card.

**4AK** That the licensee, premises' management or premises' DPS shall attend local 'Pub Watch' meetings if a 'Pub Watch' scheme exists in the local area.

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

**840** That all directors and management of MYTRIBE Limited shall not be allowed any involvement in the running of the premises at any time that licensable activities are taking place.

**841** That a minimum of 3 SIA registered door supervisors shall be employed at the premises if the premises open before 00:00 hours, one of whom shall be female, at all times that the premises are in use. They will be employed each night that the premises are in operation and will be on duty to receive patrons at the stated opening time of 22:00; after 00:00 hours, a minimum of 6 SIA registered door supervisors shall be employed, one of whom shall be female, at all times that the premises are in use. At least two will be provided with, and will use, electronic search wands. The electronic search wands shall be used at all times that the premises are open in respect of the search of all persons who wish to enter the premises. This includes all DJ's and associated staff and their equipment

**842** That the premises will be closed on Wednesdays.

**843** That the measures set out in the licensing compliance plan submitted by the premises licence holder shall be implemented in full prior to the reopening of the premises.

#### Licensing Compliance Plan

The proposal is in five parts; (1) set up the policies and procedures,(2) provide staff training, (3) conduct regular licensing audits to measure performance and provide due diligence evidence, (4) to provide ongoing advice, support and to review any incidents / issues that arise & (5) conclusions.

#### 1. Policies and Procedures

I. A qualified licensing consultant shall undertake a full review of the operation of the premises and produce a comprehensive licensing Operational Manual which would contain licensing policies and procedures. The manual would demonstrate best practice in all areas. It would also form part of induction for new members of staff and the ongoing training of existing staff.

II. The Operational Manual will set out the premises minimum operating standards and the policies and procedures to be followed by all staff.

III. The Operational Manual shall be a 'living' document and will be reviewed regularly to ensure current best practice and that any changes at the premises or to licensing laws are addressed.

IV. The Operational Manual shall include, but not be limited to, the following policies and procedures.

- Customer Vetting and Terms of Entry
- Young People
- Searching and Seizure of Prohibited Items
- Preventing and Dealing with Intoxication
- Drugs
- Crime Prevention and Intervention
- Guest Welfare
- Ejections
- Security Roles, Responsibilities and Code of Conduct

- Security Code of Conduct
- Dealing with Serious Incidents
- Sexual Assaults
- Crime Scene Preservation
- Theft Prevention
- Staff Behaviour and Code of Conduct
- Events & Private Hire
- Management of Outside & Dispersal
- Smoking
- Incident Reporting & Due Diligence Records
- CCTV, Body Worn Cameras and Identity Scanning Systems

## 2. Staff Training

V. All serving staff will participate in the RASPFLO on-line training course (Responsible Alcohol Sales and Promoting the Four Licensing Objectives -[www.raspflo.co.uk](http://www.raspflo.co.uk)). This is specifically aimed at serving staff, with a focus on the practicalities of their work role and responsibilities under the Licensing Act 2003.

VI. Each member of staff will complete RASPFLO training every year with a six month refresher session.

VII. A written record will be kept of all staff training and be available for inspection by the statutory authorities.

VIII. The RASPFLO course covers the following areas:

### Unit 1 - An Introduction to the Licensing Act 2003

- Understanding the importance of compliance and protecting your Licence.
- The requirements for having a Licence
- The difference between a personal and a premises Licence
- Mandatory and venue specific conditions
- The penalties for breaching conditions

### Unit 2 - The Four Licensing Objectives

- The importance of promoting the objectives at all times
- The meaning and significance of each objective
- Learning methods to promote the objectives.

### Unit 3 – Intoxication

- The dangers intoxication poses, the requirements of the law and the tools to deal with the issue effectively.
- The effects of alcohol on the body
- How to identify and deal with intoxicated guests
- The best methods to prevent intoxication.

### Unit 4 – Age

- The law in relation to children
- How to check IDs



- Recognising valid forms of ID
- Identifying invalid IDs.

#### Unit 5 - Crime Scene Preservation

- When a crime scene should be preserved
- Actions to take following a serious incident
- How to ensure the preservation of a crime scene.

