

## Licensing Sub-Committee

Thursday 30 May 2024

10.00 am

Online/Virtual

### Membership

Councillor Renata Hamvas  
Councillor Margy Newens  
Councillor Kath Whittam  
Councillor Charlie Smith  
Councillor Suzanne Abachor  
Councillor Sabina Emmanuel

Councillor Barrie Hargrove  
Councillor Sunny Lambe  
Councillor Sandra Rhule  
Councillor Jane Salmon  
Councillor Andy Simmons  
Councillor Ian Wingfield

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### INFORMATION FOR MEMBERS OF THE PUBLIC

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#### Access to information

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

#### Babysitting/Carers allowances

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#### Access

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#### Contact

Andrew Weir by email: [andrew.weir@southwark.gov.uk](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: 21 May 2024



## Licensing Sub-Committee

Thursday 30 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: BIRD HOUSE BREWING COMPANY, ARCH UNIT 1127, BATH FACTORY ESTATE, 41 NORWOOD ROAD, LONDON SE24 9AJ</b>	1 - 64
6.	<b>LICENSING ACT 2003: RINCON COSTENO, ARCH 146 MALDONADO WALK, EAGLE YARD, HAMPTON STREET, LONDON SE1 6SP</b>	65 - 137



<b>Item No.</b>	<b>Title</b>	<b>Page No.</b>
7.	<b>LICENSING ACT 2003: MALIBU RESTAURANT BAR, 229 OLD KENT ROAD, LONDON SE1 5LU</b>	138 - 215

**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: 21 May 2024

<b>Meeting Name:</b>	Licensing Sub-Committee
<b>Date:</b>	30 May 2024
<b>Report title:</b>	Licensing Act 2003: Bird House Brewing Company, Arch Unit 1127, Bath Factory Estate, 41 Norwood Road, London SE24 9AJ
<b>Ward(s) or groups affected:</b>	Dulwich Village
<b>Classification:</b>	Open
<b>Reason for lateness (if applicable):</b>	N/a

## RECOMMENDATION

1. That the licensing sub-committee considers an application made Bird House Brewing Company to vary the premises licence granted under the Licensing Act 2003 in respect of the premises known as Bird House Brewing, Arch Unit 1127, Bath Factory Estate, 41 Norwood Road, London SE24 9AJ.
2. Notes:
  - a) The application seeks to vary the premises licence held in respect of the premises known as Bird House Brewing, Arch Unit 1127, Bath Factory Estate, 41 Norwood Road, London SE24 9AJ 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 responsible authorities and is therefore referred to the licensing sub-committee for determination.
  - b) Paragraphs 12 to 15 of this report provide a summary of the application. A copy of the application submitted with the application are attached to this report at Appendix B.
  - c) Paragraphs 16 to 22 of this report deal with the representations submitted in respect of the application. A copy of the representations from the responsible authorities are available at Appendix C. A map showing the location of the premises is attached to this report at Appendix E.
  - d) A copy of the council's approved procedure for hearings of the sub-committee in relation to an application made under the Licensing Act 2003, along with a copy of the hearing regulations, has been circulated to all parties to the meeting.

## **BACKGROUND INFORMATION**

### **The Licensing Act 2003**

3. The Licensing Act 2003 provides a licensing regime for:
  - The sale of and supply of alcohol
  - The provision of regulated entertainment
  - The provision of late night refreshment.
4. Within Southwark, the licensing responsibility is wholly administered by this council.
5. The Act requires the licensing authority to carry out its functions under the Act with a view to promoting the four stated licensing objectives. These are:
  - The prevention of crime and disorder
  - The promotion of public safety
  - The prevention of nuisance
  - The protection of children from harm.
6. In carrying out its licensing functions, a licensing authority must also have regard to:
  - The Act itself
  - The guidance to the act issued under Section 182 of the Act
  - Secondary regulations issued under the Act
  - The licensing authority's own statement of licensing policy
  - The application, including the operating schedule submitted as part of the application
  - Relevant representations.
7. The premises licence application process involves the provision of all relevant information required under the Act to the licensing authority with copies provided by the applicant to the relevant responsible bodies under the Act. The application must also be advertised at the premises and in the local press. The responsible authorities and other persons within the local community may make representations on any part of the application where relevant to the four licensing objectives.

## **KEY ISSUES FOR CONSIDERATION**

### **The current premises licence**

8. The current premises licence was issued on 23 June 2023.
9. The hours on the current licence are:
  - The sale by retail of alcohol (on and off sales):
    - Monday to Saturday: 11:00 to 23:00
    - Sunday: 12:00 to 22:00

- Opening hours:
  - Monday to Saturday from 11:00 to 23:30
  - Sunday from 12:00 to 22:30

10. The designated premises supervisor (DPS) is Frazer Hugo Timmerman.

11. A copy of the current premises licence is attached at Appendix A.

### **The variation application**

12. On 2 April 2024 2024 Bird House Brewing Company applied to this Council to vary the premises licence under the Licensing Act 2003 in respect of the premises known as Bird House Brewing, Arch Unit 1127, Bath Factory Estate, 41 Norwood Road, London SE24 9AJ.

13. The hours applied for are summarised as follows:

- The sale by retail of alcohol (both on and off sales):
  - Sunday to Thursday: 23:00 to 00:00
  - Friday and Saturday from 23:00 to 01:00
- The provision of late night refreshment (indoors):
  - Sunday to Thursday from 23:00 to 00:00
  - Friday and Saturday from 23:00 to 01:00
- The provision of regulated entertainment in the form of live and recorded music (indoors):
  - Sunday to Thursday: 11:00 to 00:00
  - Friday and Saturday: 11:00 to 01:00
- Opening hours:
  - Sunday to Thursday from 23:00 to 00:30
  - Friday and Saturday from 23:00 to 01:30
- Seasonal variations for all licensable activities and opening hours:
  - Sundays before Bank Holidays, Christmas Eve and New Year's Eve from 11:00 to 01:00.

14. The premises, and the intended operation of the premises, are described in the application as follows:

- "To approve the new plan layout. To include live and recorded music and late night refreshment for the hours set out in the operating schedule and to extend the hours for the sale of alcohol until 01:00hrs on Fridays, Saturdays and Sundays before a Bank Holiday, Christmas Eve and New Year's Eve".

15. A copy of the application is attached to this report at Appendix B.

### **Representations from responsible authorities**

16. There are two representations from responsible authorities, namely the Metropolitan Police Service (Licensing Division) and the council's licensing authority in their role as responsible authority.
17. The representation from the police is written with a view to the prevention of crime and disorder licensing objective and points to the applied hours being in excess of those recommended in the Southwark statement of licensing policy. They also ask for additional conditions.
18. The representation from the licensing authority is made under the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance. It notes that the hours applied are outside of the Southwark statement of licensing policy, with a concern of the locality to local residents.
19. The representations are available in Appendix C.

### **Representations from other persons**

20. There are no representations from other persons.

### **Conciliation**

21. The representations were sent to the applicant's representative. The police have conciliated their representation and have since withdrawn, agreeing a raft of additional conditions.
22. The police withdrawal is available in Appendix D. Due to the excess hours, the licensing authority is unable to withdraw and therefore refer the matter to the licensing sub-committee for determination.

### **Premises history**

23. The current premises licence was issued on 23 June 2023.
24. There is no history of temporary event notices at the premises.
25. There is no history of complaints against the premises.

### **Map**

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

#### **Herne Hill Convenience Store, 87 Norwood Road, London SE24 9AA:**

- The sale of alcohol (off sales):
  - Monday to Sunday: 08:00 to 23:00

**No 2 Chinese Takeaway, 85 Norwood Road, London SE24 9AA:**

- The provision of late night refreshment (indoors):
  - Friday and Saturday: 23:00 to 02:00

**Maroon, 75-79 Norwood Road, London SE24 9AA:**

- The sale of alcohol (on and off sales):
  - Monday to Sunday: 12:00 to 23:00
- The provision of late night refreshment (indoors):
  - Friday and Saturday: 23:00 to 00:00
- The provision of regulated entertainment in the form of live and recorded music (indoors):
  - Friday and Saturday: 23:00 to 00:00

**Fireaway Pizza, 69 Norwood Road, London SE24 9AA:**

- The provision of late night refreshment (indoors):
  - Monday to Sunday: 23:00 to 03:00

**Olley's Fish Experience, 65 Norwood Road, London SE24 9AA:**

- The sale of alcohol (on and off sales):
  - Monday to Sunday: 10:00 to 00:00
- The provision of late night refreshment (indoors):
  - Monday to Sunday: 23:00 to 00:00
- The provision of regulated entertainment in the form of live and recorded music (indoors):
  - Monday to Sunday: 10:00 to 00:00.

**Southwark Council statement of licensing policy**

27. Council assembly approved Southwark's statement of licensing policy 2021-2026 on 25 November 2020 and it came into effect on 1 January 2021.
28. 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 licenses 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.
29. 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.
30. Members should take into consideration both the Southwark statement of licensing policy and the Section 182 Guidance when making decisions. The links for these are below:

Southwark policy:

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

Section 182 Guidance:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/705588/Revised\\_guidance\\_issued\\_under\\_section\\_182\\_of\\_the\\_Licensing\\_Act\\_2003\\_April\\_2018\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf)

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

31. The premises lies outside of a cumulative impact policy area. The area is considered to be residential. The recommended closing hours for premises are as follows:
- Restaurants: 23:00 daily
  - Public houses: 23:00 daily.

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

### **Community impact statement**

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

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

33. 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.
34. 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.
35. 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>.

36. The equalities impact assessment is available at:

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

### **Health impact statement**

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

### **General guidance**

38. Members should take into consideration both the Southwark statement of licensing policy and the Section 182 Guidance when making decisions.



39. 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.

### **Climate change implications**

40. Following council assembly on 14 July 2021, the council is committed to considering the climate change implications of any decisions.
41. 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.
42. 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.
43. The council's climate change strategy is available at:

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

### **Resource implications**

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

### **Consultation**

45. 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 a similar notice was exhibited outside of the premises for a period of 28 consecutive days.

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

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

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

## Principles for making the determination

48. 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.
49. 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.
50. 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.
51. 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

52. 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.
53. The four licensing objectives are;
  - The prevention of crime and disorder
  - Public safety
  - The prevention of nuisance
  - The protection of children from harm.
54. 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.
55. 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.
56. 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.

57. Members are also referred to the Home Office Revised Guidance issued under section 182 of the Licensing Act 2003 on conditions, specifically section

### **Reasons**

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

### **Hearing procedures**

59. 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.

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

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

61. 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.
62. 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.
63. 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.
64. 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.
65. 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.
66. 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.
67. 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.

68. 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

69. 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

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

### APPENDICES

Name	Title
Appendix A	Current premises licence
Appendix B	Copy of the application
Appendix C	Representations from responsible authorities
Appendix D	Withdrawal by the police
Appendix E	Map of locality

## AUDIT TRAIL

<b>Lead Officer</b>	Toni Ainge, Strategic Director Environment, Neighbourhoods and Growth	
<b>Report Author</b>	Andrew Heron, Principal Licensing Officer	
<b>Version</b>	Final	
<b>Dated</b>	15 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>	17 May 2024	

# Licensing Act 2003 Premises Licence



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

Premises licence number

880516

## Part 1 - Premises details

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>	
Bird House Brewing Company Arch Unit 1127, Bath Factory Estate 41 Norwood Road London SE24 9AJ	
Ordnance survey map reference (if applicable), 532115174109	
<b>Post town</b> London	<b>Post code</b> SE24 9AJ
<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            11:00 - 23:30
Tuesday          11:00 - 23:30
Wednesday      11:00 - 23:30
Thursday        11:00 - 23:30
Friday            11:00 - 23:30
Saturday        11:00 - 23:30
Sunday           12:00 - 22:30

<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	11:00 - 23:00
Tuesday	11:00 - 23:00
Wednesday	11:00 - 23:00
Thursday	11:00 - 23:00
Friday	11:00 - 23:00
Saturday	11:00 - 23:00
Sunday	12:00 - 22:00

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

Monday	11:00 - 23:00
Tuesday	11:00 - 23:00
Wednesday	11:00 - 23:00
Thursday	11:00 - 23:00
Friday	11:00 - 23:00
Saturday	11:00 - 23:00
Sunday	12:00 - 22:00



**Part 2**

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

Bird House Brewing Company Ltd

[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

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

14530733

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

Frazer Hugo Timmerman

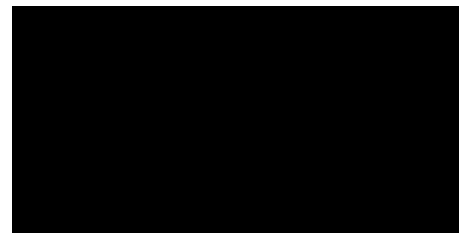
[Redacted]  
[Redacted]

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

Licence No. [Redacted]

Authority. [Redacted]

Licence Issue date 20/06/2023



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** The introduction of a Challenge 25 policy

**341** Staff will receive training on the subject of public relations: customers will be asked to leave the premises quietly.

**302** Staff will receive training on drugs in licensed premises: they shall remain vigilant to the use of illegal drugs.

**295** Any suspected illegal drugs found on the premises shall be reported to the police whereby an arrangement shall be put in place for the collection of the substances.

**172** That a first aid kit shall be installed on the premises and available for use at all times the public are on the premises.

**342** That an incident log book shall be introduced and maintained at all times.

**263** That the installation of an adequate arrangement of lighting is put in place for the safe access and egress of the public and staff while on the premises.

**316** That any necessary deliveries for the operation of the premises are arranged at such time so as to reduce / prevent any nuisance to the local residents.

**343** That staff shall assist any customer if requested at closing in the location of public or hire transportation.

**344** That the provision of music on the premises shall be played at a level that shall not cause a nuisance to the local residents or the surrounding other businesses.

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

**Annex 4 - Plans - Attached**

Licence No. 880516

Plan No. N/A

Plan Date 2 April 2015

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

02/04/2024

Business - Application to vary a premises licence under the Licensing Act 2003  
Ref No. 2205154

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

	Bird House Brewing Company Ltd
Premises licence number	880516

#### 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



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

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.

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

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)

£	12500
---	-------

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

Address Line 1	ARCH UNIT 1127
Address Line 2	BATH FACTORY ESTATE
Town	LONDON
County	
Post code	SE24 9AJ
Ordnance survey map reference	
Description of the location	
Telephone number	

## Part 2 - Applicant details

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

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

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

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

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

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

	No
--	----

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

	To approve a new layout plan. To include Live music, recorded music and late night refreshment for the hours set out in the operating schedule and to extend the hours for the sale of alcohol until 0100 on Fridays, Saturdays, Sundays before a Bank Holiday, Christmas Eve and New Years Eve.
--	--

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

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

**Notes**

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

**IN ALL CASES COMPLETE BOXES K, L AND M**

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

	e) Live music (If ticking, fill in box E)
	f) Recorded music (If ticking, fill in box F)

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

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

**Supply of alcohol (if ticking fill in box J)**

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

**In all cases complete boxes K, L and M**

**Will the performance of live music take place indoors or outdoors or both? ( Please read guidance note 4 )**

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

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

Please give further details here ( Please read guidance note 5 )

	amplified and non-amplified music
--	-----------------------------------

Standard days and timings for Live Music ( Please read guidance note 8 )

Day	Start	Finish
Mon	11:00	00:00
Tues	11:00	00:00
Wed	11:00	00:00
Thur	11:00	00:00
Fri	11:00	01:00
Sat	11:00	01:00
Sun	11:00	00:00

State any seasonal variations for the performance of live music ( Please read guidance note 6 )

	Sundays before a Bank Holiday, Christmas Eve and New Years Eve 1100 until 0100
--	--

Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed. ( Please read guidance note 7 )

--	--

4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
5. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
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 you intend the premises to be used for the activity.

Will the playing of recorded music take place indoors or outdoors or both? ( Please read guidance note 4 )

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

Please give further details here ( Please read guidance note 5 )

	amplified music
--	-----------------

Standard days and timings for Recorded Music ( Please read guidance note 8 )

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

Day	Start	Finish
Mon	11:00	00:00
Tues	11:00	00:00
Wed	11:00	00:00
Thur	11:00	00:00
Fri	11:00	01:00
Sat	11:00	01:00
Sun	11:00	00:00

State any seasonal variations for playing recorded music ( Please read guidance note 6 )

Sundays before a Bank Holiday, Christmas Eve and New Years Eve 1100 until 0100
--

Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed. ( Please read guidance note 7 )

--

4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
5. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
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 you intend the premises to be used for the activity.

Will the provision of late night refreshment take place indoors or outdoors or both? ( Please read guidance note 4 )

Indoors
---------

Please give further details here ( Please read guidance note 5 )

hot food and drink
--------------------

Standard days & timings for Late night refreshment (Late night start time is from 23.00, see guidance notes 8)

Day	Start	Finish
Mon	23:00	00:00
Tues	23:00	00:00
Wed	23:00	00:00
Thur	23:00	00:00



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

Fri	23:00	01:00
Sat	23:00	01:00
Sun	23:00	00:00

State any seasonal variations for the provision of late night refreshment ( Please read guidance note 6 )

	Sundays before a Bank Holiday, Christmas Eve and New Years Eve 1100 until 0100
--	--

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

--	--

4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
5. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
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 you intend the premises to be used for the activity.

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

	Both
--	------

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

Day	Start	Finish
Mon	11:00	00:00
Tues	11:00	00:00
Wed	11:00	00:00
Thur	11:00	00:00
Fri	11:00	01:00
Sat	11:00	01:00
Sun	11:00	00:00

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

	Sundays before a Bank Holiday, Christmas Eve and New Years Eve 1100 until 0100
--	--

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 )

	none
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#### 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	11:00	00:30
Tues	11:00	00:30
Wed	11:00	00:30
Thur	11:00	00:30
Fri	11:00	01:30
Sat	11:00	01:30
Sun	11:00	00:30

State any seasonal variations ( Please read guidance note 6 )

	Sundays before a Bank Holiday, Christmas Eve and New Years Eve 1100 until 0130
--	--

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.

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

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.

	None
--	------

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

	<a href="#">Premises-licence.pdf</a>

Reason for not uploading the premises licence

--	--

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

	A risk assessment will be undertaken to identify the need for SIA door supervisors on those days when the premises is selling alcohol beyond midnight. Whilst a variation to extend the hours is being sought those hours will not be used 52 weeks of the year, hence not proposing a condition for a permanent SIA provision.
--	---

b) the prevention of crime and disorder

	no additional conditions are required
--	---------------------------------------

c) public safety

	no additional conditions are required
--	---------------------------------------

d) the prevention of public nuisance

	no additional conditions are required
--	---------------------------------------

e) the protection of children from harm

	no additional conditions are required
--	---------------------------------------

#### Guidance note 11

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



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

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

Upload proposed plans	<u>Bird-House-Brewery-Plans-2024.pdf</u>
Upload existing plans	

Checklist

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

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

I agree to the above statement

	I agree
PaymentDescription	
AuthCode	
LicenceReference	
PaymentContactEmail	

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

Full name	
Date (DD/MM/YYYY)	
Capacity	

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	
---	--

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

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

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

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

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

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

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



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

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

Tel: 020 7232 6756

Email: SouthwarkLicensing@met.police.uk

**Our reference:** MD/24/302

**Date:** 12/04/2024

Dear Sir/Madam

**Re:- Bird House Brewery Co. Arch Unit 1127 Bath Factory Estate SE24 9AJ**

Police are in possession of an application from the above for full variation to their premises licence to extend their operating times for licensable activities and the terminal hour. The application does not provide a description of how it operates and has requested the following hours which are outside the hours recommended in the Southwark statement of Licensing Policy for such a venue in the Herne Hill District Town Centre Area

Open hours to public  
 Sun-Thurs-1100hrs-0030hrs  
 Fri-Sat-1100hrs-0130hrs

Supply of Alcohol on sales  
 Sun-Thurs-1100hrs-0000hrs  
 Fri-Sat-1100hrs-0100hrs

Late Night Refreshment  
 Sun-Thurs-2300hrs-0000hrs  
 Fri-Sat-2300hrs-0100hrs

Recorded Music  
 Sun-Thurs-1100hrs-0000hrs  
 Fri-Sat-1100hrs-0100hrs

Live Music  
 Sun-Thurs-1100hrs-0000hrs  
 Fri-Sat-1100hrs-0100hrs

The venue currently holds a licence which when issued carried minimal conditions and may have reflected its operation and hours granted, however with the current application Police are concerned that despite the later hours the applicant has deemed that no additional conditions are required to address the licensing objectives in particular that of Prevention of crime and disorder.

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 must be precise and enforceable.

Police would ask the applicant to consider the following control measures to address the licensing objectives and progress the application

1. That a digital CCTV system shall be installed at the premises, shall be maintained in full working order and shall be continually recording at all times that the premises are in use. The CCTV system must be capable of capturing a clear facial image of every person who enters the premises in all lighting conditions. The CCTV system shall be correctly time and date stamped at all times. The CCTV system shall cover all interior and exterior areas of the premises, including the frontage of the premises, and shall collect clearly defined / focused footage. That all CCTV footage shall be kept for a period of thirty one (31) days and shall be made immediately available to Police and responsible authority officers on request.
2. That a member of staff shall be on duty at all times that the premises are in use, who is trained in the use of the CCTV system and who is able to view, and download to a removable storage device, CCTV footage at the immediate request of Police and responsible authority officers.
3. That clearly legible signage shall be prominently displayed where it can easily be seen and read by customers advising to the effect that CCTV is in operation at the premises. The signage shall be kept free from obstructions at all times.
4. That all relevant staff shall be trained in their responsibilities under the Licensing Act 2003, the promotion of the licensing objectives and the terms and conditions of this licence. Records pertaining to such training ('the staff training logs') shall be kept at the premises, shall be updated every 6 months and shall be made immediately available to responsible authority officers on request. The training logs shall include the trainee's name (in block capitals), the trainer's name (in block capitals), the date(s) of training and a declaration that the training has been received and understood by the trainee. If the staff training logs are a paper hardcopy then the signature of the trainee, the signature of the trainer shall be included. That all Digital records of training and/or logs shall be made immediately available to Police and responsible authority officers on request.
5. Clearly legible signs shall be prominently displayed where they can easily be seen and read by customers at all exits from the premises, requesting that  
(A) Requesting people leave the premises in a quiet and orderly manner so as not to disturb local residents.  
(B) Customers do not consume alcoholic drinks bought at the premises in the vicinity of the premises. Such signs shall be maintained free from obstruction when the premises are in use.

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

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

The incident book/incident recording system shall record the time, date, location, and description of each incident as well as the printed 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 and accessible at the premises at all times that the premises are in use in accordance with this licence and shall be made available immediately to Police and responsible authority officers upon request. A record of the preceding 12 months' incidents shall be available at the premises at any time. That all Digital records of training and/or logs shall be made immediately available to Police and responsible authority officers on request.

7. That if a Pubwatch scheme exists in respect of the local area, then the licensee / management will join and participate in the Pubwatch scheme. (details can be obtained from Southwark Police Licensing and Night Time Economy team)

8. Premises must have a welfare and vulnerability policy and all staff must receive this training. All new staff must receive this training before starting their role and all staff must have refresher training every 12 months. All training must be recorded and these records must be available on immediate request by responsible authority officers. That all Digital records of training and/or logs shall be made immediately available to Police and responsible authority officers on request.

9. The venue shall support "Ask for Angela" or another similar safety initiative and posters shall be displayed on the premises. All staff shall be trained in "Ask Angela" or a similar safety initiative and a record of this training shall be kept on the premises and made available for inspection immediately to responsible authority officers upon request. That all Digital records of training and/or logs shall be made immediately available to Police and responsible authority officers on request.

10. That a dispersal policy to assist with patrons leaving the premises in an orderly and safe manner shall be devised and maintained regarding the premises. A copy of the dispersal policy shall be accessible at the premises at all times that the premises are in operation. The policy should include (but not necessarily be limited to) the following:

- I. Details as to how customer / staff egress at the premises shall be managed to minimise causing nuisance.<sup>11</sup>
- II. Details of public transport in the vicinity and how customers will be advised in respect of it.
- III. Details of the management of taxis to and from the premises.
- IV. Details of the management of any 'winding down' period at the premises.

V. Details of the use of security and stewarding in respect of managing customer dispersal from the premises.

VI. Details of road safety in respect of customers leaving the premises.

VII. Details of the management of ejections from the premises.

VIII. Details as to how any physical altercations at the premises are to be managed

X. Details of how refuse / waste in the local vicinity arising through the operation of the premises will be cleared up (e.g. flyer clean up, post event clean up).

11. A minimum of one (1) SIA registered door supervisor will be employed at the premises on any day when the terminal hour is beyond midnight. The Sia Registered door supervisor shall be employed from 2100hrs until all patrons have vacated the premises and the vicinity of the premises

12. That a minimum of one(1) SIA registered door supervisor shall wear body worn video cameras and all footage is to be made immediately available to police or any responsible authority officer upon request.

13. That SIA registered door supervisors will be employed to control entry to the premises, to deal with the searching / scanning of customers, to deal with any anti-social or disorderly behaviour at the premises, to deescalate confrontations, to assist with emergency escape from the premises, to deal with the ejection of people from the premises and to assist management in liaising with the police regarding instances of crime and to assist with ensuring that the premises' dispersal policy is adhered to. At the close of business they shall proactively encouraging patrons to vacate the premises. The door supervisors shall be easily identifiable.

A zero-tolerance drugs and weapons policy shall be undertaken at the premises.

(a) Anybody found with / using drugs and / or weapons will be ejected from the premises and shall not be admitted to the premises again.

(b) The details of any person found dealing drugs or using weapons will be taken (if possible) and given to the police.

(c) Any person who is suspected of having drugs on their person will be asked to consent to a search, and should they refuse the search that person shall be ejected from the premises.

14. All off sales of alcohol shall be in sealed containers for consumption away from the premises.

15. There shall be no removal of glassware by patrons from the premises after 0000hrs.

The Metropolitan Police object to the granting of the variation to the licence as the applicant has not offered sufficient control measures to address concerns in regards to the Prevention of Crime and Disorder. Police welcome the opportunity to conciliate the application.

Submitted for your consideration.  
Yours Sincerely

PC Ian Clements 2362AS

Licensing Officer  
Southwark Police Licensing



<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> 30 April 2024
<b>Subject:</b>	Representation	
<b>Act:</b>	The Licensing Act 2003 (the Act)	
<b>Premises:</b>	Arch Unit 1127, Bath Factory Estate, London, SE24 9AJ	
<b>Application number:</b>	<b>882715</b>	
<b>Location ID:</b>	184512	<b>Ward:</b> Dulwich Village

We object to the grant of an application to vary a premises licence, submitted by Bird House Brewing Company Ltd under The Licensing Act 2003 (the Act), in respect of the premises known as Arch Unit 1127, Bath Factory Estate, London, SE24 9AJ

### 1. The extant licence

The extant premises licence (licence number 880516) allows for licensable activities and opening hours as follows –

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

**Monday - Saturday: 11:00 – 23:00**  
**Sunday: 12:00 – 22:00**

#### The opening hours of the premises:

**Monday - Saturday: 11:00 – 23:30**  
**Sunday: 12:00 – 22:30**

The premises is described on its website as a cocktail bar / street food venue / brewery and tap room (see figure 1 below).

**Figure 1:** Premises website home page as of 30 April 2024





A copy of premises licence 880516 is attached as appendix 1.

## **2. The variation application –**

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

- *“To approve a new layout plan. To include Live music, recorded music and late night refreshment for the hours set out in the operating schedule and to extend the hours for the sale of alcohol until 0100 on Fridays, Saturdays, Sundays before a Bank Holiday, Christmas Eve and New Years Eve.”*

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

**Sunday - Thursday:           extended until 00:00 (midnight)**  
**Friday and Saturday:       extended until 01:00**

**Sundays before a  
 Bank Holiday,  
 Christmas Eve  
 and New Year’s Eve:       extended until 01:00**

The application seeks to *newly* permit the following licensable activities during the times stated:

### **Live & recorded music (indoors):**

**Sunday – Thursday:       11:00 – 00:00**  
**Friday and Saturday:     11:00 – 01:00**

**Sundays before a  
 Bank Holiday,  
 Christmas Eve  
 and New Year’s Eve:       11:00 – 01:00**

### **Late night refreshment (indoors):**

**Sunday – Thursday:       23:00 – 00:00**  
**Friday and Saturday:     23:00 – 01:00**

**Sundays before a  
 Bank Holiday,  
 Christmas Eve  
 and New Year’s Eve:       23:00 – 01:00**

### **Opening hours:**

**Sunday – Thursday:       11:00 – 00:30**  
**Friday and Saturday:     11:00 – 01:30**

**Sundays before a  
 Bank Holiday,  
 Christmas Eve  
 and New Year’s Eve:       11:00 – 01:30**

### 3. The Locale

The premises are located in an industrial park (called Bath Factory Estate) to the north of Norwood Road. Bath Factory Estate primarily comprises railway arches under a mainline railway viaduct.

Norwood Road is a busy road both day and night and has bus routes running along it. The entrance to Bath Factory Estate is in a parade of shops on Norwood Road.

Trains run atop the viaduct throughout the day until late at night (with reduced frequency late at night).

The areas immediately behind (and to the east), and to the south, of Bath Factory Estate are almost entirely residential.

During the evening and early nighttime the area to the west / north west of the premises (Norwood Road, the junction of Norwood Road, Herne Hill and Dulwich Road, and the area near Herne Hill Rail Station) is busy. There are other licensed premises, including bars and pubs, in that locale, however the areas immediately to the east and to the south of Bath Factory Estate are very quiet, comprising almost exclusively residential dwellings.

**Figure 2: View of the premises entrance looking east across Norwood Road**



**Figure 3: View looking south down Norwood Road from outside the entrance to Bath Factory Estate & showing Brockwell Park to the left**





**Figure 4:** View looking north up Norwood Road towards the Norwood Road, Dulwich Road and Herne Hill junction



**Figure 5:** View looking south down Stradella Road, which runs parallel to the east, and to the rear of, Bath Factory Estate



**Figure 6:** View further south down Stradella Road





**Figure 7:** View further south on Stradella Road



**Figure 8:** View from immediately outside the southern entrance / exit to / from Bath Factory Estate looking due east on Croxted Road



**Figure 9:** View further down Croxted Road



A map of the locale, showing proximity to residential properties on Stradella Road and Croxted Road is attached as appendix 2.

#### **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 all of the licensing objectives.

We say that the late night / early morning sale of alcohol is likely to have a negative effect on the promotion the crime and disorder and the prevention of public nuisance licensing objectives. Late night venues also pose more of a risk regarding public safety and the prevention of children from harm.

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 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 and amenity of 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 operational hours suggested in the SoLP exist to protect residents in the borough.

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

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.

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 this very licensing sub-committee itself.

We therefore contend that the licensing sub-committee must determine this application, rather than the application be granted under '*tacit consent*' – which would mean that the licensing sub-committee would have *no say* in determining an application that runs contrary to the suggested operating hours in this council's SoLP.



Notwithstanding the above, we note that in the application the applicant stated that no additional conditions are required, but also that the applicant has agreed to a number of additional licence conditions with the police. If the licensing sub-committee is minded to grant the application we ask that they consider imposing the following conditions to promote the licensing objectives:

### **B. the prevention of crime and disorder**

1. That on Friday and Saturday all customers leaving the premises after 21:00 hours and who wish to re-enter the premises will be subject to a further search, when searches are being conducted in respect of customer entry to the premises.

### **C. Public safety**

2. That the maximum number of people permitted on the premises at any one time (the 'accommodation limit') is **XXX** people (excluding staff). The accommodation limit shall be known by all staff and shall not be exceeded at any time.

<< '**XXX**' to be determined by the applicant - **WM**>>

3. That an entry policy will be devised and maintained at the premises. A copy of the entry policy shall be kept at the premises with the premises licence and shall be made immediately available for inspection to council and / or police officers on request. The entry policy shall cover (but not necessarily be limited to):
  - I. Safe customer entry to the premises,
  - II. If / when applicable searching / scanning of attendees,
  - III. The barring of customer entry to the premises for any reason,
  - IV. Restricted items (e.g. weapons / drugs or any other items restricted by the licensee),
  - V. Pre-opening safety checks of the premises,
  - VI. Dealing with overcrowding and / or crowd surges
  - VII. Dealing with suspect packages

All relevant staff shall be trained in the implementation of the latest version of the entry policy and details of such training shall be recorded in the staff training logs at the premises.

4. That clearly legible signage shall be displayed where it can easily be seen and read by customers and staff identifying all emergency escape routes and emergency exits at the premises. Such signage shall be kept free from obstructions at all times.
5. That all emergency exits, emergency escape routes and entry / exit doors at the premises shall be kept free from obstructions at all times that the premises are in use.
6. That appropriate first aid equipment / materials shall be kept at the premises in a dedicated first aid box / boxes. The first aid box(es) shall be kept easily accessible and unobstructed at all times. All staff shall be made aware of where the first aid boxes are located.
7. That all public areas of the premises (including any public toilets) shall be kept in a sanitary, clean and tidy state at all times that the premises are in operation so that members of the public are at no risk at the premises regarding sanitation at the premises.
8. That any spills of liquid onto the floor of the premises' shall be cleared away as soon as possible on a continuous basis whilst the premises are in use. Any wet floors will

be clearly demarcated as such to prevent slips being caused by the wet floors. All relevant staff shall be trained in this, and details of such training including the printed name(s) of the trainee(s), and the date(s) that the training was given, shall be recorded in the staff training logs at the premises.

9. That broken or waste glass / earthenware shall be cleared away as soon as possible on a continuous basis whilst the premises are in use to minimise risk of injury. All relevant staff shall be trained in this, and details of such training including the printed name(s) of the trainee(s), and the date(s) that the training was given, shall be recorded in the staff training logs at the premises.
10. That all areas of the premises and all fittings and equipment, door fastenings, notices, lighting, heating, electrical, toilet, washing and other installations, will be maintained in good order and in a safe condition at all times.

#### **D. The prevention of public nuisance**

11. That only management staff shall have access to any amplification equipment at the premises, and only management staff shall be permitted to change any control settings on said equipment.
12. That a noise management plan (NMP) shall be devised and maintained regarding the premises. The NMP shall be kept at / be accessible at the premises and made available to officers of the council and / or police immediately on request. The NMP shall be reviewed at least annually, or when any substantive alterations are made to the premises, and the result of the review shall be recorded in the NMP. The review shall be dated and signed off by a member of management staff. All relevant staff employed at the premises shall be trained in the latest version of the NMP. Details of such training, including the printed name(s) of the trainee(s) and the date(s) that the training was given, shall be recorded in the staff training logs at the premises.

<<Please note that I am *not* requesting that the applicant hires a professional noise consultant to write the NMP. The NMP could be written by the licensee themselves (or person nominated to do so by the licensee). The NMP should cover how both people noise and entertainment noise is managed at the premises - **WM**>>

13. That, if and when required, staff shall interact with customers to ensure that customers behave at the premises in a quiet and orderly manner and also leave the premises and locale in a quiet and orderly manner. Customers deemed by staff to be engaging in anti-social behaviour shall be asked to leave the premises. Staff shall be trained in this and details of such training, including the printed name(s) of the trainee(s) and the date(s) that the training was given, shall be recorded in the staff training logs at the premises and shall be made immediately available to responsible authority officers on request.
14. That staff at the premises will be trained to interact with customers to prevent customers from congregating outside of the premises and to ensure that customers do not block the roads or pavements in the immediate vicinity of the premises. Details of such training, including the printed name(s) of the trainee(s) and the date(s) that the training was given, shall be recorded in the staff training logs at the premises and shall be made immediately available to responsible authority officers on request.
15. That external doors at the premises shall be kept closed except for immediate, and emergency, access and egress to and from the premises.

16. That any openable windows at the premises shall be kept closed at all times that licensable activities are taking place at the premises.
17. That any advertising, marketing or media relating to the premises (including websites and social media) will advise customers that there is no readily available parking in the vicinity of the premises, shall list public transport options available in the vicinity and shall advise customers to refrain from driving to the premises.
18. That clearly legible signage shall be prominently displayed where it can easily be seen and read by customers, at all exits from the premises and in any external areas, requesting to the effect that customers leave the premises and locale in a quiet and orderly manner with respect to local residents. Such signage shall be kept free from obstructions at all times.
19. That external waste handling, collections of goods from the premises (excluding take-away deliveries), deliveries of goods to the premises and the cleaning of external areas shall only occur between the 07:00 hours and 20:00 hours.

#### **E. The protection of children from harm**

20. That no person under 16 years old shall be permitted on the premises unless they are accompanied by an adult.
21. That a challenge 25 scheme shall be maintained requiring that staff selling or delivering alcohol request that any customer who looks under 25 years old, and who is attempting to purchase or take receipt of alcohol, provides valid photographic identification proving that the customer is at least 18 years old. Valid photographic identification is composed of a photo driving licence, passport, UK armed services photo ID card, any Proof of Age Standards Scheme (PASS) accredited card (such as the Proof of Age London (PAL) card) or any age verification card accredited by the Secretary of State.
22. That all staff involved in the sale of alcohol shall be trained in the prevention of sales of alcohol to underage persons (including the prevention of 'proxy sales') and the challenge 25 scheme in operation at the premises. Details of such training, including the printed name(s) of the trainee(s) and the date(s) that the training was given, shall be recorded in the staff training logs at the premises and shall be made immediately available for inspection at the premises to council and / or police officers on request.
23. That clearly legible signs shall be prominently displayed where they can easily be seen and read by customers stating to the effect that a challenge 25 policy is in operation at the premises, that customers may be asked to provide proof of age and stating what the acceptable forms of proof of age are. Such signage shall be displayed at all entrances, points of sale and in all areas where alcohol is displayed for sale. The signage shall be kept free from obstructions at all times.
24. That a register of refused sales of alcohol shall be maintained at the premises at all times. The register shall be clearly and legibly marked on the front cover as a register of refused alcohol sales, with the address of the premises and the name of the licence holder. The register shall be used to record details of all refused sales of alcohol. The register shall be kept / be accessible at the premises at all times. The register shall be made immediately available for inspection at the premises to council or police officers on request.
25. That no deliveries from the premises of alcohol shall be permitted.