#### Unit 6 - Factors that Affect Drinking Behaviour

- The factors that affect irresponsible alcohol consumption
- How to promote a safe and responsible environment
- How to positively influence a responsible and safe drinking culture.

IX. All managers, and staff involved in a supervisory role, will undergo RASPFLO managers training, and advanced version of the course.

X. The managers' version of RASPFLO also includes the six units in the staff course and also covers the following areas:

- Closure Powers
- Preventing Drug Use / Dealing
- Crime Prevention and Intervention
- Guest Welfare
- Ejections
- Conflict Management
- Dealing with Serious Incidents
- Incident Reporting
- Daily Due Diligence Records

XI. A qualified licensing consultant shall also be supplementary bespoke training for staff and managers on the Operational Manual. This training will use the incident of 31st October 2019 as an example of the dangers that can arise as well as the lessons learnt and procedures implemented to prevent further issues following that incident.

### 3. Licensing Audits

XII. Comprehensive licensing audits of the premises would be conducted by a qualified licensing consultant to ensure compliance with the Licensing Act 2003, the promotion of the four licensing objectives and any specific conditions attached to the premises licence.

XIII. The audits will measure the success and effectiveness of operational procedures and aim to build a body of positive due diligence evidence for the premises. They also serve as a management tool; giving confidence that the premises is compliant and acts as an early warning system if issues are identified.

XIV. The audits would cover the following areas:

- Licences and Signage
- Licence Compliance

- Door Supervisors
- Outside Management
- Fire Safety
- Record Keeping
- Internal Management
- Toilets
- CCTV & ID Scanning Equipment

XV. The audits would be conducted twice a month for the first 6 months after the premises re-opens.

XVI. The audits would be unannounced and be carried out whilst the venue was trading at peak times.

#### 4. Ongoing Support

XVII. A qualified licensing consultant shall regularly re-evaluate the compliance regime at the premises, taking into account shifting circumstances, changes in legislation, best practice and current guidance from the authorities.

XVIII. A qualified licensing consultant shall review all incident reports and provide an assessment of the incident, giving recommendations, advice and support as applicable. This may include reviewing CCTV, writing additional policies / action plans and providing additional staff training plans.

XIX. A qualified licensing consultant shall provide record books regarding licensing due diligence compliance (refusals, clicker counts, pre-opening checks etc.). The record books shall provide a comprehensive system that is simple to use.

#### 5. Conclusions

XX. The measures detailed in this plan have proven highly effective and successful at many busy late licensed clubs and bars.

XXI. The compliance plan requires a clear commitment from the leadership of the business. The licensee has assured the licensing sub-committee that the licensee is fully committed to implementing and following the compliance plan.

**844** That there shall be no shisha smoking equipment on the premises at any time.

**845** That all security staff at the premises shall be supplied by an SIA approved contractor.

**Annex 4 - Plans - Attached**

Licence No. 870760

Plan No. 01

Plan Date 11.12.13



## NOTICE OF DECISION

### LICENSING SUB-COMMITTEE –19 JANUARY 2024

#### SECTION 53A LICENSING ACT 2003: CLUB 701, BASEMENT AND GROUND FLOORS, 516 OLD KENT ROAD, LONDON SE1 5BA

##### 1. Decision

That as an interim step to promote the licensing objectives, pending the determination of the full review application in respect of the premises known as Club 701, Basement and Ground Floors, 516 Old Kent Road, London SE1 5BA at the full hearing, to be held on 8 February 2024, the licence be suspended.

##### 2. Reasons

This was an application made by the Metropolitan Police Service for a summary review under s.53A Licensing Act 2003 in respect of the premises known as Club 701, Basement and Ground Floors, 516 Old Kent Rd, London, SE1 5BA and whether it was appropriate to take interim steps pending the determination of the full application for review under s.53C of the Licensing Act 2003.

The Licensing Sub-Committee heard from the Metropolitan Police Service who advised that following a Superintendent certifying it was that in their opinion the premises were associated with serious crime, serious disorder or both, on 17 January 2024, an application was submitted for a summary review of the premises licence issued in respect of Club 701, Basement and Ground Floors, 516 Old Kent Road, London SE1 5BA. The application concerned an allegation of a serious incident that took place between 02:15 hours and 02:45 hours on 2 January 2024 when the premises should have been closed, detailed in the crime report number 3001447/24.