Whilst we think it appropriate for the licensing sub-committee to determine this application, if the applicant wishes to discuss any of the above they should contact us ASAP.

If the applicant wishes to accept any or all of the conditions proposed above then they should inform us, and this will be made known to the licensing sub-committee at the licensing sub-committee hearing to determine this application.

Yours sincerely,

**Wesley McArthur**  
Principal Enforcement Officer

Appendix 1

# Licensing Act 2003

## Premises Licence



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

Premises licence number

880516

### Part 1 - Premises details

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>	
Bird House Brewing Company Arch Unit 1127 Bath Factory Estate 41 Norwood Road	
Ordnance survey map reference (if applicable): 532115174109	
<b>Post town</b> London	<b>Post code</b> SE24 9AJ
<b>Telephone number</b>	

### Licensable activities authorised by the licence

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

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

Monday	11:00 - 23:30
Tuesday	11:00 - 23:30
Wednesday	11:00 - 23:30
Thursday	11:00 - 23:30
Friday	11:00 - 23:30
Saturday	11:00 - 23:30
Sunday	12:00 - 22:30

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

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

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

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

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

Monday	11:00 - 23:00
Tuesday	11:00 - 23:00
Wednesday	11:00 - 23:00
Thursday	11:00 - 23:00
Friday	11:00 - 23:00
Saturday	11:00 - 23:00
Sunday	12:00 - 22:00

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

Monday	11:00 - 23:00
Tuesday	11:00 - 23:00
Wednesday	11:00 - 23:00
Thursday	11:00 - 23:00
Friday	11:00 - 23:00
Saturday	11:00 - 23:00
Sunday	12:00 - 22:00

**Part 2**

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

Bird House Brewing Company Ltd

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

14530733

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

Frazer Hugo Timmerman

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

Licence No.:

Authority:

Licence Issue date: 20/06/2023

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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** The introduction of a Challenge 25 policy

**341** Staff will receive training on the subject of public relations: customers will be asked to leave the premises quietly.

**302** Staff will receive training on drugs in licensed premises: they shall remain vigilant to the use of illegal drugs.

**295** Any suspected illegal drugs found on the premises shall be reported to the police whereby an arrangement shall be put in place for the collection of the substances.

**172** That a first aid kit shall be installed on the premises and available for use at all times the public are on the premises.

**342** That an incident log book shall be introduced and maintained at all times.

**263** That the installation of an adequate arrangement of lighting is put in place for the safe access and egress of the public and staff while on the premises.

**316** That any necessary deliveries for the operation of the premises are arranged at such time so as to reduce / prevent any nuisance to the local residents.

**343** That staff shall assist any customer if requested at closing in the location of public or hire transportation.

**344** That the provision of music on the premises shall be played at a level that shall not cause a nuisance to the local residents or the surrounding other businesses.



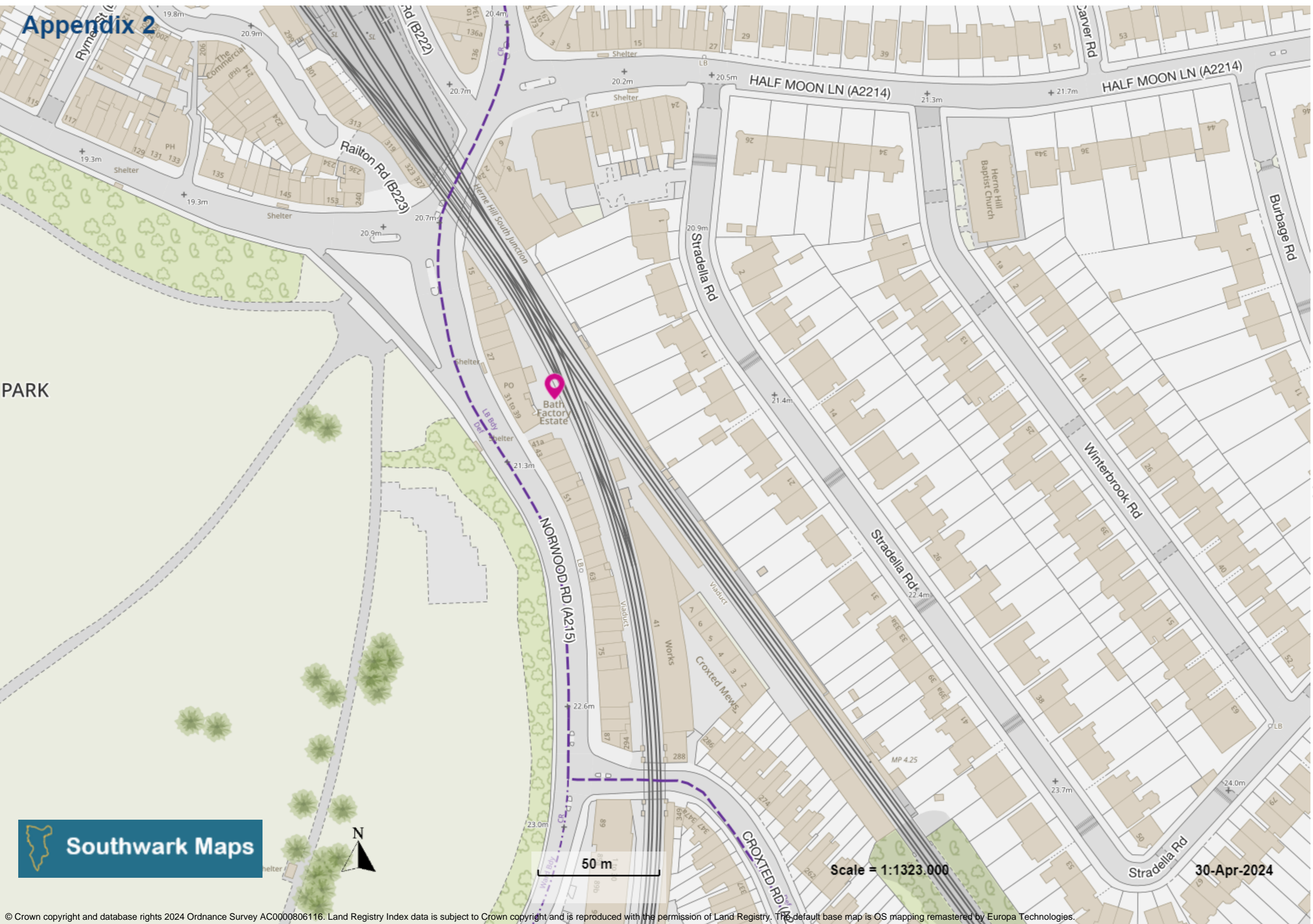
**Annex 3 - Conditions attached after a hearing by the licensing authority**

**Annex 4 - Plans – Attached**

Licence No. 880516

Plan No. N/A

Plan Date 2 April 2015



PARK



50 m

Scale = 1:1323,000

30-Apr-2024

**From:** Ian.Clements [REDACTED]  
**Sent:** Tuesday, April 23, 2024 11:39 AM  
**To:** [REDACTED] Heron, Andrew  
<Andrew.Heron@southwark.gov.uk>  
**Cc:** Regen, Licensing <Licensing.Regen@southwark.gov.uk>;  
mark.A.Lynch [REDACTED]  
**Subject:** RE: Bird House Brewery Co. Arch Unit 1127 Bath Factory Estate SE24 9AJ  
ref24/302

Dear Jon

Thank you for your response, we are happy to accept the amendments as detailed in your email and confirmed below.

1. That a digital CCTV system shall be installed at the premises, shall be maintained in full working order and shall be continually recording at all times that the premises are in use. The CCTV system must be capable of capturing a clear facial image of every person who enters the premises in all lighting conditions. The CCTV system shall be correctly time and date stamped at all times. The CCTV system shall cover all interior and exterior areas of the premises, including the frontage of the premises, and shall collect clearly defined / focused footage. That all CCTV footage shall be kept for a period of thirty one (31) days and shall be made immediately available to Police and responsible authority officers on request.
2. That a member of staff shall be on duty at all times that the premises are in use, who is trained in the use of the CCTV system and who is able to view, and download to a removable storage device, CCTV footage at the immediate request of Police and responsible authority officers.
3. That clearly legible signage shall be prominently displayed where it can easily be seen and read by customers advising to the effect that CCTV is in operation at the premises. The signage shall be kept free from obstructions at all times.
4. That all relevant staff shall be trained in their responsibilities under the Licensing Act 2003, the promotion of the licensing objectives and the terms and conditions of this licence. Records pertaining to such training ('the staff training logs') shall be kept at the premises, shall be updated every 6 months and shall be made immediately available to responsible authority officers on request. The training logs shall include the trainee's name (in block capitals), the trainer's name (in block capitals), the date(s) of training and a declaration that the training has been received and



understood by the trainee. If the staff training logs are a paper hardcopy then the signature of the trainee, the signature of the trainer shall be included. That all Digital records of training and/or logs shall be made immediately available to Police and responsible authority officers on request.

5. Clearly legible signs shall be prominently displayed where they can easily be seen and read by customers at all exits from the premises, requesting that

(A) Requesting people leave the premises in a quiet and orderly manner so as not to disturb local residents.

(B) Customers do not consume alcoholic drinks bought at the premises in the vicinity of the premises. Such signs shall be maintained free from obstruction when the premises are in use.

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

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

The incident book/incident recording system shall record the time, date, location, and description of each incident as well as the printed 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 and accessible at the premises at all times that the premises are in use in accordance with this licence and shall be made available immediately to Police and responsible authority officers upon request. A record of the preceding 12 months' incidents shall be available at the premises at any time. That all Digital records of training and/or logs shall be made immediately available to Police and responsible authority officers on request.

7. That if a Pubwatch scheme exists in respect of the local area, then the licensee / management will join and participate in the Pubwatch scheme. (details can be obtained from Southwark Police Licensing and Night Time Economy team)

8. Premises must have a welfare and vulnerability policy and all staff must receive this training. All new staff must receive this training before starting their role and all staff must have refresher training every 12 months. All training must be recorded and these records must be available on immediate request by responsible authority officers. That all Digital records of training and/or logs shall be made immediately available to Police and responsible authority officers on request.

9. The venue shall support "Ask for Angela" or another similar safety initiative and posters shall be displayed on the premises. All staff shall be trained in "Ask Angela" or a similar safety initiative and a record of this training shall be kept on the premises and made available for inspection immediately to responsible authority officers upon request. That all Digital records of training and/or logs shall be made immediately available to Police and responsible authority officers on request.

10. That a dispersal policy to assist with patrons leaving the premises in an orderly and safe manner shall be devised and maintained regarding the premises. A copy of the dispersal policy shall be accessible at the premises at all times that the premises are in operation. The policy should include (but not necessarily be limited to) the following:

- I. Details as to how customer / staff egress at the premises shall be managed to minimise causing nuisance.<sup>11</sup>
- II. Details of public transport in the vicinity and how customers will be advised in respect of it.
- III. Details of the management of taxis to and from the premises.
- IV. Details of the management of any 'winding down' period at the premises.
- V. Details of the use of security and stewarding in respect of managing customer dispersal from the premises.
- VI. Details of road safety in respect of customers leaving the premises.
- VII. Details of the management of ejections from the premises.

VIII. Details as to how any physical altercations at the premises are to be managed

X. Details of how refuse / waste in the local vicinity arising through the operation of the premises will be cleared up (e.g. flyer clean up, post event clean up).

11. A minimum of one (1) SIA registered door supervisor will be employed at the premises on any day when the terminal hour is beyond midnight. The SIA Registered door supervisor shall be employed from 2100hrs until all patrons have vacated the premises and the vicinity of the premises

12. That a minimum of one(1) SIA registered door supervisor shall wear body worn video cameras and all footage is to be made immediately available to police or any responsible authority officer upon request.

13. That SIA registered door supervisors will be employed to control entry to the premises, to deal with the searching / scanning of customers, to deal with any anti-social or disorderly behaviour at the premises, to deescalate confrontations, to assist with emergency escape from the premises, to deal with the ejection of people from the premises and to assist management in liaising with the police regarding instances of crime and to assist with ensuring that the premises' dispersal policy is adhered to. At the close of business they shall proactively encourage patrons to vacate the premises. The door supervisors shall be easily identifiable.

A zero-tolerance drugs and weapons policy shall be undertaken at the premises.

(a) Anybody found with / using drugs and / or weapons will be ejected from the premises and shall not be admitted to the premises again.

(b) The details of any person found dealing drugs or using weapons will be taken (if possible) and given to the police.

(c) Any person who is suspected of having drugs on their person will be asked to consent to a search, and should they refuse the search that person shall be ejected from the premises.

14. The sale of alcohol for consumption off the premises may be provided in the following circumstances:

- i) To any person **seated and** consuming alcohol in the seating area outside the premises
- ii) In an open plastic drinking vessel until 2200 for consumption away from the premises
- iii) At any time in a sealed container for consumption away from the premises.

15. **There shall be no removal of glassware by patrons from the premises after 0000hrs.**

We are no in a position to withdraw our representation

Kind Regards

Ian Clements Ian - AS-CU



ARCH UNIT 1127 BATH FACTORY ESTATE 41 NORWOOD ROAD LONDON SE24 9AJ



Scale = 1:661.500

14-May-2024

<b>Meeting Name:</b>	Licensing Sub-Committee
<b>Date:</b>	30 May 2024
<b>Report title:</b>	Licensing Act 2003: Rincon Costeno, Arch 146 Maldonado Walk, Eagle Yard, Hampton Street, London SE1 6SP
<b>Ward(s) or groups affected:</b>	North Walworth
<b>Classification:</b>	Open
<b>Reason for lateness (if applicable):</b>	N/a

## RECOMMENDATION

1. That the licensing sub-committee considers an application made Irina Elizabeth Solorzano Chango for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Rincon Costeno, Arch 146 Maldonado Walk, Eagle Yard, Hampton Street, London SE1 6SP.
2. Notes:
  - a) This application is for a premises licence and has been submitted under Section 17 of the Licensing Act 2003. The application is subject to representations submitted by Responsible Authorities and 'other persons' and is therefore referred to the Licensing Sub Committee for determination.
  - b) Paragraphs 8 to 12 of this report provide a summary of the application. A copy of the application submitted with the application are attached to this report as Appendix A.
  - c) Paragraphs 14 to 23 of this report deal with the representations submitted in respect of the application. A copy of the representations from the responsible authorities are available in Appendix B. The representations from the other person is attached as Appendix C. A map showing the location of the premises is attached to this report as Appendix G.
  - d) A copy of the council's approved procedure for hearings of the sub-committee in relation to an application made under the Licensing Act 2003, along with a copy of the hearing regulations, has been circulated to all parties to the meeting.

## **BACKGROUND INFORMATION**

### **The Licensing Act 2003**

3. The Licensing Act 2003 provides a licensing regime for:
  - The sale of and supply of alcohol
  - The provision of regulated entertainment
  - The provision of late night refreshment.
4. Within Southwark, the licensing responsibility is wholly administered by this council.
5. The Act requires the licensing authority to carry out its functions under the Act with a view to promoting the four stated licensing objectives. These are:
  - The prevention of crime and disorder
  - The promotion of public safety
  - The prevention of nuisance
  - The protection of children from harm.
6. In carrying out its licensing functions, a licensing authority must also have regard to:
  - The Act itself
  - The guidance to the act issued under Section 182 of the Act
  - Secondary regulations issued under the Act
  - The licensing authority's own statement of licensing policy
  - The application, including the operating schedule submitted as part of the application
  - Relevant representations.
7. The premises licence application process involves the provision of all relevant information required under the Act to the licensing authority with copies provided by the applicant to the relevant responsible bodies under the Act. The application must also be advertised at the premises and in the local press. The responsible authorities and other persons within the local community may make representations on any part of the application where relevant to the four licensing objectives.

## **KEY ISSUES FOR CONSIDERATION**

### **The premises licence application**

8. On 25 March 2024 Irina Elizabeth Solorzano Chango applied to this council for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Rincon Costeno, Arch 146 Maldonado Walk, Eagle Yard, Hampton Street, London SE1 6SP.

9. The hours applied for are summarised as follows:
- The sale by retail of alcohol (on sales only):
    - Sunday to Thursday from 11:00 to 23:30
    - Friday and Saturday from 11:00 to 00:30
  - The provision of late night refreshment (indoors):
    - Sunday to Thursday from 23:00 to 23:30
    - Friday and Saturday from 23:00 to 00:30
  - The provision of regulated entertainment in the form of recorded music (indoors):
    - Sunday to Thursday from 10:00 to 23:00
    - Friday and Saturday from 10:00 to 00:30
  - Opening hours:
    - Sunday to Monday from 08:00 to 00:00
    - Friday and Saturday from 08:00 to 01:00.
10. The premises, and the intended operation of the premises, are described in the application as follows:
- “Latin American traditional restaurant and bar.”
11. The premises licence application form provides the applicant’s operating schedule. Parts A, B, E, F, G, H, J, K, L, and M of the operating schedule set out the proposed licensable activities, operating hours and operating control measures in full, with reference to the four licensing objectives as stated in the Licensing Act 2003. Should a premises licence be issued in respect of the application the information provided in part M of the operating schedule will form the basis of conditions that will be attached to any licence granted subsequent to the application.
12. A copy of the application is attached to this report as Appendix A.

### **Designated premises supervisor**

13. The proposed designated premises supervisor is Irina Elizabeth Solorzano Chango, the premises licence Applicant, who holds a personal licence issued by the London Borough of Lambeth.

### **Representations from responsible authorities**

14. There are three representations from responsible authorities, namely the Metropolitan Police Service (Licensing Division), the council’s trading standards team and the council’s licensing authority.

15. The representation from the police raises concerns regarding ongoing issues from similarly-licensed premises in the vicinity causing complaints to the Police from local residents. It further states that the current conditions offered on the operating schedule are insufficient.
16. The representation from trading standards asks for additional conditions. These have been accepted and the representation withdrawn.
17. The representation from licensing asks for additional conditions. The conditions had been agreed and the representation withdrawn.
18. The representations are available in Appendix B.

### **Representations from other persons**

19. Representations have been submitted by four other persons, who are local residents. The representation raises concerns regarding a cumulative impact of premises within the Eagle Yard area and an ongoing history of antisocial behaviour caused by the existing premises being in such close proximity to residential dwellings.
20. Their representations are available in Appendix C.

### **Conciliation**

21. All representations were sent to the applicant. The police representation is still outstanding.
22. The representation from trading standards has been withdrawn. The wording of the agreed conditions are in their representation. The representation from the licensing authority has been withdrawn. The wording of the agreed conditions are in their representation. Their withdrawals are available in Appendix D.
23. The Applicant wrote to the other persons objecting. No responses were received at the point this report was composed. This letter is available in Appendix E.

### **Premises history**

24. The premises was previously licensed under the trading name of Pasaje Primavera. The licence was revoked by the licensing sub-committee in August 2021. A copy of the previous premises licence and notice of decision is available in Appendix F, for members' information only.
25. There are no recent complaints regarding this specific premises, though the locality continues to cause some issues with local residents living in the immediate vicinity. The area has received regular patrols from the local Safer neighborhood team and from the night time economy team, comprised of the Metropolitan Police Service and council enforcement officers, in order to carry out observations and to ensure compliance with currently granted premises licences.

26. There is no recent history of Temporary Event Notice applications.

### Map

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

**Los Arrieros De Pito, Arch 144 Eagle Yard, London SE1 6SP**, licenced for:

- The sale by retail of alcohol (on sales):
  - Monday to Saturday: 09:00 to 20:30
  - Friday and Saturday: 10:00 to 20:30

**Aguila Restaurant, Arch 147 Eagle Yard, London SE1 6SP**, licenced for:

- The sale by retail of alcohol (on sales):
  - Sunday to Thursday: 10:00 to 22:00
  - Friday and Saturday: 10:00 to 00:30
- The provision of late night refreshment (indoors):
  - Sunday: 23:00 to 00:00
  - Friday and Saturday: 23:00 to 00:30
- The provision of regulated entertainment in the form of recorded music (indoors):
  - Sunday to Thursday: 23:00 to 00:00
  - Friday and Saturday: 23:00 to 01:00

**Rincon Tropical – Arch 147 Eagle Yard, London SE1 6SP**, licenced for:

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

**Carolina Bar – Arch 145 Eagle Yard, London SE1 6SP**, licenced for:

- The sale by retail of alcohol (on sales):
  - Sunday to Thursday: 10:00 to 23:30
  - Friday and Saturday: 10:00 to 00:30

- The provision of late night refreshment (indoors):
  - Sunday to Monday: 23:00 to 23:30
  - Friday and Saturday: 23:00 to 00:30
- The provision of regulated entertainment in the form of recorded music and films (indoors):
  - Sunday to Monday: 23:00 to 23:30
  - Friday and Saturday: 23:00 to 00:30

**Chaqueno Grill, Arch 145 Eagle Yard, London SE1 6SP**, licenced for:

- The sale by retail of alcohol (on sales):
  - Sunday to Thursday: 09:30 to 22:00
  - Friday and Saturday: 09:30 to 23:00
- The provision of regulated entertainment in the form of live and recorded music and films (indoors):
  - Sunday to Thursday: 09:30 to 22:00
  - Friday and Saturday: 09:30 to 23:00

**La Barra, Arch 147 Eagle Yard, London SE1 6SP**, licenced for:

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

**Southwark Council statement of licensing policy**

28. Council assembly approved Southwark's statement of licensing policy 2021-2026 on 25 November 2020 and it came into effect on 1 January 2021.
29. 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.
30. 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.
31. 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**

32. The premises is located outside of a cumulative impact area but within the Elephant and Castle major town centre.

33. The recommended opening hours for restaurants under the statement of licensing policy for that location are:

- Sunday to Thursday until 00:00
- Friday and Saturday until 01:00.

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

#### **Community impact statement**

34. 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**

35. 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.

36. 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.

37. 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>.

38. The equalities impact assessment is available at:

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

#### **Health impact statement**

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

### **General guidance**

40. Members should take into consideration both the Southwark statement of licensing policy and the Section 182 Guidance when making decisions.
41. 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.

### **Climate change implications**

42. Following council assembly on 14 July 2021, the council is committed to considering the climate change implications of any decisions.
43. 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.
44. 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.
45. The council's climate change strategy is available at:

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

### **Resource implications**

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

### **Consultation**

47. 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.

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

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

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

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

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

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

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

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

53. Relevant representations are those which:

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

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

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

#### **Conditions**

55. The sub-committee's discretion is thus limited. It can only modify the conditions put forward by the applicant, or refuse the application, if it is necessary to do

so. Conditions must be necessary and proportionate for the promotion of one of the four licensing objectives, and not for any other reason. Conditions must also be within the control of the licensee, and should be worded in a way which is clear, certain, consistent and enforceable.

56. The four licensing objectives are:

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

57. 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.

58. Conditions will not be necessary if they duplicate a statutory position. Conditions relating to night café and take away aspect of the license must relate to the night time operation of the premises and must not be used to impose conditions which could not be imposed on day time operators.

59. Members are also referred to the Home Office Revised Guidance issued under section 182 of the Licensing Act 2003 on conditions, specifically section

### **Reasons**

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

### **Hearing procedures**

61. 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.
62. This matter relates to the determination of an application for a premises licence under Section 17 of the Licensing Act 2003. Regulation 26(1) (a) requires the sub-committee to make its determination at the conclusion of the hearing.

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

63. 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.
64. 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.
65. 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.
66. 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.

67. 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.
68. 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.
69. 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.
70. 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.

#### **Strategic Director of Finance**

71. 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	Southwark Licensing, C/O	Mrs Kirty Read Tel: 55748
Home Office Revised Guidance to the Act	Regulatory Services, 160 Tooley Street, London SE1 2QH	
Secondary Regulations		
Southwark statement of licensing policy		
Case file		



## APPENDICES

No.	Title
Appendix A	Copy of the application
Appendix B	Representations from responsible authorities
Appendix C	Representations from other persons against the application
Appendix D	Correspondence referring to conciliation
Appendix E	Letter to other persons objecting
Appendix F	Copy of previous premises licence and notice of decision
Appendix G	Map of locality

## AUDIT TRAIL

<b>Lead Officer</b>	Toni Ainge, Strategic Director Environment, Neighbourhoods and Growth	
<b>Report Author</b>	Andrew Heron, Principal Licensing Officer	
<b>Version</b>	Final	
<b>Dated</b>	8 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	No	No
<b>Cabinet Member</b>	No	No
<b>Date final report sent to Constitutional Team</b>		17 May 2024

25/03/2024

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

Ref No. 2202131

## Name of Applicant

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

IRINA ELIZABETH SOLORZANO CHANGO
----------------------------------

## Notes for Guidance

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

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

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

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

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

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

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

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

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

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

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

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

11. The application form must be signed.

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

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

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

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

from partnerships which are not limited liability partnerships:

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

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

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

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

Documents which demonstrate entitlement to work in the UK

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

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

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

- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
  
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:
  - o evidence of the applicant's own identity – such as a passport,
  
  - o evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
  
  - o evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
    - (i) working e.g. employment contract, wage slips, letter from the employer,
  
    - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
  
    - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
  
    - (iv) self-sufficient e.g. bank statements.

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

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

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

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

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

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

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

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

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

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

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

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

#### Premises Details

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

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

£	12.500
	Band D and E only applies to premises which uses exclusively or primarily for the supply of alcohol for consumption on the premises
	Yes

#### Premises trading name

	RINCON COSTENO
--	----------------

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

Do you have a Southwark postcode?	Yes
Address Line 1	ARCH 146
Address Line 2	EAGLE YARD HAMPTON STREET
Town	LONDON
Post code	SE1 6SP
Ordnance survey map reference	
Description of the location	
Telephone number	██████████

Applicant Details

Please select whether you are applying for a premises licence as

	An individual or individuals
--	------------------------------

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

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

Details of Individual Applicant

Personal Details

Title	Miss
If other, please specify	
Surname	SOLORZANO CHANGO
Forenames	IRINA ELIZABETH
Date of birth	██████████
I am 18 years old or over	Yes
Nationality	██████████

Current Address

Street number or Building name	██████████
Street Description	██████████████████
Town	██████████



County	
Post code	██████████

Contact Details

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

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	
--------------	--

Note 15: Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

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.

Do you wish to add a second individual applicant?

	No
--	----

Operating Schedule

When do you want the premises licence to start?

	01/05/2024
--	------------

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

--	--

General description of premises ( see guidance note 1 )

	LATIN AMERICAN TRADITIONAL RESTAURANT AND BAR.
--	--

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

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

Note 1

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

Operating Schedule part 2

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

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

Provision of regulated entertainment (Please read guidance note 2)

	f) recorded music

Provision of late night refreshment

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

Supply of alcohol

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

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

F - Recorded Music

Will the playing of recorded music take place indoors or outdoors or both? ( Please read guidance note 3 )

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

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

	BACKGROUND MUSIC PLAYED FROM A LAPTOP FOR CUSTOMERS TO ENJOY SOME MUSIC.
--	--

Standard days and timings for Recorded Music ( Please read guidance note 7 )

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

State any seasonal variations for playing recorded music ( Please read guidance note 5)

	NONE
--	------

Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed. ( Please read guidance note 6 )

--	--

3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
5. For example (but not exclusively), where the activity will occur on additional days during the summer months.

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

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

I - Late Night Refreshment

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

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

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

	CLIENTS WILL BE ABLE TO ENJOY A LATE DRINK WITH SOME FRESH FOOD.
--	--

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

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

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

--	--

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

--	--

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

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

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

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

7. Please give timings in 24 hour clock (e.g. 23:00) and only give details for the days of the week when you

intend the premises to be used for the activity. Start time begins from 23:00

J - Supply of Alcohol

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

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

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

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

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

--	--

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

--	--

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

--	--

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

Premises Supervisor

State the name and details of the individual whom you wish to specify on the licence as the designated

premises supervisor (Please see declaration about the entitlement to work in the check list at the end of the form)

Full name of proposed designated premises supervisor

First names	IRINA ELIZABETH
Surname	SOLORZANO CHANGO

DOB

Date Of Birth	██████████
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Address of proposed designated premises supervisor

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

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

Personal licence number ( if known )	████████████████████
Issuing authority ( if known )	██████████

K

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

	NONE
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9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.

L - Hours premises are open to public

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

intend  
the premises to be used for the activity.

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

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

State any seasonal variations ( Please read guidance note 5 )

--	--

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

--	--

M - Steps to promote four licencing objectives

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

	For the Prevention of crime and disorder, Public Safety, Prevention of Public Nuisance, and Protection of Children from Harm see below steps to promote them on the premises
--	--

b) the prevention of crime and disorder

	Installation of CCTV in the premises that will be in operation at all times. We will display A4 signs advising that CCTV is in operation. An incident book will be maintained within which full details of all occurrences of disorder and refused alcohol sales at the premises must be recorded. The incident book will be kept on the premises at all times and will be made available for inspection by the police. No one carrying open or sealed bottles or glasses will be admitted to the premises at any time
--	--

c) public safety

	Irresponsible drinks promotions will not be on offer. The license holder will ensure that all staff receive appropriate training about emergency and general safety precautions and procedures. The license holder will ensure that all staff are aware of their social and legal obligations and their responsibilities regarding the sale of alcohol. Free drinking water will be available at all times the premises are open to the public. The
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	<p>electrical system at the premises, including portable appliances will be inspected and tested annually by a competent person, and a satisfactory safety report obtained. The gas system, including appliances, will be inspected annually and tested by a Gas Safe Registered engineer and a satisfactory Gas Safety Certificate must be obtained. All safety certificates and inspection reports will be kept on-site and made available for inspection by officers of relevant statutory bodies. The fire safety measures provided on the premises will be maintained in good working order, and their adequacy will be determined regularly, by the carrying out of a fire risk assessment as required by, and under the Regulatory Reform (Fire Safety) Order 2005. An adequate and appropriate supply of first aid equipment and materials will be available on the premises.</p>
--	---

d) the prevention of public nuisance

	<p>Prominent, legible notices requesting people to leave the premises and the area quietly will be displayed at all exists. The license holder will control the volume of regulated entertainment taking place at the premises, by the installation of a noise limiter. All external doors and windows will be kept shut, other than for access and egress, in all rooms when events involving amplified music or speech or other entertainment are likely to rise to noise. Where outside areas are provided for the use of customers facilities for the disposing and collection of litter will be maintained. To minimize the effect of littering, we will provide litter bins both inside and directly outside the premises</p>
--	---

e) the protection of children from harm

	<p>A proof of age policy agreed in writing will be enforced. A challenge 21/25 policy will be employed where those individuals who appear to be under the age of 21/25 attempting to purchase alcohol must be asked for identification. The only type of ID that will be accepted is PASS accredited ID, passport, or photo driving licence.</p>
--	--

Guidance note 10

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

Please upload a plan of the premises

--	--

Please upload any additional information i.e. risk assessments

--	--

Checklist

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

Home Office Declaration

Please tick to indicate agreement



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

#### Proof of Entitlement to work in the UK

Please upload your proof of entitlement to work in the UK or share code issued by the Home Office online right to work checking service. (Please see guidance below)

	
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Note 15: Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

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.

#### Declaration

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

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

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

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

I agree to the above statement

	Yes
PaymentDescription	██████████
PaymentAmountInMinorUnits	██████
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 12). If completing on behalf of the applicant, please state in what capacity.

Full name	IRINA ELIZABETH SOLORZANO CHANGO
Date (DD/MM/YYYY)	25/03/2024
Capacity	MANAGER

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

Full name	
Date (DD/MM/YYYY)	25/03/2024
Capacity	

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

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

**GUIDANCE NOTES**

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

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

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

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

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

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

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



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/327/24

**Date:** 16/04/2024

Dear Sir/Madam

**Re:- Rincon Costeno, ARCH 146 Eagle Yard, Hampton Street, SE1 6SP**

Police are in possession of an application for a new Premises Licence for, Supply of Alcohol on sales, Regulated entertainment and Late Night Refreshment. The venue describes itself as "Latin American Traditional Restaurant and Bar". The applicant has requested the following hours which are within those recommended in the Southwark Council Statement of Licensing Policy.

Open hours to public

Sun-Thur – 0800hrs-0000hrs

Fri-Sat – 0800hrs-0100hrs

Supply of Alcohol on sales

Sun-Thur – 1100hrs-2330hrs

Fri-Sat – 1100hrs-0030hrs

Regulated Entertainment

Sun-Thur – 1000hrs-2300hrs

Fri-Sat – 1000hrs-0030hrs

Late Night Refreshment

Sun-Thur – 2300hrs-2330hrs

Fri-Sat – 2300hrs-0030hrs

The premises is along a row of railway arches to which there is already a high number of venues declaring to be "Restaurants", however their style of operation is alcohol led and this venue doesn't seem any different. It should be noted that the area is surrounded by residential buildings, and has for several years been subject of numerous complaints in regards to alcohol fuelled anti-social behaviour and disorder

caused by patrons attending and leaving venues, particular at weekends, and this continues to this day.

The applicant is expected to have some knowledge of the area to which they wish to operate and the control measures they offer should reflect how the venue would specifically ensure they will not add to the alcohol related problems that already exist. The applicant has offered some conditions to address the licensing objectives, however, the application does not effectively address all of the licensing objectives, in particular, that of prevention of crime and disorder. Police would expect to see more robust conditions that are clear, concise and address the local issues that are associated with venues supplying alcohol particular at busy periods such as weekends.

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 must be precise and enforceable.

The metropolitan police object to the granting of the Premises Licence as the applicant has not effectively addressed the licensing objectives in particular that of prevention of crime and disorder. There are also serious concerns that another late night weekend venue at the location will only add to crime and disorder in the area and have a detrimental effect on local residents.

Submitted for your consideration.  
Yours Sincerely

PC Walter MINK AGYEMAN 1264AS

Licensing Officer  
Southwark Police Licensing

## TRADING STANDARDS

**From:** Jerrom, Charlie <Charlie.Jerrom@southwark.gov.uk>

**Sent:** Friday, April 5, 2024 2:20 PM

**To:** [REDACTED]

**Cc:** Heron, Andrew <Andrew.Heron@southwark.gov.uk>; Moore, Ray <Ray.Moore@southwark.gov.uk>; Regen, Licensing <Licensing.Regen@southwark.gov.uk>

**Subject:** New Premises Licence, Arch 146 Eagle Yard, Hampton Street, London, SE1 6SP Ref: 882681

Trading Standards as a responsible authority are in receipt of a new premises license application from Irina Elizabeth Solorzano Chango, in respect of premises Arch 146 Eagle Yard, Hampton Street, London, SE1 6SP. Trading Standards as a responsible authority are making representation in respect of this application under all the licensing objectives, but primarily the protection of children from harm.

In the general description this is:-

“Latin American Traditional Restaurant and Bar”

The opening hours are to be:-

Sunday to Thursday 08:00hrs to 00:00hrs

Friday to Saturday 08:00hrs to 01:00hrs

The hours for alcohol sales are to be (on sales)

Sunday to Thursday 11:00hrs to 23:30hrs

Friday to Saturday 11:00hrs to 00:30hrs

Recorded music (indoors)

Sunday to Thursday 10:00hrs to 23:00hrs

Friday to Saturday 10:00hrs to 00:30hrs

Late night refreshments (indoors)

Sunday to Thursday 23:00hrs to 23:30hrs

Friday to Saturday 23:00hrs to 00:30hrs

Under the licensing objectives the application does mention a refusals log and challenge 21/25 which is very good, however it does not mention staff training or signage.

Trading Standards therefore simply asks that the following conditions be agreed by way of tidying up these matters.

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.

I attach electronic documents of training materials and a refusals register which can be used to meet the above conditions in terms of staff training and use of a refusal register. This effectively saves the business the cost of paying a consultant to undertake such activities. There is no reason why a person in the business who holds a personal license cannot undertake such training for staff and this can form part of a defence for the business should a member of staff supply alcohol to a minor.

If you are happy to accept these conditions then trading standards, as a responsible authority, will be happy to lift the representations made in respect of the application.

Hard copies of the above documents can be provided on request.

**Charlie Jerrom** – Enforcement Officer (Trading Standards)  
Southwark Council | Environment, Neighbourhoods and Growth| Regulatory Services

<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> 1 May 2024
<b>Subject:</b>	Representation	
<b>Act:</b>	The Licensing Act 2003 (the Act)	
<b>Premises:</b>	Rincon Costeno, Arch 146, Eagle Yard, Hampton Street, SE1 6SP	
<b>Application number:</b>	<b>882681</b>	
<b>Location ID:</b>	191848	<b>Ward:</b> Newington

We object to the grant of an application for a premises licence, submitted by Irina Elizabeth Solorzano Chango under The Licensing Act 2003 (the Act), in respect of the premises known as Rincon Costeno, Arch 146, Eagle Yard, Hampton Street, SE1 6SP\*.

**\*NB:** Eagle Yard was renamed Maldonado Walk in February 2018. Maldonado Walk is separate to Hampton Street. We believe the premises correct address to be 146, Maldonado Walk, SE1 6SP and advise the applicant to attend to this matter urgently, however the address need not be discussed by the licensing sub-committee as we are aware of what premises is being referred to in the application.