Pursuant to regulation 14(2) of The Licensing Act 2003 (Hearings) Regulations 2003 the members of the sub-committee heard evidence from the Police in the absence of all other members of the public, including representatives from the premises as it was considered the public interest in doing so outweighed the public interest in that part of the hearing taking place in publicly. Further, as at the time of the sub-committee, no arrests had been made and the premature disclosure of the details to the representatives for the premises could jeopardize the on-going investigation. The Police requested that as an interim step to suspend this premises licence pending the outcome of a full review on 8 February 2024.

The Licensing Sub-Committee then heard from the Designated Premises Supervisor (DPS) who confirmed that the premises was open to the public ticketed event on 1 into 2 January 2024 and there was no temporary event notice for the event, which was a Tuesday. However, the DPS was genuinely surprised that the a serious crime had taken place because he had been at the premises himself that night, it wasn't busy, with no more than 50 patrons in premises that night, so it was decided to close at 02:30 hours, with all patrons out of the premises by 03:00 hours. The DPS was unable to comment any further than this, particularly how a potential future incident could be avoided, because the premises had not been made party as to what the allegation(s) was.

The DPS stated that he had inspected the CCTV footage from that night, but he had observed nothing untoward. Furthermore, no complaint was made had been made from any person concerning the events of that night and there was a loyal team of eight SIA officers and three stewards working that night, none of whom had observed anything that could resembling serious crime or serious disorder.

The DPS also accepted he was personally responsible that no TEN was in place for the event and stated that he did not know that the premises was not authorised to open, stating that he had never been inducted about it because TENs were ordinarily submitted and it was not worth the risk to operate without it. If there had been any doubt, staff would have approached him to ensure that the TEN was in place, but nobody ever informed him and stated that the conditions of the premises was already complicated. Internationally, 1 January was considered a bank holiday and for that reason, the DPS thought that the premises was permitted to open.

It was explained to the DPS that the premises licence permitted the premises to remain open longer on New Year's morning, but there was nothing that in the premises licence that permitted opening on 1 January 2024 after 05:00 hours and should not have been opened that evening or on 2 January 2024 which was provided for in condition 396 on the premises licence. It was also noted by members that the event had been advertised on the Internet in advance was ticketed. The DPS accepted this, but stated that the event was a New Year's Day party, that was meant to run until 02:00-03:00 hours. The Chair of the sub-committee stated that this was at odds with the event being advertised as admission until 04:00 hours. The DPS attempted to explain that this was a '*promoter thing*', stating that he never planned to open that late because he knew people were tired and the promoter was aware of this.

The Licensing Sub-Committee then heard from the owner of the premises who since 2019 had very restricted role in the premises following condition 840 being placed on the licence. The owner stated that he was out of the country on 1 and 2 January 2024. The concerns from the police, were only brought to his attention on 18 January. Since that time, he had been told that there had been only 50 patrons at the premises he had met with his staff, including the SIA door staff and none one was aware of any incident that may have happened. He had also viewed the CCTV, but there was nothing to show of any serious crime as indicated on the police. It was unfair to close the premises, potentially for months, due to an alleged offence which would have a devastating impact on staff and the business.

The Licensing Sub-Committee was satisfied because the premises was open when it was not permitted to, serious crime and/or serious disorder had taken place. The premises has history of operating without the necessary permissions in place as detailed in operating history of the Agenda. The premises was also subject to a summary review in 2019 following an incident when the premises was operating without the correct authorisation in place, whether by way of a premises licence or TEN. The police also informed the sub-committee that on or around 3 January 2024 credible information had been received by the Police that members of a gang would be attending the premises and committing serious violence, although in respect of this, the premises did not open voluntarily.

Although the DPS stated that he was an experienced DPS and had held a personal licence since 2016, he contradicted himself in his verbal submission, his explanation for not submitting a TENS was poor and he had demonstrated that he did not have a full understanding with the terms of the premise licence.

The sub-committee concluded that the suspension was necessary and proportionate to promote the licensing objective of the prevention of crime and disorder and no other modifications to the premises licence would be appropriate at this time given the seriousness of the incident, the breaches of licence conditions on this occasion, and the previous operating history of the premises.