## 1. The application

The application is to allow for the provision of the following licensable activities and opening hours:

### Recorded music (indoors) –

- **Sunday - Thursday:** 10:00 – 23:00
- **Friday & Saturday:** 10:00 – 00:30

### Late night refreshment (indoors) –

- **Sunday - Thursday:** 10:00 – 23:30
- **Friday & Saturday:** 10:00 – 00:30

### The sale of alcohol for consumption on the premises as follows –

- **Sunday - Thursday:** 10:00 – 23:30
- **Friday & Saturday:** 10:00 – 00:30

### The proposed opening hours of the premises are –

- **Sunday - Thursday:** 08:00 – 00:00
- **Friday & Saturday:** 08:00 – 01:00

## 2. The Locale

The premises are located on Maldonado Walk, which leads directly from the very north of Walworth Road and is in close proximity to the traffic system at the south of Elephant and Castle. Walworth Road and Elephant and Castle are extremely busy thoroughfares, primarily containing commercial premises and high volume residential blocks. Elephant and Castle is a major transport hub. The premises are in very close proximity to Strata Tower and Draper

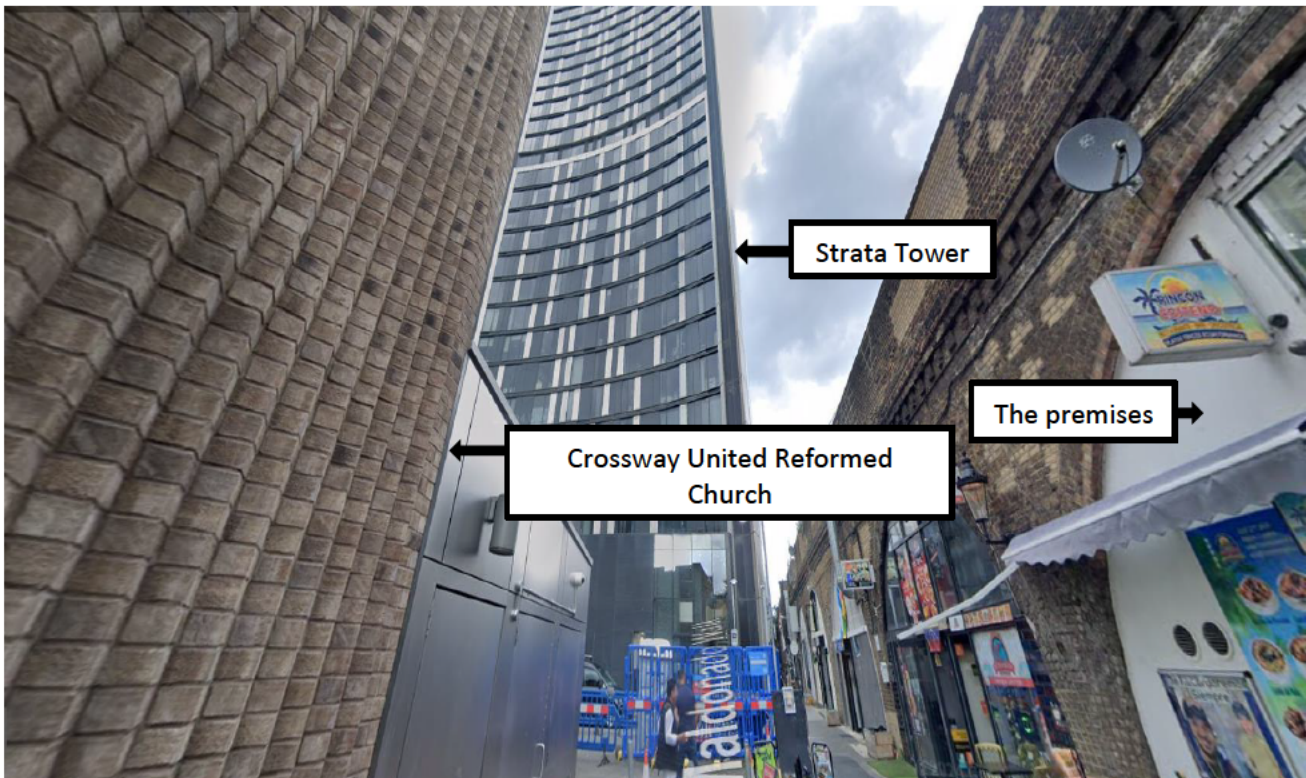


House, which are high-rise residential blocks. Many families, schoolchildren / students and people of working age live in the immediate and wider area.

**Figure 1:** View of the premises' entrance looking north up Maldonado Walk. The bottom of Strata Tower is shown to the left of the photo



**Figure 2:** View showing the proximity of Strata Tower and the Crossways United Reformed Church from immediately outside the premises' entrance

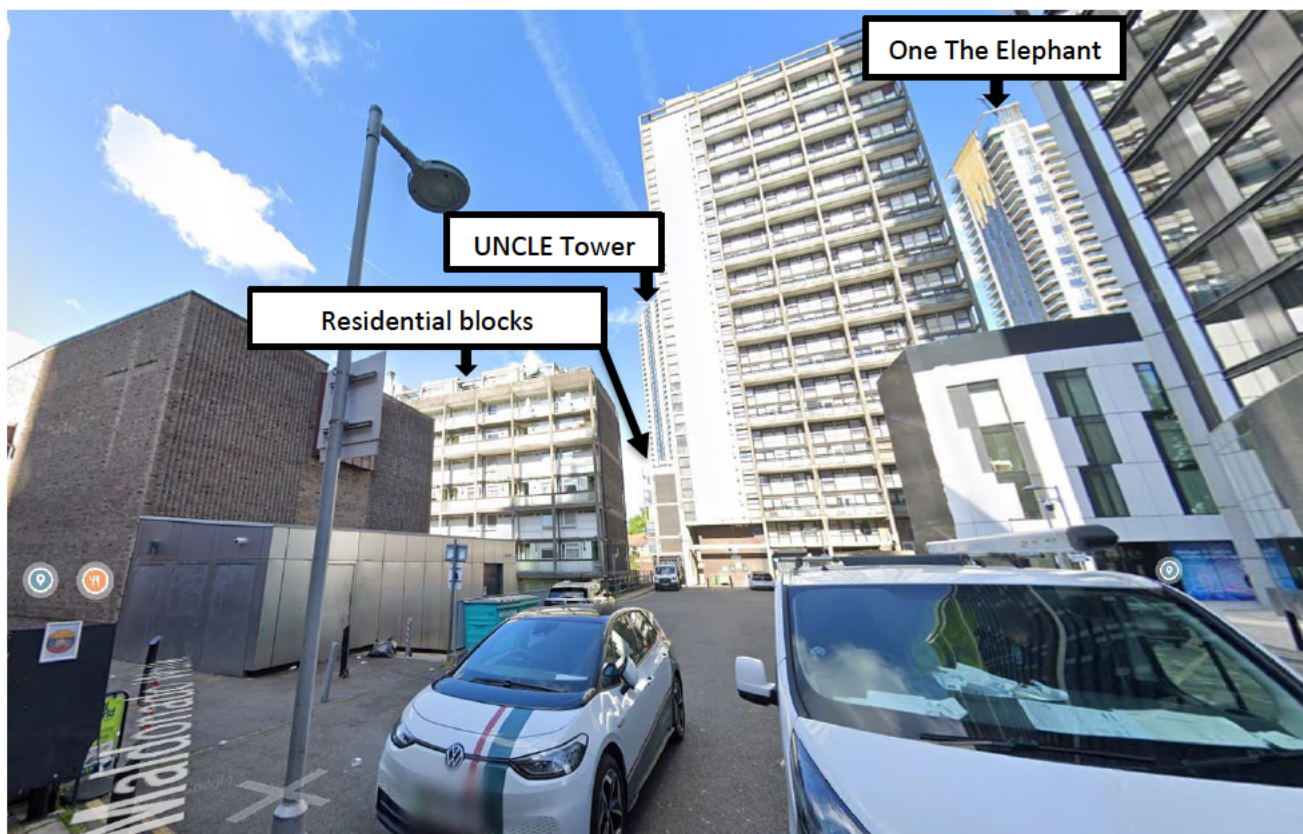




**Figure 3:** View looking west from outside the premises' entrance showing Strata Tower and Draper House



**Figure 4:** View looking west from outside the premises' entrance showing other residential blocks in close proximity to the building, and further away in the background, UNCLE Tower and One The Elephant Tower





**Figure 5:** View looking south down Maldonado Walk showing Crossway United Reformed Church



A map showing the location of the premises, and its proximity to residential dwellings, is attached as appendix 1.

Maldonado Walk as whole has been subject to many complaints from local residents regarding the conduct of existing licensed premises on Maldonado Walk, and in relation to crime and disorder, anti-social behaviour and nuisance over the past 12 months. The area is currently regarded as a 'hotspot' in respect of these matters.

### **3. Our objection**

According to section 7 of this council's statement of licensing policy 2021 – 2026 (the SoLP), the premises fall within The Elephant and Castle Major Town Centre.

A copy of the SoLP is available via:

<https://www.southwark.gov.uk/assets/attach/7473/Statement-of-Licensing-Policy-2021-2026.pdf>

The following closing times are recommended in our SoLP in respect of various types of licensed premises located in the Elephant and Castle Major Town Centre as stated -

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

Sunday – Thursday:	23:00
Friday – Saturday:	00:00

Restaurants, cafes & 'event premises / spaces' where the sale of alcohol is included in, and ancillary to, a range of activities including meals and takeaway establishments –

Sunday – Thursday: 00:00  
Friday – Saturday: 01:00

In part 'M' of the application, the applicant has proposed various measures to address the licensing objectives. We welcome these measures, but do not feel that they sufficiently address the licensing objectives and say that further conditions are required.

Further to the above, we contend that the conditions proposed need clarification to ensure that they are precise, practicable, enforceable and unambiguous.

Paragraph 1.16 (Licence conditions – general principles) of the Guidance to the Licensing Act 2003 issued by the Secretary of State under section 182 of the Licensing Act 2003 states that conditions –

- “*must be precise and enforceable;*”
- “*must be unambiguous and clear in what they intend to achieve;*”

We therefore recommend that the following conditions be included in any premises licence issued subsequent to this application, and replace the measures proposed in part 'M' of the application ***in their entirety***.

**A. General – all four licensing objectives:**

1. That all relevant staff shall be trained in their responsibilities under the Licensing Act 2003, the promotion of the licensing objectives and the terms and conditions of this licence. Records pertaining to such training ('the staff training logs') shall be kept at the premises, shall be updated every 6 months and shall be made immediately available to responsible authority officers on request. The training logs shall include the trainee's name (in block capitals), the trainer's name (in block capitals), the date(s) of training and a declaration that the training has been received and understood by the trainee. If the staff training logs are a paper hardcopy then the signature of the trainee and the signature of the trainer shall be included.
2. That a written record of all staff authorised to sell alcohol at the premises shall be kept at the premises and will be made available to responsible authority officers immediately on request. The authorisation record shall include the name and address of the premises, the name of the licensee, the name of the DPS and the names of all staff authorised to sell alcohol at the premises.

**B. The prevention of crime and disorder:**

3. That a digital CCTV system shall be installed at the premises, shall be maintained in full working order and shall be continually recording at all times that the premises are in use. The CCTV system must be capable of capturing a clear facial image of every person who enters the premises. The CCTV system shall be correctly time and date stamped. The CCTV system shall cover all interior and exterior areas of the premises, including the frontage of the premises, and shall collect clearly defined / focused footage.
4. That all CCTV footage shall be kept for a period of thirty one (31) days and shall be made immediately available to responsible authority officers on request.

5. That a member of staff shall be on duty at all times that the premises are in use who is trained in the use of the CCTV system and who is able to view, and download to a removable storage device, CCTV footage at the immediate request of police and / or council officers.
6. That clearly legible signage (written in both English and Spanish) shall be prominently displayed where it can easily be seen and read by customers advising to the effect that CCTV is in operation at the premises. The signage shall be kept free from obstructions at all times.
7. That clearly legible signage shall be prominently displayed where it can easily be seen and read by customers in the toilets advising to the effect that the taking of illegal drugs will not be tolerated at the premises. These notices shall be kept free from obstructions at all times.
8. That an incident log 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
  - Calls to the police or other emergency services
  - Any complaints received
  - Ejections of people from the premises
  - Visits to the premises by the local authority or emergency services
  - Any malfunction in respect of the CCTV system
  - All crimes reported by customers, or observed by staff
  - Any other relevant incidents

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

9. That all drinks shall be sold in cans or plastic bottles, or will be decanted into recyclable polycarbonate (or a similar material), or cardboard drinking receptacles. Glass drinking receptacles will not be used at the premises at any time.

### **C. Public Safety**

10. That spirits (alcohol within an alcohol by volume (ABV) of 15% or more) shall not be sold by the bottle at the premises. Spirits shall only be sold in standard measures or multiples thereof.
11. That the maximum number of people permitted on the premises at any one time (the 'accommodation limit') is **X** people (excluding staff). The accommodation limit shall be known by all staff and shall not be exceeded at any time.

<< The applicant is to provide the accommodation limit – **WM** >>

12. That clearly legible signage shall be displayed where it can easily be seen and read by customers and staff identifying all emergency escape routes and emergency exits at the premises. Such signage shall be kept free from obstructions at all times.
13. That all emergency exits, emergency escape routes and entry / exit doors at the premises shall be kept free from obstructions at all times that the premises are in use.
14. That any spills of liquid onto the floor at the premises' shall be cleared away as soon as possible on a continuous basis whilst the premises are in use. Any wet floors will be clearly demarcated as such to prevent slips being caused by the wet floors. Relevant staff shall be trained in this, and details of such training including the printed name(s) of the trainee(s), and the date(s) that the training was given, shall be recorded in the staff training logs at the premises.
15. That broken or waste glass / earthenware shall be cleared away as soon as possible on a continuous basis whilst the premises are in use to minimise risk of injury. Relevant staff shall be trained in this, and details of such training including the printed name(s) of the trainee(s), and the date(s) that the training was given, shall be recorded in the staff training logs at the premises.
16. That appropriate first aid equipment / materials shall be kept at the premises in a dedicated first aid box / boxes. The first aid box(es) shall be kept easily accessible and unobstructed at all times. All staff shall be made aware of where the first aid boxes are located.
17. That an accident book / recording system shall be maintained at the premises and be available and in use at all times that the premises are in operation. The accident book / recording system shall meet all current legislative requirements. Details of any accidents will be recorded in the accident book / recording system contemporaneously. The accident book / recording system shall be made immediately available to responsible authority officers on request. Relevant staff shall be trained in this, and details of such training including the printed name(s) of the trainee(s), and the date(s) that the training was given, shall be recorded in the staff training logs at the premises.
18. That all public areas of the premises (including any public toilets) shall be kept in a sanitary, clean and tidy state at all times that the premises are in operation so that there is no risk to public health or safety regarding the sanitariness of the premises.
19. That all areas of the premises and all fittings and equipment, door fastenings, notices, lighting, heating, electrical, toilet, washing and other installations, will be maintained in good order and in a safe condition at all times.
20. That 'Ask for Angela' posters (or posters relating to whatever similar scheme may be recommended at any time) shall be displayed in the female toilet facilities and kept free from obstructions at all times. All staff shall be trained in the 'Ask for Angela' scheme (or similar scheme) and shall perform the appropriate course of action in the event of a customer requesting assistance. Details of such training, including the printed name(s) of the trainee(s), and the date(s) that the training was given, shall be recorded in the staff training logs at the premises.

#### **D. The prevention of public nuisance**

21. That a dispersal policy to assist with patrons leaving the premises in an orderly and safe manner shall be devised and maintained regarding the premises. A copy of the

dispersal policy shall be accessible at the premises at all times that the premises are in operation. The policy should include (but not necessarily be limited to) the following:

- I. Details as to how customer / staff egress at the premises shall be managed to minimise causing nuisance.
- II. Details of public transport in the vicinity and how customers will be advised in respect of it.
- III. Details of the management of taxis to and from the premises.
- IV. Details of the management of any 'winding down' period at the premises.
- V. Details of the use of security and stewarding in respect of managing customer dispersal from the premises.
- VI. Details of any cloakroom facility at the premises and how it is managed.
- VII. Details of road safety in respect of customers leaving the premises.
- VIII. Details of the management of ejections from the premises.
- IX. Details of how refuse / waste in the local vicinity arising through the operation of the premises will be cleared up (e.g. flyer clean up, post event clean up).

All relevant staff employed at the premises shall be trained in the latest version of the dispersal policy. Details of such training, including the printed name(s) of the trainee(s) and the date(s) that the training was given, shall be recorded in the staff training logs at the premises. The dispersal policy shall be made immediately available to responsible authority officers on request.

22. That customers shall not be permitted to enter or leave the premises with open or sealed drinks containers of any kind.
23. That only management staff shall have access to any amplification equipment at the premises, and only management staff shall be permitted to change any control settings on said equipment.
24. That any litter caused by the operation of the premises shall be cleared away from the immediate vicinity of the premises periodically throughout operating hours, and at the end of trade, on each day that the premises are in operation. Relevant staff shall be trained in this, and details of such training including the printed name(s) of the trainee(s), and the date(s) that the training was given, shall be recorded in the staff training logs at the premises.
25. That suitable external containers for customer's cigarette butts shall be provided at all times that the premises are in use. Such containers shall be emptied regularly to ensure that they can be used at all times that the premises are in use, and so that they do not overflow and cause cigarette butt litter in the vicinity.
26. That external doors at the premises shall be kept closed except for immediate, and emergency, access and egress to and from the premises.
27. That any openable windows at the premises shall be kept closed at all times that licensable activities are taking place at the premises.
28. That staff shall be trained to arrive at, conduct themselves at the premises at all times, and leave the premises in an orderly manner, with particular care taken when staff close the premises at the end of trade on each day. The details of such training, including the printed name(s) of the trainee(s) and the date(s) that the training was given, shall be recorded in the staff training logs at the premises.
29. That clearly legible signage (written in both English and Spanish) shall be prominently displayed where it can easily be seen and read by customers, at all exits from the premises and in any external areas, requesting to the effect that customers leave the



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

30. That external waste handling, collections of goods from the premises, deliveries of goods to the premises and the cleaning of external areas shall only occur between the 07:00 hours and 22:00 hours.
31. That clearly legible signage stating a dedicated contact telephone number for the premises shall be prominently displayed where it can easily be seen and read by passers-by. The signage shall state to the effect that the phone number shown can be used to contact the premises in respect of any complaints regarding the operation of the premises. If the telephone number relates to a mobile phone, then the duty manager / supervisor on duty shall have the mobile phone on their person at all times. Such signage shall be kept free from obstructions at all times.
32. That, if and when required, staff shall interact with customers to ensure that customers behave at the premises in a quiet and orderly manner and also leave the premises and locale in a quiet and orderly manner. Customers deemed by staff to be engaging in anti-social behaviour shall be asked to leave the premises. All relevant staff shall be trained in this, and details of such training including the printed name(s) of the trainee(s), and the date(s) that the training was given, shall be recorded in the staff training logs at the premises.
33. That any external areas of the premises will be closed to customers between 22:00 hours and 10:00 hours the following day except for up to a maximum of 5 people at any one time using the external areas after 22:00 hours to smoke only. All outdoor furniture must be packed away or rendered unusable by 22:15 hours each day.