### **3. Appeal Rights**

There is no right of appeal to a Magistrates' Court against the licensing authority's decision at this stage.

The premises licence holder may make representation against any interim steps imposed and a hearing to consider the representation will be held within 48 hours of receipt of the representation. The holder of the premises licence may only make further representations if there has been a material change in circumstances since the authority made its determination.

Any representation should be in writing and cannot be received outside of normal office hours.

Issued by the Constitutional Team on behalf of the Assistant Chief Executive – Governance and Assurance

Date: 19 January 2024



## NOTICE OF DECISION

### LICENSING SUB-COMMITTEE – 8 FEBRUARY 2024

#### **SECTION 53C LICENSING ACT 2003: CLUB 701, BASEMENT AND GROUND FLOORS, 516 OLD KENT ROAD, LONDON SE1 5BA**

##### **1. Decision**

That the council's licensing sub-committee, having considered an application made under Section 53C of the Licensing Act 2003 by the Metropolitan Police Service for the review of the premises licence issued in respect of the premises known as Club 701, Basement and Ground Floors, 516 Old Kent Road, London SE1 5BA and having had regard to all relevant representations has decided it necessary for the promotion of the licensing objectives to revoke the premises licence.

##### **2. Reasons for the decision**

This was an application made by the Metropolitan Police Service for a review of the premises licence in respect of the premises known as Club 701, Basement and Ground Floors, 516 Old Kent Road, London SE1 5BA.

The licensing sub-committee heard from the representative for the Metropolitan Police Service who advised that on 17 January 2024, the Metropolitan Police Service applied for a summary review of the premises licence issued in respect of the premises following a Police Superintendent certifying that, in their opinion, the premises are associated with serious crime, serious disorder or both.

The application concerned an allegation of a very serious incident of assault that took place at the premises on 2 January 2024 between 02:15 and 02:45 at a time the premises was not authorised to be open. The premises licence did not permit the premises to be open on Tuesdays nor was there a Temporary Event Notice (TEN) in place for the premises to operate. The Police stated the incident would not have occurred had the premises been closed. Regarding the incident, it remained an on-going criminal investigation and charges had yet to be laid.

The police stated that Club 701 was a serially non-compliant premises, and that stating that the early morning of 2 January formed part of its trading day of 1 January, was not credible. They referred to condition 396: "That on Sundays prior to Bank Holiday Mondays, Christmas Eve and New Year's Eve the permitted opening hours of the premises are between 22:00 to 05:00 and licensable activities must cease at 04:00 on these days". The premises had a poor compliance history and had been given many chances over the years to comply. The premises was not capable of being run as a compliant venue which flew in the face of the prevention of crime and disorder licensing objective.

A similar serious incident had occurred after licensed hours in 2019 which had left a man in an induced coma. This resulted in the Police submitting a summary review of the premises licence. On that occasion, the licensing sub-committee suspended the

premises licence for three months, Mr Doe was prohibited from playing any part in the day-to-day management of the premises and the licence conditions were modified. The sub-committee had been lenient in 2019; the license holder had told members that the 2019 incident had been a one-off and did not justify the revocation of the licence. The 2019 incident was clearly not a one-off. The incident in the early hours of 2 January 2024 had taken place in a similar fashion and the sub-committee could not treat the breach as minor.

The police informed the sub-committee that as a result of their investigation into the incident on 2 January 2024, additional breaches of licence conditions had transpired, demonstrating wider non-compliance:

- i. CCTV footage could not be found following a flood on 17 December at the Kent Restaurant and Lounge. Police were only able to access part of CCTV as there was a missing camera and what was provided was grainy, poor quality, and incorrectly timestamped.
- ii. Males had been seen (on the CCTV) wearing hats and hoods which is a breach of condition 373 “That customers shall not be permitted to wear hats or hoods whilst inside the venue”.
- iii. The alleged perpetrator of the assault on 2 January 2024 had also not been registered on the ID scanner in breach of condition 342 which had been accepted by the venue.
- iv. Due to financial constraints, the venue had not completed training yet and had refresher training completed at speed in the previous seven days. This included “staff complete licensing SAVI training last year”. SAVI is an accreditation; it does not supply training. Enquiries made by the police, found that the venue had been historically accredited, but this had lapsed in August 2022. The premises stated that there was approximately 10 staff and that they had focussed on essential training.