#### **E. The protection of children from harm:**

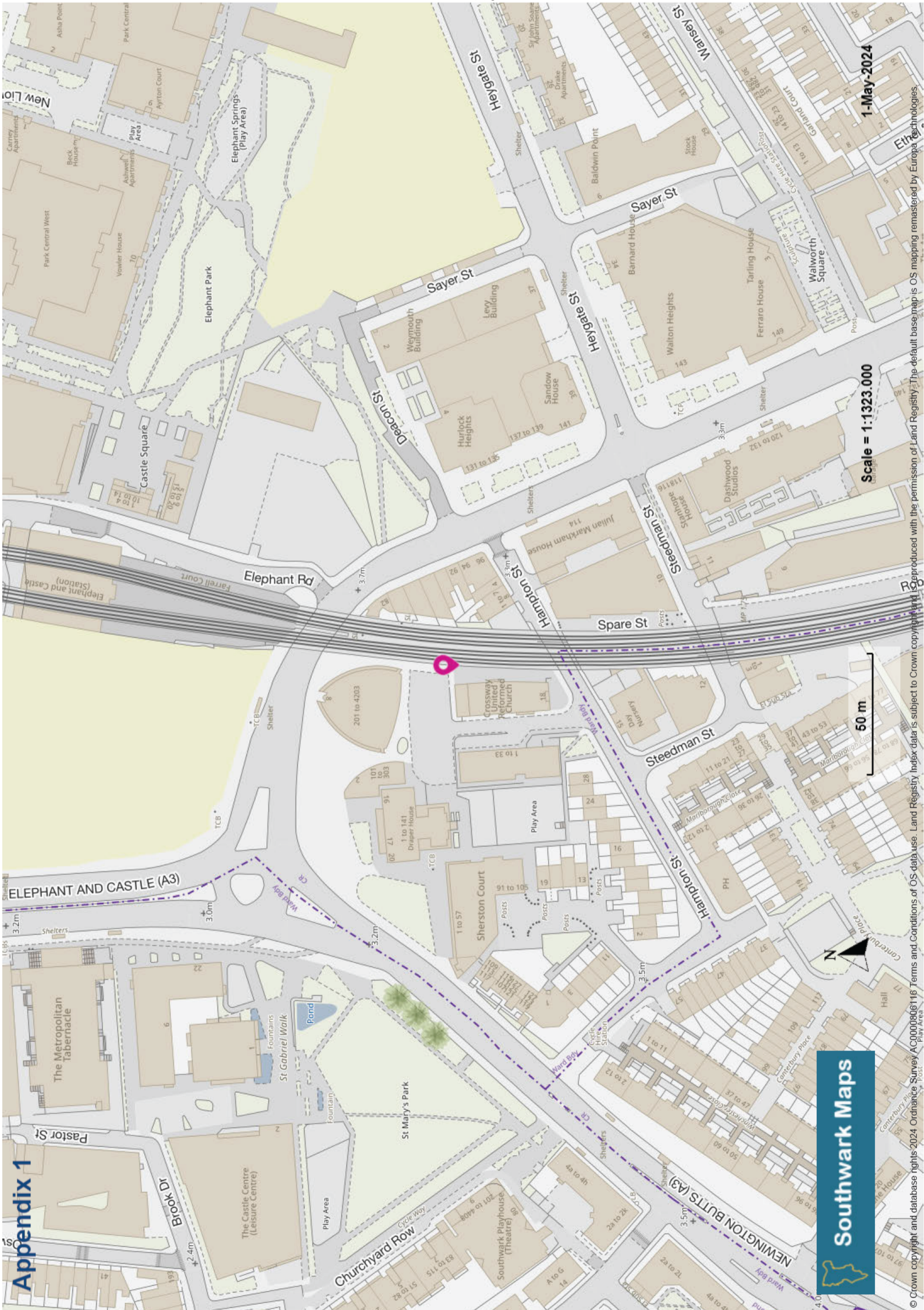
- It is noted that the applicant has already agreed to conditions with this council's trading standards service to address this licensing objective.

We welcome discussion regarding any of the above, however should the applicant agree to all of the above conditions then we will withdraw this application.

Yours sincerely,

**Wesley McArthur**  
Principal Enforcement Officer





1-May-2024

Scale = 1:1323,000

50 m



Appendix 1

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## OTHER PERSON A



Sunday 28 April 2024

Dear Sir/Madam

**Re: licence application 882681 - El Rincón Costeño**

I write in connection with the application by Irina Elizabeth Solorzano Chango for a new premises licence for Arch 146 in Maldonado Walk (also known as Eagle Yard) at the Elephant & Castle.

I object to the application in its current form but I think that with careful use of conditions - to protect the amenity of neighbouring residents - my concerns can be overcome.

Residents of the Draper Estate and the Strata SE1 tower have been in correspondence with councillors, council officers and the local policing team for several years about noise and nuisance arising from the venues on Maldonado Walk (and their customers).

As residents, we are keen to have a good relationship with the neighbouring businesses on Maldonado Walk, but this has been difficult when some venues have shown disregard for their impact on nearby homes.

This representation is primarily made in connection with the third licensing objective: the prevention of public nuisance.

██████████ and I live in Draper House. I have lived at this address for more than nine years. Our flat is on the ██████████ floor and our bedroom and kitchen overlook the servicing yard at the rear of the Strata SE1 tower, looking east towards the row of railway arches where this venue is located.

In recent years - especially during the summer months - we have been disturbed on multiple occasions by noise associated with late night activity at this premises and the nearby venues on Maldonado Walk.

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

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

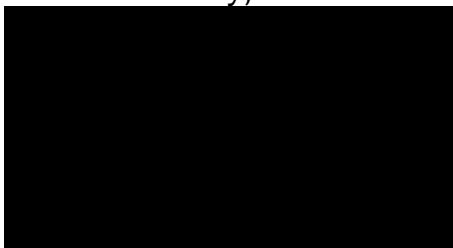
There are eight full-size railway arches between Walworth Road and Maldonado Walk. Currently there are six licensed premises in this parade, all concentrated in the southern 50 metres of the alleyway. The current application will add a seventh licensed premises.

The last time the council considered a licensing application for this row of arches, the report prepared for the sub-committee did not contain a complete or accurate summary of existing premises licences in the vicinity. Given the concentration of bars in this set of arches I would ask officers to ensure that members are properly informed of the context when a report on this application is prepared.

I would ask that consideration is given to adding conditions to address the following:

1. That the premises should have a dispersal policy specifically adapted to the circumstances in Maldonado Walk, including the cumulative impact of patrons leaving multiple venues and spilling out into the yard
2. That the times during which rubbish (including glass) can be placed outside the premises be limited to prevent nuisance to neighbours
3. That the premises should display contact details for an English-speaking staff member who can liaise with nearby residents in case problems arise
4. That arrangements for smokers outside the premises be governed by condition

Yours faithfully,



**From:** [REDACTED]  
**Sent:** Wednesday, May 1, 2024 3:30 PM  
**To:** Regen, Licensing <[Licensing.Regen@southwark.gov.uk](mailto:Licensing.Regen@southwark.gov.uk)>  
**Cc:** [REDACTED]  
[REDACTED]

**Subject:** License Application for: IRINA ELIZABETH SOLORZANO CHANGO - 146 EAGLE YARD HAMPTON STREET SE1 6SP - License No. 882681

Southwark Council Licensing Committee

Re: License Application for:  
IRINA ELIZABETH SOLORZANO CHANGO - 146 EAGLE YARD HAMPTON STREET SE1 6SP - License No. 882681

Dear Licensing Committee,

I am writing to express my formal objection to the proposed license stated above. As a concerned and directly affected resident of neighbouring Draper House I feel compelled to address the significant issues arising from all the various establishment's operations based in Eagle Yard and their track record over last few years.

I'm further concerned that the Licensing Department does not appear to have a correct and complete list of all the various licenses granted in and around Eagle Yard as came to light during another recent application for Eagle Yard premisses.

**Background to the Situation in Maldonado Walk:**

Over the past two years, the premises at Maldonado Walk, since being granted licenses, have unfortunately become a hotspot for anti social behaviour unlawful activities, with a murder, two stabbings, and recent violent incidents that pose a serious threat to the safety and well-being of our community.

**Concerns and Violations:**

**Crime and Disorder:**

Instances of drug use in the vicinity.  
Frequent altercations and verbal disputes among highly intoxicated individuals.  
Disturbing incidents of extreme intoxication impairing individuals' ability to walk.

**Anti-Social Behavior:**

Persistent disturbances involving shouting, arguing, and unruly behavior.  
The failure of doormen to address nuisance and anti-social conduct.  
Public urination, including by staff members, in full view of residential areas.  
Driving motorised vehicles in a reckless manner with no concern for public safety  
Noise - History of loud music late into the nights.

**Health and Safety:**

Recurrent instances of public urination leading to an unsanitary environment.  
Residents fearing for their safety due to escalating crime and anti-social behavior.  
Children exposed to inappropriate behavior, impacting their sleep and well-being.

Protection of Children from Harm:

Ongoing noise and anti-social behavior negatively affecting children's sleep.  
Children playing in a car park frequented by moving vehicles, posing potential hazards.

Saturation Policy and Licensing Hours:

Urgent consideration for a saturation policy in the immediate area, with strict limitations on licensing hours in Eagle Yard.

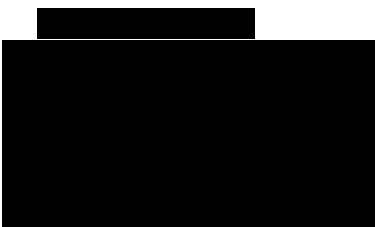
Proposed Conditions if License is Granted:

1. Mandatory CCTV installation inside the premises to monitor capacity adherence.
2. Ensuring staff assistance for patrons leaving the premises to maintain a quiet and orderly departure.
3. Prohibition of musical bands, instruments, or similar performances outside the premises.
4. Restriction on outside tables due to the close proximity to residential flats in Strata Tower, Wollastone Close and Draper House.

As a resident of Draper House (with a direct view of the eagle yard venues and being able to hear all the drama that has been unfolding in last few years at / aroiund the application site, I implore the committee to thoroughly assess these concerns and prioritise the safety, security, and well-being of the local community. Your commitment to upholding UK law, local regulations, and the welfare of residents is crucial in preserving the integrity of our neighborhood.

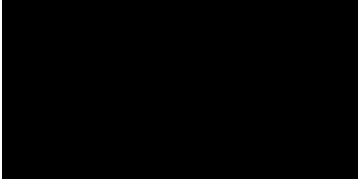
Please confirm receipt of my objection and keep me posted on the progress and any decisions made.

Sincerely,

A large black rectangular redaction box covering the signature and name of the sender.

**From:** [REDACTED]  
**Sent:** Wednesday, May 1, 2024 6:49 PM  
**To:** Regen, Licensing <[Licensing.Regen@southwark.gov.uk](mailto:Licensing.Regen@southwark.gov.uk)>  
**Subject:**

Wednesday 1<sup>st</sup> May 2024



To whom it may concern,

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

Arch 146  
Eagle Yard  
Hampton Street  
SE1 6SP

The reasons are as follows:

prevention of crime and disorder and public safety

At present, the 100m pedestrian walk has already four or five premises licensed to sell alcohol with live and or recorded music. Similar premises next to the applicant's venue have been attracting considerable amount of people, causing nuisance. These gatherings often happened and still happen after closing hours, with the knowledge of the premises' management and despite conditions that should prevent this from happening. Several reports have been filed by local residents to the noise team as well as the police and anti-social behaviour team.

I notice that the licence does not mention any conditions with regards to drinking and smoking outside. In the past, this venue allowed punters to regularly leave premises with drinks in cups (I have several videos and photographs documenting this), further encouraging anti-social behaviour.

prevention of public nuisance

Vandalism has been noted in the immediate adjacent area, including the Crossway Church; I often witness people freely urinating outside my window. There is now widespread of littering and food waste along Maldonado Walk/ Eagle Yard and often see broken bottles on the ground in the morning. I feel there is a cumulative effect that is taking place, by granting licences to so many premises all selling alcohol which is making the area unsafe and perpetrates anti-social behaviour.

This particular venue had a full brass band playing on a weekday back in July (something which I have raised then and still waiting for a follow-up from the council).

I am not sure there are conditions set to a limit of people smoking outside, no condition of limiting the amount of people inside the premises, no condition of having security at the door and no condition asking the premises to keep a record of complaints and incidents. There are also no details of any dispersal policy. I'm also concerned about the late opening on a Sunday: people have a right to rest and be ready to function on a Monday morning (I have to get up at 6 am, for example). Closing at 11 pm on a Sunday means people dispersing loudly until 11:30/midnight and that is not good enough. All these venues in Eagle Yard/ Maldonado Walk regularly apply for TENs with really late closures (4am for instance), which are automatically granted, then we residents have to deal with the nuisance of more anti-social and we are burdened with having to call the noise team and wait for them to turn up or having to write letters to the licensing team which get usually dismissed. I cannot also see any mention of disposing of glasses and rubbish in a sensible way that does not disturb the neighbours. (At the moment, I have to deal with this too from other the venues in the area).

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

Your sincerely,

██████████

OTHER PERSON D

**From:** [REDACTED]  
**Sent:** Tuesday, April 30, 2024 9:43 PM  
**To:** Regen, Licensing <[Licensing.Regen@southwark.gov.uk](mailto:Licensing.Regen@southwark.gov.uk)>  
**Subject:** arch146 SE1 6PS

Dear licensor/ Southwark Council,

Regarding the request for opening hours of arch 146 Eagle Yard, Hampton St SE1 6SP

I vehemently object to their request.

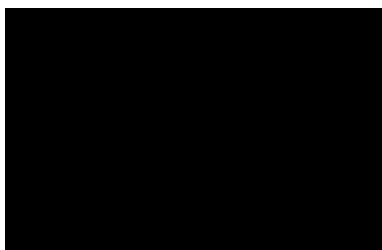
It will be the 7th venue in a stretch of 5 archs in a residential area.

Despite the very fact that a murder occurred there, any noise or bad dispersion policy passing 8pm will cause disturbances to us in Draper House and Strata.

We need to work the following day, we start early we are honest people and do not want that plethora of drug dealers, people screaming, drunk, urinating, defecating and causing trouble and antisocial behaviour.

It seems that Southwark Council cater more for the wild revellers than to us honest people.

Thanks.





TRADING STANDARDS  
WITHDRAWAL

**From:** Jerrom, Charlie <Charlie.Jerrom@southwark.gov.uk>

**Sent:** Friday, April 12, 2024 4:13 PM

**To:**

**Cc:** Heron, Andrew <Andrew.Heron@southwark.gov.uk>; Moore, Ray  
<Ray.Moore@southwark.gov.uk>; Regen, Licensing  
<Licensing.Regen@southwark.gov.uk>

**Subject:** RE: New Premises Licence, Arch 146 Eagle Yard, Hampton Street,  
London, SE1 6SP Ref: 882681

Dear Irina ,

Thank you for your email, Trading Standards as a responsible authority now  
withdraw their representations on the basis of the email below.

I will arrange a date to visit and drop of the hard copies.

Regards

Charlie Jerrom – Enforcement Officer (Trading Standards)  
Southwark Council | Environment, Neighbourhoods and Growth| Regulatory Services

## LICENSING WITHDRAWAL

**From:** McArthur, Wesley <Wesley.McArthur@southwark.gov.uk>  
**Sent:** Thursday, May 2, 2024 4:47 PM  
**To:** Regen, Licensing <Licensing.Regen@southwark.gov.uk>  
**Cc:** Heron, Andrew <Andrew.Heron@southwark.gov.uk>  
**Subject:** RE: Application for a premises licence: Rincon Costeno, Arch 146, Eagle Yard, Hampton Street, SE1 6SP (our ref': 882681) - Loc ID: 191848 - Newington ward

Dear All,

My representation is withdrawn.

Regards,

**Wesley McArthur**

Principal Enforcement Officer - Licensing Unit  
London Borough of Southwark

**E-mail:** [wesley.mcarthur@southwark.gov.uk](mailto:wesley.mcarthur@southwark.gov.uk)

**General:** [licensing@southwark.gov.uk](mailto:licensing@southwark.gov.uk)

**Phone:** 020 7525 5779

**Switchboard:** 020 7525 5000

**Website:** [www.southwark.gov.uk](http://www.southwark.gov.uk)

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

**From:**

**Sent:** Thursday, May 2, 2024 4:13 PM

**To:** McArthur, Wesley <[Wesley.McArthur@southwark.gov.uk](mailto:Wesley.McArthur@southwark.gov.uk)>; Regen, Licensing <[Licensing.Regen@southwark.gov.uk](mailto:Licensing.Regen@southwark.gov.uk)>

**Cc:** Heron, Andrew <[Andrew.Heron@southwark.gov.uk](mailto:Andrew.Heron@southwark.gov.uk)>

**Subject:** Re: Application for a premises licence: Rincon Costeno, Arch 146, Eagle Yard, Hampton Street, SE1 6SP (our ref': 882681) - Loc ID: 191848 - Newington ward

Dear Wesley McArthur,

I hope this email finds you well.

Thank you for reaching out and providing the representation regarding the above application for the premises licence. I have reviewed the conditions outlined in the attachment, and I would like to confirm that we agree to all of the conditions set out in the representation.

We understand the importance of compliance with licensing regulations and community standards, and we are committed to ensuring that our operations meet these requirements. Therefore, we are happy to accept the conditions outlined in the representation.

Please proceed with withdrawing the representation, as we acknowledge and agree to the conditions specified therein.

Thank you.

**Licence Application – Rincon Costeno – Arch 146 Eagle Yard**

Thank you for bringing your concerns regarding the new Premises Licence application to our attention. We appreciate the opportunity to address these matters and assure you that our goal is to operate responsibly and respectfully within the community.

While our venue is described as a "Latin American Traditional Restaurant and Bar," we want to emphasize that our primary focus is on providing a dining experience complemented by the responsible sale of alcohol. We are not intending to operate as a nightclub or contribute to any alcohol-related problems in the area.

Regarding the proposed operating hours and conditions, we have carefully considered the recommendations outlined in the Southwark Council Statement of Licensing Policy. Our aim is to create a welcoming environment for patrons while also being mindful of our neighbours' concerns.

We understand the importance of preventing crime and disorder, particularly in areas with residential buildings nearby. We are committed to implementing robust control measures to ensure the safety and well-being of our patrons and the local community.

We appreciate your feedback and are open to discussing any additional measures or conditions that may be necessary to address the licensing objectives effectively. Our priority is to work collaboratively with local authorities and residents to create a safe and enjoyable environment for all.

Thank you for considering our application, and we look forward to the opportunity to contribute positively to the community.