The licensing sub-committee heard from licensing as a responsible authority who outlined the premises licence history and also sought a revocation of the premises licence.

The licensing sub-committee then heard from the representative for the premises who advised that it was too simplistic for the police to state that the incident would not have occurred if the premises had been closed. The incident may have occurred if a TEN was in operation or on a night when the venue was operating under the premises licence.

Regarding the incidents, the alleged suspect knew the victim in his private capacity and at the time was an off-duty doorman. The alleged assault had taken place in a separate location; accessible only to the off-duty doorman through his knowledge of the premises. The representative for the premises asserted that the incident could not have been foreseen.

When the venue was under operation as MyTribe, the venue had a proven history of violence; this was not the case now. The Police no longer regarded Club 701 as a



venue blighted with crime and disorder. The trigger incident in 2019 (that was subject to the previous expedited review) was an assault and the DPS was not effective and did not support the premises licence conditions. Furthermore, since 2019 it was a condition that Mr Doe, who was present on the day of the assault in 2019, not take part in direct day to day affairs, which he had not. In light of this, the sub-committee were invited to disregard the 2019 incident and matters raised up to 2019 had been dealt with by the licensing sub-committee at that time.

When asked about violent incidents since 2019, the DPS accepted that there had been some minor incidents, but the police had been informed of them each time and had been offered the relevant CCTV footage. The venue had always co-operated with the police and by way of example, when the police advised of the potential gang activity on 3 January 2024, the DPS voluntarily did not open. The police stated that they had been aware of nine incidents and that reports had been made by both the DPS and victims. The representative for the premises added that seven of the nine incidents resulted in no further action being taken and two were on-going. It was also made clear that the incident of 2 January took place in the adjoining Kent Restaurant and Lounge, not Club 701. The DPS was responsible only for Club 701 and not Kent Restaurant and Lounge.

Under the new DPS, the location had had a much needed revamp. New strict rules had been introduced as to how the venue was policed, such as the number of door staff. Under condition 841, six SIA door staff were required, but the new DPS had introduce eight to ten door staff on average.

The CCTV time lag had been explained to the police when the footage was provided to them. It was a minor issue that required the premises to call an IT engineer to sort out, but the police required the recordings before it could be addressed. The police had been provided with all the information needed alongside the CCTV recordings. Regarding the error with one of the CCTV cameras not being included on the USB, the police had been offered extensive opportunities to view the CCTV in situ and a further copy was supplied later.

The IT engineer was asked why the police would have said the quality wasn't good, the CCTV footage was not time stamped, some was too "grainy" or set at the wrong speed and some not time stamped, but the IT engineer was unable to explain and stated that it could be a network issue. Regardless, the DPS confirmed that the CCTV was now up to specification.

With regard to non-compliance with the ID scanner in condition 342, the sub-committee were advised that while the exact wording had not been complied with, the requirements had been. Staff were all checked in via a written record. Moving forward, the venue said door staff would go through the ID scanner and also register in the written record.

In discussions, the police advised members that they had not received the log of staff on duty for the 1-2 January and that it was the first time they had heard that the alleged perpetrator of the assault was off duty that night. The venue stated that he attended the venue for a night out as he often did. Because he was not staff that night, the representative for the premises said he would not have required to go

through the ID scanner in any event. It was confirmed that he didn't because staff knew him, but acknowledged that this was a mistake.

The police stated that people were in the venue with hoodies and hats, but the sub-committee were reminded that it was cold, it was a January night. Customers had been told to remove the offending items prior to going through the ID scanner. The police may have cited that customers wearing hoodies/hats as an example of a breach of conditions, but it was something that could be explained.

The police stated that the CCTV showed that customers were wearing hats/hoodies on the dance floor. However, because there was no time stamp on the CCTV, officers could not link those customers with the hats/hoodies with other cameras, so it couldn't be established who came into the premises' foyer wearing them and who took them off for the ID scanner and then put them back on later. Regardless, condition 373 of the premises licence provided: "Customers will not be permitted to wear hats or hoods while in the venue". Under the premises licence, the foyer was within the premises and therefore none should be worn there in any event.

The representative for the premises said that there had been 13 TENs in 2023, none of which had been objected to; so there was no reason to assume a TEN for the 2 January would be an issue. If a TEN had been submitted there was no reason it would have been objected to yet the incident may have occurred regardless. The lack of TEN was an honest mistake. The DPS assumed that a TEN wasn't needed, it was a national holiday and he believed that one was not required.

The DPS accepted that he couldn't do everything and a named member of staff ordinarily submitted on the DPS' behalf. The DPS accepted that the oversight of the TEN was his responsibility, but stressed to the sub-committee that he turned the venue around and achieved a lot of positives since he had taken over the DPS role. Ultimately, Mr Doe accepted Club 701 was his business and it was he who had to take responsibility for the lack of a TEN.

Concerning the delayed payment of the license fee, it transpired that the licensing authority had the incorrect email address and unfortunately, post was being sent to the church rather than Club 701 and the church were returning it. As soon as the premises realised the non-payment of the licence fee, it was rectified immediately.

The police had advised the sub-committee that there had been "numerous complaints from residents". This was a misleading statement. There had been complaints from residents, but this was prior to the 2019 change in management. Since that time, there had been virtually no such complaints.

This was an application made by the Metropolitan Police Service for the review of the premises licence issued in respect of the premises known as Club 701, Basement and Ground Floors, 516 Old Kent Road, London SE1 5BA.

The licensing sub-committee's role in the review application is to look at the venue's past operation and determine whether the venue was safe to reopen and whether the venue is capable of promoting the licensing objectives. It is not for the sub-committee to determine whether the incident that triggered the summary review on 2 January 2024 did or did not occur. The sub-committee is also mindful of the

sensitivity of the incident alleged to have taken place and this decision should not be taken to be determinative of the police criminal investigation.

Having heard the submissions from the police, licensing as a responsible authority, the premises and having considered all of the written representations this sub-committee found:

1. The venue previously operated under previous management as MyTribe and had its premises licence revoked.
2. In February 2016, a premises licence was issued in respect of the premises to Erico Entertainment Limited.
3. Licensing induction meetings took place with the premises on 8 July 2016, 26 November 2016, 11 June 2019. The purposes of the induction meetings is to explain the terms and conditions of the premises licence.
4. Closure Notices had been issued by the Police under section 19 of the Criminal Justice and Police Act 2001 on 13 August 2016, 10 September 2016, 23 October 2016 as a result of breaches of licence conditions.
5. Following licensing inspections, breaches of licence conditions were identified on the 2 September 2017 and 11 November 2017.
6. On 5 November 2019 an application for a summary review was made following a serious incident. At the final licensing sub-committee hearing on 28 November 2019, the premises licence was suspended for three months, the DPS was removed and licence modified with conditions, amongst which Eric Doe was to have no operational involvement in the premises.
7. On the night of 1-2 January 2024:
  - i. The suspect of the assault had not been registered through the ID scanner in breach of condition 342. The premises accepted that it had not been compliant.
  - ii. Males had been seen on CCTV wearing hats/hoods in breach of condition 373. This was accepted in part by the premises.
  - iii. The CCTV was inadequate in that CCTV footage could not be found (following a flood on 17 December at the Kent Restaurant and Lounge), there was a time lag on the CCTV, the footage was not time stamped, the quality of it was of no evidential value and the CCTV provided was missing footage from one camera. This was in breach of conditions 288, 340 and 343. Again, this was partially accepted by the premises.
  - iv. The premises also accepted that as of the 1-2 January 2024 was not up to date with its staff training, in part due to financial pressure brought by the pandemic. Although the sub-committee recognised

the impact the pandemic had on the hospitality industry, this was a breach of condition 843.

- v. The venue operated with no authorisation in place (whether under the premises licence or under a TENs).
- vi. The premises did not pay their annual license payment therefore, the premises licence was effectively suspended. The venue continued to operate regardless.
- vii. On 17 January 2024, the Metropolitan Police applied for a summary review of the premises licence relating to Club 701 under section 53A of the Licensing Act 2003. The application was accompanied by a certificate signed by a Superintendent who expressed they were of the opinion that the premises is associated with serious crime and/or serious disorder.
- viii. A remote interim steps hearing was held on 19 January 2024 to consider whether it was necessary to impose interim steps pending the full determination of that review application. Having heard representations made on behalf of both the Metropolitan Police and the Premises Licence Holder, the sub-committee determined it was necessary to suspend the premises licence until the main review hearing which took place on 8 February 2024.
- ix. The venue were used to applying for TENs and they had not exceeded its annual TENs allowance. The sub-committee found the absence of a TEN was a deliberate act of avoidance.