Thank you,

# Licensing Act 2003 Premises Licence



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

Premises licence number

869693

## Part 1 - Premises details

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>	
Pasaje Primavera Arch 146, Eagle Yard Re-Instate Issued (Licensing) SE1 6SP	
Ordnance survey map reference (if applicable), 532056178732	
<b>Post town</b> London	<b>Post code</b> SE1 6SP
<b>Telephone number</b>	

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

<b>Licensable activities authorised by the licence</b>
Recorded Music - Indoors Facilities for Making Music - Indoors Late Night Refreshment - Indoors Sale by retail of alcohol to be consumed on premises

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

<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

<b>The times the licence authorises the carrying out of licensable activities</b>
---

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

**Recorded Music - Indoors**

Monday	06:00 - 00:00
Tuesday	06:00 - 00:00
Wednesday	06:00 - 00:00
Thursday	06:00 - 00:00
Friday	06:00 - 00:00
Saturday	06:00 - 00:00
Sunday	06:00 - 00:00

**Facilities for Making Music - Indoors**

Monday	06:00 - 00:00
Tuesday	06:00 - 00:00
Wednesday	06:00 - 00:00
Thursday	06:00 - 00:00
Friday	06:00 - 00:00
Saturday	06:00 - 00:00
Sunday	06:00 - 00:00

**Late Night Refreshment - Indoors**

Monday	11:00 - 00:00
Tuesday	11:00 - 00:00
Wednesday	11:00 - 00:00
Thursday	11:00 - 00:00
Friday	11:00 - 02:30
Saturday	11:00 - 02:30
Sunday	11:00 - 00:00

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

Monday	11:00 - 00:00
Tuesday	11:00 - 00:00
Wednesday	11:00 - 00:00
Thursday	11:00 - 00:00
Friday	11:00 - 02:30
Saturday	11:00 - 02:30
Sunday	11:00 - 00:00

## Part 2

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

RINCON COSTENO LIMITED

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

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

11689338

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

Segundo Vicente Gualavisi Carlosama

██  
 ██████████  
 ██████████

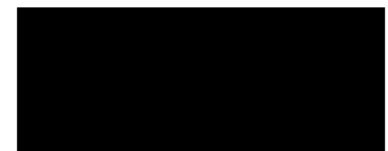
**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**

Licence No. ██████

Authority

L B of ██████

Licence Issue date 30/08/2019



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**

**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.

**255** That fire extinguishers shall be kept at the premises and kept in unobstructed and easily accessible locations.

**288** That a CCTV system shall be installed at the premises and shall be maintained in full working order and be continually recording at all times that the premises is in use under this licence. The CCTV system must be capable of capturing an image of every person who enters the premises.

**289** That all CCTV footage shall be kept for a period of thirty one (31) days and shall be made immediately available to officers of the police or council on request.

**293** That staff shall be trained in regards to all aspects of public safety at the premises.

**298** That clearly legible signs shall be prominently displayed to the satisfaction of the council stating "Drug Free Zone".

**309** That no electronically amplified instruments shall be played in the premises.

**310** That after 21:00 hours the front entrance doors shall be kept closed when regulated entertainment is taking place.

**311** That clearly legible signs shall be prominently displayed to the satisfaction of the council requesting that customers leave the premises in a quiet and orderly manner.

**332** That all persons under 18 years old attending the premises must be accompanied by a parent, guardian or responsible adult at all times.

**340** That a fire alarm system shall be installed at the premises and shall be maintained in full working order and be in operation at all times that the premises is in use under this licence.

**341** Maximum persons to be allowed at any one time including staff to be 80.

**342** A fire risk assessment and a evacuation plan will be implemented in case of fire or other emergencies.

**343** The management will ensure that all staff receive appropriate training and development to carry out their job in an effective manner - to ensure that all the policies including health & safety are consistently maintained.

**344** No bottles or glasses shall be taken off the premises.

**345** A specified time between last sales and the close of the premises shall be displayed.

**346** A display will set out conditions of entry to the premises in the vicinity of any entrance to the premises. a secure deposit box will be kept on the premises for the retention of confiscated items and ensure

that the police are informed of any item which require safe disposal.

**347** Windows and doors will always be kept closed acoustically treated ventilation/air conditioning will be utilised.

**348** Management will ensure that staff, DJs and artists understand the noise control requirements, and regularly monitor noise levels during operating hours.

**349** A complaints and incidents book would be held on the premises to record details of any complaints received from neighbours for inspection by council officers.

**4AB** All staff will receive documented training in relation to the licensing act 2003, and the 'Challenge 21' policy and the training shall be repeated every six months. Records of this training and written policies relating to it will be kept and made available to police or council officers on request.

**4AG** That the premises adopts the 'challenge 21 scheme' whereby any person that appears under 21 year of age has to prove they are 18 or over by providing identification bearing their photograph, date of birth and a holographic mark and/or ultraviolet feature. examples of appropriate identification include passport, photo card driving licence, military ID and proof of age card bearing the pass hologram.

**350** A Refusals Log be kept and maintained and be available to Police or Council Officers on request.

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

**840** That substantial food to be served at all times that alcohol is supplied on Fridays and Saturdays after 00:00;

**841** That a minimum of one SIA licensed door supervisors shall be on duty at the premises at all times when the premises are open between 00:00 and 03:00;

**842** That patrons admitted after midnight must have been invited;

**843** That there shall be no more than 80 patrons shall be present on the premises between 00:00 and 03:00;

**844** That no more than six patrons may use the outside smoking area at any one time. No drinks may be taken into this area;

**845** That no alcohol may be taken off the premises.

**846** That Mr Ian Gualavisi (Person A) and Mr Ronalo Palacios (Person B) be excluded from the premises.

**847** All staff to receive conflict management training with 28-days.

**848** All staff are retrained in the use of CCTV and their obligations in respect of Conditions 288 and 289 of the premises licence within 28-days

**Annex 4 - Plans - Attached**

Licence No. 869693

Plan No. 221102(lic)01

Plan Date May 2011

## NOTICE OF DECISION

### LICENSING SUB-COMMITTEE – 10 AUGUST 2021 (RECONVENED FROM 5 AUGUST 2021)

#### SECTION 53C LICENSING ACT 2003: PASAJE PRIMAVERA, ARCH 146, EAGLE YARD, HAMPTON STREET, LONDON SE1 6SP

#### 1. Decision

That the council's licensing sub-committee, having considered the 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 Pasaje Primavera, Arch 146, Eagle Yard, Hampton Street, London SE1 6SP and having had regard to all other 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 Chief of Police for the Metropolitan Police Service for the review of the premises licence known as Pasaje Primavera, Arch 146, Eagle Yard, Hampton Street, London SE1 6SP. The application was made under Section 53C of the Licensing Act 2003.

The licensing sub-committee heard from an officer from the Metropolitan Police Service who advised that on Saturday 10 July 2021, at approximately 02:40, calls were received by the police stating that a fight was taking place in or near Rincon Costeno, Arch 146 Eagle Yard. The premises are also known as Pasaje Primavera.

Shortly after the police received the calls, a call from the London Ambulance Service (LAS) was received, stating they were dealing with a male victim, named Ian Gualavisi who had significant head injuries and a possible machete wound to his back. Police arrived on scene to speak with the victim, who was uncooperative and saying he could not remember where or how he received his injuries and wanted the matter forgotten. For the avoidance of all doubt, Ian Gualavisi is the victim in the incident that took place on 10 July 2021. Ian Gualavisi is also the son of the designated premises supervisor (DPS).

The incident took place at 146 Eagle Yard, SE1 6SP. When police attended the premises, they found it to be locked and secure with no staff or patrons inside. A key holder attended the premises and allowed Police access. Inside the Police found a significant amount of blood, tables and chairs turned over and smashed glass over the floor. No calls were made to emergency services from the premises or staff at the premises.

The police accessed the CCTV from the premises, which showed between six and eight persons inside sat at a table drinking bottles of beer. The son/victim was also in the premises. He bent down behind the bar area and the suspect crept up behind him and smashed a glass bottle across the back of his head. A fight then ensues. The other people inside the premises attempted to break up the fight.

Ian Gualavisi was attended to by the ambulance service outside Elephant & Castle tube station and was taken to hospital for further treatment.

The officer informed the sub-committee of an incident that occurred on 18 December 2018 when police witnessed a fight outside the premises at 146 Eagle Yard. This incident triggered a summary review of the premises licence. The suspect on this occasion was Ian Gualavisi, the son of the premises licence holder. At the full review on 16 January 2019 the licensing sub-committee permanently barred Ian Gualavisi from the premises. A condition was also imposed that SIA door supervisors would be employed on Friday and Saturday nights when the premises operated after midnight. No SIA were employed at the premises on 10 July 2021.

The police officer advised that as a direct result of the breaches of the licence conditions of the premises licence, a serious assault was committed inside the premises against the son/victim and no calls were made by the premises to emergency services from the premises, staff or even the son/victim. After hearing from the licence holder's legal representative, the officer stated he had no confidence in the management of the premises and recommended that the licence be revoked.

The licensing sub-committee heard from an officer from the council's health and safety team who expressed concern that the incident demonstrated a lack of management control of the premises, required under the Health and Safety at Work Act 1974 and the Management of Health and Safety at Work Regulations 1999. The management of the premises failed to call an ambulance and failed to contact the police. Although the victim did not wish to pursue the matter with the police, the premises was still required to inform the Health and Safety Executive and these failures amounted to prosecutable offences.

The licensing sub-committee heard from the officer representing licensing as a responsible authority whose representation was submitted under the prevention of crime and disorder, prevention of public nuisance, public safety and protection of children from harm licensing objectives. The officer also had regard to the Southwark statement of licensing policy 2021–2026.

The officer advised of that the premises was previously subject to an expedited review and at the final hearing on 16 January 2019, the licensing sub-committee modified the premises licence. One of the conditions added to the licence was that Mr Ian Gualavisi (condition 846) be excluded from the premises.

The officer fully supported the police review and advised that the review in 2019 gave the licensee and DPS a chance to improve the operation at the premises by applying robust conditions as the licensee and DPS had not taken their responsibilities to promote the licensing objectives seriously.



The officer advised that allowing Mr Ian Gualavisi into the premises was a breach of condition 846. Condition 841 (that a minimum of one SIA licensed door supervisors shall be on duty at the premises at all times when the premises are open between 00:00 and 03:00) was also breached.

No one from the premises attempted to call the police or ambulance service at the time of the incident. The officer stated that this confirmed a complete lack of understanding as to the requirements in managing a licensed premises, a disregard for the conditions imposed and a failure in promoting the licensing objectives. The officer recommended that the premises licence should be revoked in order to promote the objectives.

The licensing sub-committee noted the representation of one other person who was not present at the meeting.

The licensing sub-committee then heard from the legal representative for the premises who advised that on 10 July 2021 the kitchen closed at approximately 20:00 and after cleaning, the kitchen staff left at 21:30, leaving the DPS and his wife at the premises.

At this point there were eight customers made up of two tables of four. At approximately 22:00 six new customers arrived and purchased a bucket of beer. They then purchased another bucket of beer at 23:00. This was the last order that was taken by the DPS.

The DPS felt ill and both he and his wife were tired having worked a 16 hour shift. The DPS and premises licence holder's son offered to assist his parents by finishing the evening for them and to then lock up the premises once the customers left the premises.

After the son/victim was assaulted, he left the premises and contacted his sister to attend the premises to lock up. As far as the premises licence holder and DPS were concerned, the premises closed at midnight. It was accepted by them that their son had sold alcohol after they had left the premises, against their instructions. A spreadsheet detailing the transactions for 10 July 2021 was referred to, but the exact times of the sales had not been included. The licence holder's representative advised that the last sale was made at approximately 02:00.

During the discussion stage of the meeting, the legal representative advised that after the son had been assaulted, he left the premises and telephoned his sister (the daughter of the DPS and premises licence holder) and requested that she attend the premises to lock up. No real explanation was given why the daughter could not be contacted in the first instance to finish and lock up in the son/victim's place.

When the DPS was asked to explain Challenge 25, the DPS was unable to do so. The legal representative explained that the DPS had held a personal licence for seven years and knew what was expected of him. The premises licence had conditions prohibiting under 18s to enter the premises. The legal representative advised that the DPS may not recognise the term Challenge 25, but the aim relating to the under 18 policy was the same.

The premises licence holder and DPS stated that they recognised the six customers that entered the premises at 22:00 hours, but did not know their names. None of these customers were the other named individual who was banned from the premises in condition 846. Licensable activities had taken place after the licence holder and DPS had left the premises. However, they were of the view that the premises were closed and pursuant to the licence conditions, did not need any SIA door supervisors.

In determining this review application, the sub-committee had the choice to

- i. Remove the designated premises supervisor;
- ii. Modify the premises licence by altering, omitting or adding any condition
- iii. Suspend the premises licence;
- iv. Exclude a licensable activity from the scope of the licence
- v. Revoke the premises licence.

Pasaje Primavera (also known as Rincon Costeno) is a family run restaurant. The premises licence holder is Rincon Costeno Limited. The director of the company is Rocio Del Pilar Chango Mullo. Rocio Del Pilar Chango Mullo is the wife of the DPS. The licensing sub-committee found the DPS's knowledge and understanding of the Licensing Act 2003 and the conditions attached to the premises licence inadequate. Despite being assisted with translation by his niece, the DPS's account was inconsistent and questionable. The sub-committee found that the DPS was wholly unfit to hold a personal licence.

It was felt that it would be inappropriate to remove the DPS due to the nature of the operation of the restaurant being a family business. Even if the DPS were removed, it was likely that he would still somehow be involved in it. The premises licence had already been modified in 2019 to include robust conditions, which were not complied with so a further modification of the licence could not guarantee compliance. A suspension of the licence was also considered. Members again did not feel this could guarantee the future compliance of the licence. Similarly, this was members' conclusion when considering the removal of licensable activities.

The DPS and his wife trusted their son to ensure that the table of six patrons left in a timely manner and to lock up. Instead, the son sold alcohol, a fight ensued and the premises was subsequently abandoned and left empty and open for anyone to enter. Had the premises had complied with the premises licence conditions this incident would not have occurred. The licensing sub-committee had no confidence in the management of the premises and felt there to be no other option but to revoke the premises licence.

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

### 3. Appeal rights

This decision is open to appeal by either:

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

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

This decision does not have effect until either

- a) The end of the period for appealing against this decision; 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:

- **To suspend the premises licence.**

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

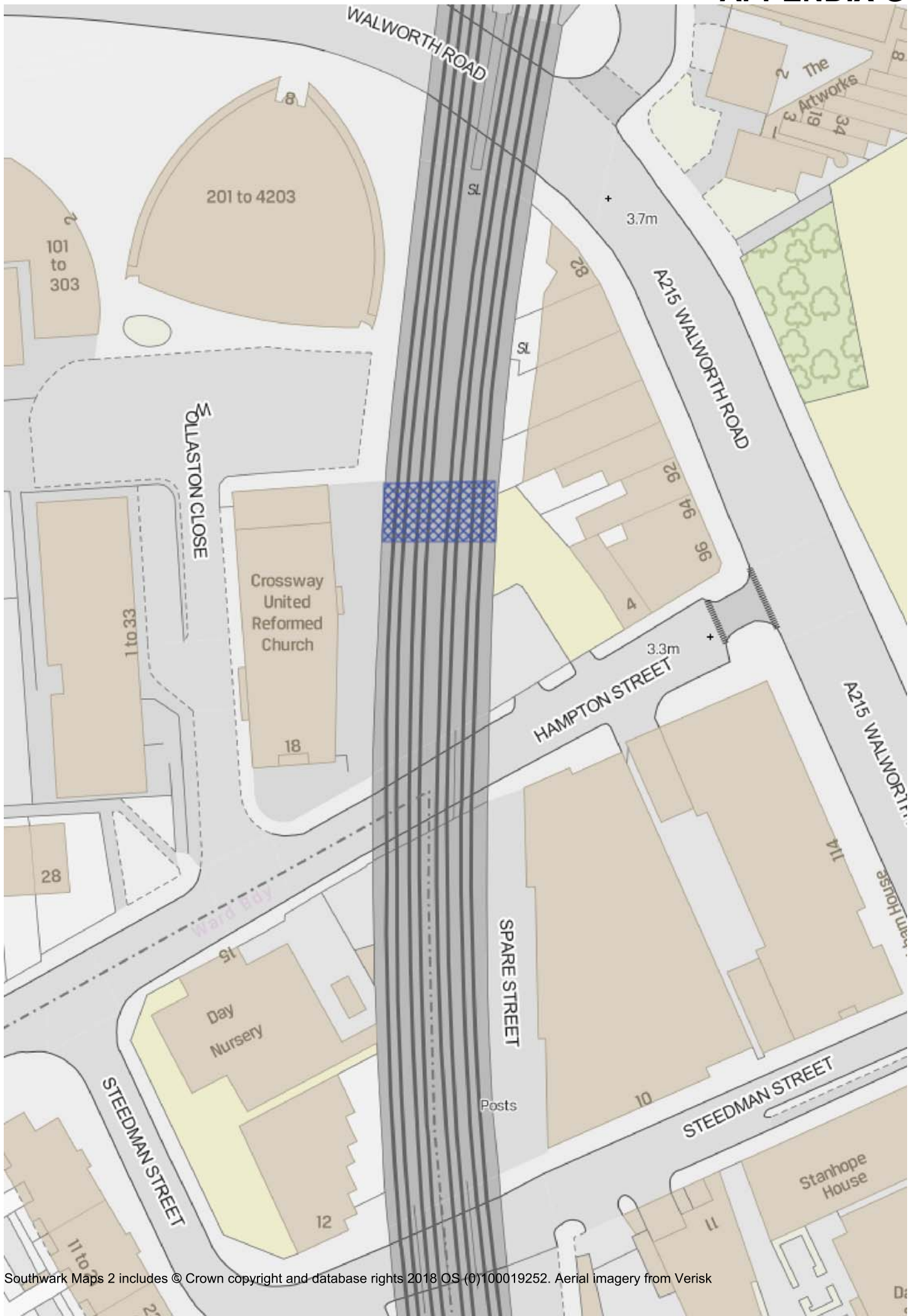
The interim steps are open to appeal by:

- 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 Director of Law and Governance.