The incident in the early hours of 2 January may not have been foreseen, but its occurrence resulted in the discovery of breaches (of licence conditions). Attempts were made to explain the breaches, however, the sub-committee were not impressed with the explanations provided. The breaches are not “minor” and cumulatively could have a detrimental effect on the police investigation.

The police referred to the breaches as akin to the culture of non-compliance that led to incidents in 2019; the sub-committee are duty bound to consider. Compliance with licence conditions is not optional.

Under Southwark’s statement of licensing policy 2021- 2026 the premises is located in a residential area and (with the exception of hotels), the appropriate closing time for all drinking establishments in this area is recommended as appropriate within this area as 23:00 daily.

A significant number of licence breaches have taken place at this premises over a considerable period of time. The breaches in 2019 replicate those in 2024. Paragraph 4.97 of the Section 182 guidance provides:

“.....the management committee will collectively be responsible for ensuring compliance with licence conditions and the law”.

There have been issues at the premises since well before 2019. The premises licence holder was given opportunities to rectify those issues in 2019, yet the same issues and licence breaches remain five years after the previous review brought by the Police. The venue has been given ample opportunity to rectify the recurring issues, but it either has been unable or unwilling to do. Its compliance has been reactive, rather than proactive which does not promote the licensing objectives.

Both the police and licensing as a responsible authority have given the premises many chances to operate in compliance with the premises licence. Neither have confidence in the management of the venue and are of the view that it is only a matter of time before another serious incident will occur, if the premises licence is modified.

The options available to this sub-committee are:

i. **Take no action**

The licensing sub-committee have found a significant number of breaches have taken place and taking no action is not an option.

ii. **Modify the conditions of the licence by altering, omitting or adding any conditions**

The premises licence already contains extensive conditions. The representative for the premises suggested modifications of the licence, which included conditioning the operational door between the venue and the Kent Lounge being locked (save for when the Kent Lounge is operational), hourly checks on all members of staff to ensure they are in post and performing their duties and All front of house staff attending Southwark's VAWG training. The licensing authority were also informed that the venue would establish a PO Box and provided an email address.

The premises has been in breach of its licence conditions on a number of occasions and the sub-committee were not satisfied that the addition of further conditions would be complied with given that the premises were unable to comply with the conditions that already exists on its licence.

iii. **Exclude a licensable activity**

The only activity that could be excluded from the licence would be the sale of alcohol. This would be tantamount to a revocation of the licence.

iv. **Remove the designated premises supervisor**

The licensing sub-committee did consider removing the DPS. However, the sub-committee concluded that in order for there to be a material change in Club 701, there needed to be a complete overhaul of senior management of the venue.

v. **Suspend the licence**

With the specifics of this case, a suspension of the licence was considered punitive only and this sub-committee took the view that this was not an appropriate course of action given all the circumstances.

vi. **Revoke the licence**

Paragraph 11.10 of the Section 182 guidance provides “Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this cooperation.

Paragraph 11.20 of the Section 182 Guidance provides:

“In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.”

It is fundamental to the operation of a well-run venue that it has the proper senior management in place who understand their roles and responsibilities. It is quite apparent that this is not the case at Club 701. This sub-committee is not satisfied that the venue has the senior management that have adequately addressed the reasons for their failings following the alleged incident on 2 January 2024. This licensing sub-committee is also not satisfied that any further measures could be put in place to ensure future compliance that would promote the licensing objectives, in particular, the prevention of crime and disorder licensing objective.

In reaching this decision the sub-committee had regard to all the relevant considerations, its equality duties 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 District Judge’s Clerk for the Magistrates’ Court for the area within the period of 21

days beginning with the day on which the appellant was notified by this licensing authority of the decision.

This decision does not have effect until either

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

#### **4. Review of interim steps pending appeal**

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

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

The interim steps are open to appeal by:

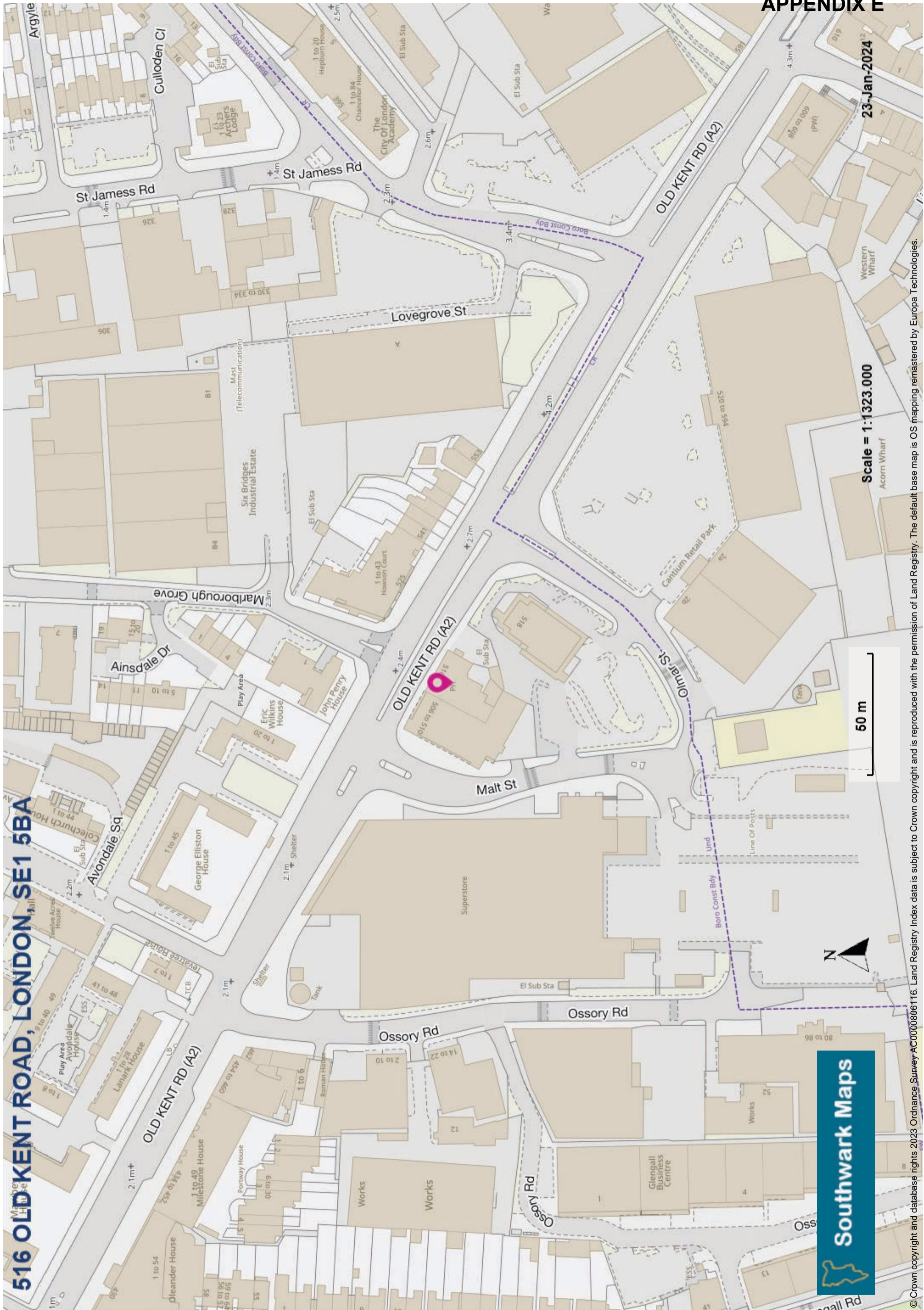
- a) The chief officer of police for the police area in which the premises is situated;  
or
- b) The holder of the premises licence

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

Issued by the Constitutional Team on behalf of the Assistant Chief Executive – Governance and Assurance.

Date: 20 February 2024

**516 OLD KENT ROAD, LONDON, SE1 5BA**



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