Date: 10 August 2021



<b>Meeting Name:</b>	Licensing Sub-Committee
<b>Date:</b>	30 May 2024
<b>Report title:</b>	Licensing Act 2003: Malibu Restaurant Bar, 229 Old Kent Road, London SE1 5LU
<b>Ward(s) or groups affected:</b>	South 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 Jose Rafael Ferreira Minaya for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Malibu Restaurant Bar, 229 Old Kent Road, London SE1 5LU.
2. Notes:
  - a) This application forms a new application for a premises licence, submitted under Section 17 of the Licensing Act 2003. The application is subject to representations from 4 responsible authorities and is therefore referred to the sub-committee for determination.
  - b) Paragraphs 8 to 11 of this report provide a summary of the application under consideration by the sub-committee. A copy of the full application is attached as Appendix A.
  - c) Paragraphs 12 to 21 of this report deal with the representations submitted in respect of the application. Copies of the representations submitted are attached in Appendix B of this report. A map showing the location of the premises is attached to this report as Appendix F.
  - 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 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 premises licence application**

8. On 3 April 2024, Jose Rafael Ferreira Minaya applied for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Malibu Restaurant Bar, 229 Old Kent Road, London SE1 5LU. The premises and purpose is described as follows:
  - 'Spanish Restaurant and Tapas Bar'.
9. The hours applied for are summarised as follows:
  - Live music (indoors)
    - Sunday to Thursday: 11:00 to 23:00
    - Friday and Saturday: 11:00 to 00:00
  - Recorded music (indoors):
    - Sunday to Thursday: 10:00 to 23:30
    - Friday and Saturday: 10:00 to 00:30

- Late night refreshment (indoors):
    - Sunday to Thursday: 23:00 to 23:30
    - Friday and Saturday: 23:00 to 00:30
  - The sale by retail of alcohol (on the premises):
    - Sunday to Thursday: 11:00 to 23:30
    - Friday and Saturday: 11:00 to 00:30
  - Opening hours:
    - Sunday to Thursday: 08:00 to 00:00
    - Friday and Saturday: 08:00 to 01:00.
10. The premises licence application form provides the applicant's operating schedule. Parts E, F, I, J, K, L, and M of the operating schedule set out the proposed licensable activities, operating hours and operating control measures in full, with reference to the four licensing objectives as stated in the Licensing Act 2003. Should a premises licence be issued in respect of the application the information provided in part M of the operating schedule will form the basis of conditions that will be attached to any licence granted subsequent to the application. A copy of the application is attached to this report in Appendix A.

### **Designated premises supervisor**

11. The proposed designated premises supervisor is Jose Rafael Ferreira Minaya who holds a personal licence issued by Southwark Council.

### **Representations from responsible authorities**

12. Representations have been submitted by the council's trading standards team, the Metropolitan Police Service, and the council's environmental protection team and licensing authority.
13. The representation by trading standards recommends that four conditions are added to the operating schedule in order to promote the protection of children from harm licensing objective.
14. The police representation objects to the granting of the application in its current format and states that the control measures offered within the operating schedule are not adequate to address the licensing objectives in particular, to that of the prevention of crime and disorder. The police recommend 15 conditions to address this.
15. The police representation further states that the hours applied for are outside of that recommended in this area for a restaurant in the Southwark statement of licensing policy and ask the applicant to bring the hours applied for in line with the policy.
16. The environmental protection team object to the application with regard to the licensing objective of prevention of public nuisance, on the basis that the proposed hours of operation significantly exceed the recommended hours in the council's statement of licensing policy. They also state that the premises has a history of non-

compliance, and that the controls included within the application are considered insufficient to ensure the licensing objective.

17. The environmental protection team recommend 11 conditions to be added to the licence should the licensing sub-committee be of a mind to grant the application.
18. The representation from the licensing authority as a responsible authority relates to the promotion of the prevention of crime and disorder, public nuisance, public safety and the prevention of public nuisance licensing objectives.
19. The licensing responsible authority states that the southwark statement of licensing policy 2021-2026 recommends that this type of premises should close on a Monday to Sunday at 23:00 and recommends that the hours applied for and licensable activities are cut back, allowing half an hour drinking up time for the sale of alcohol.
20. The licensing responsible authority also recommends 25 further conditions to be added to the premises licence should the application be granted in order to promote the licensing objectives.
21. The representations from responsible authorities are attached to this report at Appendix B

### **Conciliation**

22. Following conciliation with trading standards and the Metropolitan Police Service, the applicant has agreed to add the conditions recommended within their representations to the operating schedule and as such trading standards and the Metropolitan Police Service have now withdrawn their representations.
23. Copies of the conciliated conditions of trading standards and the metropolitan police service, with their withdrawal statements are attached to this report at Appendix C.
24. At the time of writing this report the representations from the environmental protection team and the licensing authority are still outstanding.
25. At the hearing to determine this application, the licensing sub-committee will be apprised as to any further conciliation that may have taken place.

### **Representations from other persons.**

26. There are no representations received from other persons.

### **Application history**

27. The premises currently holds a licence issued to Rute Carvalho on 2 May 2018, however this licence has been suspended for non payment of fees since 22 June 2019.



28. The existing premises licence (862805) issued in respect of the premises allows the following licensable activities:
- The sale by retail of alcohol (on and off the premises):
    - Monday to Sunday: 11:00 to 22.30
  - Opening hours:
    - Monday to Sunday: 08:00 to 23:00.
29. A copy of the existing premises licence is attached to this report as Appendix D.

### Temporary event notices

30. There have been 12 temporary event notices (TENs) submitted in respect of the premises since November 2023. A table of TENs is attached to this report at Appendix E.

### Map

31. A map showing the location of the premises is attached to this report as Appendix F. The following are a list of licensed premises shown on the map:

#### **La Cantaleta, 176-178 Old Kent Road, London SE1 5TY**, licensed for:

- Recorded music and performance of dance (indoors):
  - Monday to Thursday: 12:00 to 23:00
  - Friday and Saturday: 12:00 to 05:00
  - Sunday: 12:00 to 00:00
- Late night refreshment (indoors):
  - Friday and Saturday: 23:00 to 05:00
  - Sunday: 23:00 to 00:00
- The sale of alcohol to be consumed on the premises:
  - Monday to Thursday: 12:00 to 23:00
  - Friday and Saturday: 12:00 to 05:00
  - Sunday: 12:00 to 00:00
- Opening hours
  - Monday to Thursday: 12:00 to 23:30
  - Friday and Saturday: 12:00 to 05:30
  - Sunday: 12:00 to 00:30

#### **Tropical, 186-188 Old Kent Road, London SE1 5T**, licensed for:

- Recorded music (indoors):
  - Monday to Sunday: 23:00 to 00:00

- Performance of dance and entertainment similar to live/recorded music (indoors)
  - Monday to Sunday: 20:00 to 00:00
- Late night refreshment (indoors):
  - Monday to Sunday: 23:00 to 00:00
- The sale of alcohol to be consumed on the premises:
  - Monday to Sunday: 11:00 to 00:00
- Opening hours
  - Monday to Sunday: 10:00 to 00:30

**Mambo 190 Bar and Lounge, 190-192 Old Kent Road, London SE1 5TY,**  
licensed for:

- Live music and recorded music (indoors)
  - Monday to Thursday: 11:00 to 00:00
  - Friday and Saturday: 11:00 to 04:00
  - Sunday: 11:00 to 02:00
- Performance of dance (indoors):
  - Monday to Thursday: 18:00 to 00:00
  - Friday and Saturday: 17:00 to 04:00
  - Sunday: 17:00 to 00:00
- Entertainment similar to live/recorded music (indoors):
  - Monday to Thursday: 17:00 to 00:00
  - Friday and Saturday: 17:00 to 04:00
  - Sunday: 12:00 to 01:00
- Late night refreshment (indoors)
  - Monday to Thursday: 23:00 to 01:00
  - Friday and Saturday: 23:00 to 03:00
  - Sunday: 23:00 to 01:00
- The sale of alcohol to be consumed on the premises:
  - Monday to Wednesday: 11:00 to 00:00
  - Thursday: 11:00 to 01:00
  - Friday and Saturday: 11:00 to 04:00
  - Sunday: 10:00 to 01:00

- Opening hours
  - Monday to Wednesday: 07:00 to 01:30
  - Thursday: 07:00 to 02:00
  - Friday and Saturday: 07:00 to 04:30
  - Sunday: 07:00 to 01:30

**Le Joint, 193 Old Kent Road, London SE1 5NA**, licensed for:

- Late night refreshment (indoors):
  - Monday to Sunday: 23:00 to 02:30
- The sale of alcohol to be consumed on and off the premises:
  - Monday to Sunday: 10:00 to 02:30
- Opening hours:
  - Monday to Sunday: 10:00 to 03:00

**Eurotraveller Hotel, 194-202 Old Kent Road, London, SE1 5TY**, licensed for:

- Live music; recorded music, performance of dance, facilities for dancing, provisions similar to making music and dancing (indoors):
  - Monday to Saturday: 11:00 to 23:00
  - Sunday: 11:00 to 22:00
- The sale of alcohol to be consumed on the premises (bar and restaurant):
  - Monday to Saturday: 09:00 to 23:00
  - Sunday: 09:00 to 22:00
- The sale of alcohol to be consumed on the premises (hotel bar only):
  - Monday to Sunday: 00:00 to 00:00
- Opening hours:
  - Monday to Sunday: 00:00 to 00:00

**Daniels Bar & Restaurant, 207 Old Kent Road, London SE1 5NA**, licensed for:

- Late night refreshment (indoors):
  - Monday to Saturday: 23:00 to 00:30
  - Sunday: 23:00 to 00:00
- The sale of alcohol to be consumed on the premises (hotel bar only):
  - Monday to Saturday: 11:00 to 00:00
  - Sunday: 23:00 to 23:30

**Boulevard Coffee, 224 Old Kent Road, London SE1 5UB**, licensed for:

- Live music; recorded music, performance of dance, entertainment similar to live/recorded music / dance (indoors):
  - Sunday to Thursday: 11:00 to 00:00
  - Friday and Saturday: 11:00 to 02:00
- Late night refreshment (indoors):
  - Sunday to Thursday: 23:00 to 00:00
  - Friday and Saturday: 23:00 to 02:00
- The sale of alcohol to be consumed on the premises:
  - Sunday to Thursday: 08:00 to 00:00
  - Friday and Saturday: 08:00 to 02:00
- Opening hours:
  - Sunday to Thursday: 08:00 to 00:30
  - Friday and Saturday: 08:00 to 02:30

**New Wing Fu, 227 Old Kent Road, London SE1 5LU**, licensed for:

- Late night refreshment (indoors):
  - Monday to Sunday: 23:00 to 00:00
- The sale of alcohol to be consumed off the premises:
  - Monday to Sunday to: 12:00 to 00:00
- Opening hours:
  - Monday to Sunday: 12:00 to 00:00

**La Venice Pizzeria, 242 Old Kent Road, London, SE1 5UB**, licensed for:

- Late night refreshment (indoors):
  - Monday to Sunday: 23:00 to 04:00
- Opening hours:
  - Sunday to Thursday: 10:00 to 00:00
  - Friday and Saturday: 10:00 to 01:00
- Delivery hours:
  - Monday to Sunday: 10:00 to 04:00

**Nishas News, 246 Old Kent Road, London, SE1 5UB**, licensed for:

- The sale of alcohol to be consumed off the premises:
  - Monday to Saturday: 06:30 to 23:30
  - Sunday to: 07:00 to 23:30
- Opening hours:
  - Monday to Sunday: 06:30 to 23:30

**Ahwaz Lebanese Restaurant, Ground Floor, 249 Old Kent Road, London SE1 5LU**, licensed for:

- Late night refreshment (indoors):
  - Monday to Sunday: 23:00 to 03:00
- Opening hours:
  - Monday to Sunday: 23:00 to 03:00

**Old Kent Fish Bar, 253 Old Kent Road, London SE1 5LU**, licensed for:

- Late night refreshment (indoors):
  - Monday to Sunday: 23:00 to 01:00
- Opening hours:
  - Monday to Sunday: 11:00 to 01:00

**G & F Supermarket, 272-274 Old Kent Road, London SE1 5UB**, licensed for:

- The sale of alcohol to be consumed off the premises:
  - Monday to Sunday: 00:00 to 00:00
- Opening hours
  - Monday to Sunday: 00:00 to 00:00

**Old Kent Kebab and Fried Chicken, 273 Old Kent Road, London SE1 5LU**, licensed for:

- Late night refreshment (indoors):
  - Monday to Sunday: 23:00 to 03:00.

## Southwark Council statement of licensing policy

32. Council assembly approved Southwark's statement of licensing policy 2021-2026 on 25 November 2020 and it came into effect on 1 January 2021.
33. Sections of the statement that are considered to be of particular relevance to the sub-committee's consideration are:
- Section 3 - Purpose and scope of the policy. This reinforces the four licensing objectives and the fundamental principles upon which this authority relies in determining licence applications.
  - Section 5 – Determining applications for premises licenses and club premises certificates. This explains how the policy works and considers issues such as location; high standards of management; and the principles behind condition setting.
  - Section 6 – Local cumulative impact policies. This sets out this authority's approach to cumulative impact and defines the boundaries of the current special policy areas and the classifications of premises to which they apply. To be read in conjunction with Appendix B to the policy.
  - Section 7 – Hours of operation. This provides a guide to the hours of licensed operation that this authority might consider appropriate by type of premises and (planning) area classification.
  - Section 8 – The prevention of crime and disorder. This provides general guidance on the promotion of the first licensing objective.
  - Section 9 – Public safety. This provides general guidance on the promotion of the second licensing objective.
  - Section 10 – The prevention of nuisance. This provides general guidance on the promotion of the third licensing objective.
  - Section 11 – The protection of children from harm. This provides general guidance on the promotion of the fourth licensing objective.
34. The purpose of Southwark's statement of licensing policy is to make clear to applicants what considerations will be taken into account when determining applications and should act as a guide to the sub-committee when considering the applications. However, the sub-committee must always consider each application on its own merits and allow exceptions to the normal policy where these are justified by the circumstances of the application.
35. Members should take into consideration both the Southwark statement of licensing policy and the Section 182 Guidance when making decisions. The links for these are below:

Southwark policy:

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

Section 182 Guidance:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/705588/Revised\\_guidance\\_issued\\_under\\_section\\_182\\_of\\_the\\_Licensing\\_Act\\_2003\\_April\\_2018\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf)

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

36. The premises does not fall within a cumulative impact area (CIA).
37. The premises are situated in a residential area.
38. Under the Southwark's statement of licensing policy 2021 - 2026 the following closing times are recommended as appropriate within a residential area
  - Restaurants and cafes:
    - Monday to Sunday: 23:00
  - Public houses, wine bars, or other drinking establishments and bars in other types of premises:
    - Monday to Sunday: 23:00
  - Nightclubs (with 'sui generis' planning permission):
    - Not considered appropriate for residential areas.

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

#### **Community impact statement**

39. 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**

40. 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.
41. 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.

42. 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>.

43. The equalities impact assessment is available at:

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

### **Health impact statement**

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

### **General guidance**

45. Members should take into consideration both the Southwark statement of licensing policy and the Section 182 Guidance when making decisions.
46. 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.

### **Climate change implications**

47. Following council assembly on 14 July 2021, the council is committed to considering the climate change implications of any decisions.
48. 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.
49. 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.
50. The council's climate change strategy is available at:

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



## **Resource implications**

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

## **Consultation**

52. 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 a similar notice was exhibited outside of the premises for a period of 28 consecutive days.

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

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

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

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

55. The sub-committee is asked to determine the application for a premises licence under Section 17 of the Licensing Act 2003.
56. The principles which sub-committee members must apply are set out below.
57. The general principle is that applications for premises licence applications must be granted unless relevant representations are received. This is subject to the proviso that the applicant has complied with regulations in advertising and submitting the application.
58. Relevant representations are those which:
- Are about the likely effect of the granting of the application on the promotion of the licensing objectives
  - Are made by an interested party or responsible authority
  - Have not been withdrawn
  - Are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
59. If relevant representations are received then the sub-committee must have regard to them, in determining whether it is necessary for the promotion of the licensing objectives to:
- To grant the licence subject to:
    - The conditions mentioned in section 18 (2)(a) modified to such extent as the licensing authority considers necessary for the promotion of the licensing objectives
    - Any condition which must under section 19, 20 or 21 be included in the licence.

- To exclude from the scope of the licence any of the licensable activities to which the application relates.
- To refuse to specify a person in the licence as the premises supervisor.
- To reject the application.

## **Conditions**

60. The sub-committee's discretion is thus limited. It can only modify the conditions put forward by the applicant, or refuse the application, if it is necessary to do so. Conditions must be necessary and proportionate for the promotion of one of the four licensing objectives, and not for any other reason. Conditions must also be within the control of the licensee, and should be worded in a way which is clear, certain, consistent and enforceable.
61. The four licensing objectives are:
- The prevention of crime and disorder
  - Public safety
  - The prevention of nuisance
  - The protection of children from harm.
62. 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.
63. Conditions will not be necessary if they duplicate a statutory position. Conditions relating to night café and take away aspect of the license must relate to the night time operation of the premises and must not be used to impose conditions which could not be imposed on day time operators.
64. Members are also referred to the Home Office Revised Guidance issued under section 182 of the Licensing Act 2003 on conditions, specifically section 10.

## **Reasons**

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

## **Hearing procedures**

66. 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.

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

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

68. 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.
69. 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.
70. 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.

71. 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.
72. 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.
73. 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.
74. 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.
75. 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**

76. 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**

77. 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 and Enforcement, 160 Tooley Street, London SE1 2QH	Mrs Kirty Read Tel: 020 7525 5748

**APPENDICES**

<b>Name</b>	<b>Title</b>
Appendix A	Application for a premises licence
Appendix B	Representations submitted by responsible authorities
Appendix C	Conciliation/withdrawal statements from the police and trading standards
Appendix D	Existing premises licence
Appendix E	Table of temporary event notices
Appendix F	Map of the locality

**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>	15 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>	17 May 2024	

03/04/2024

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

Ref No. 2207245

Name of Applicant

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

	JOSE RAFAEL FERREIRA MINAYA
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Notes for Guidance

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

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

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

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

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

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

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

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

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

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

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

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

11. The application form must be signed.

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

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

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

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

from partnerships which are not limited liability partnerships:

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

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

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

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

Documents which demonstrate entitlement to work in the UK

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



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

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

- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
  
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:
  - o evidence of the applicant's own identity – such as a passport,
  
  - o evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
  
  - o evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
    - (i) working e.g. employment contract, wage slips, letter from the employer,
    - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
    - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
    - (iv) self-sufficient e.g. bank statements.

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

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

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

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

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

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

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

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

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

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

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

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

#### Premises Details

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

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

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

Premises trading name

MALIBU RESTAURANT BAR
-----------------------

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

Do you have a Southwark postcode?	Yes
Address Line 1	229 OLD KENT ROAD
Address Line 2	
Town	LONDON
Post code	SE1 5LU
Ordnance survey map reference	
Description of the location	
Telephone number	[REDACTED]

Applicant Details

Please select whether you are applying for a premises licence as

	An individual or individuals
--	------------------------------

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

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

Details of Individual Applicant

Personal Details

Title	Mr
If other, please specify	
Surname	FERREIRA MINAYA
Forenames	JOSE RAFAEL
Date of birth	[REDACTED]
I am 18 years old or over	Yes
Nationality	[REDACTED]

Current Address

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

County	
Post code	

## Contact Details

Daytime contact telephone number	
Email Address	

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	
--------------	--

Note 15: Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

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.

Do you wish to add a second individual applicant?

	No
--	----

## Operating Schedule

When do you want the premises licence to start?

	01/05/2024
--	------------

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

--	--

General description of premises ( see guidance note 1 )

	SPANISH RESTAURANT AND TAPAS BAR.
--	-----------------------------------

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

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

Note 1

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

Operating Schedule part 2

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

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

Provision of regulated entertainment (Please read guidance note 2)

	e) live music
	f) recorded music

Provision of late night refreshment

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

Supply of alcohol

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

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

E - Live Music

Will the performance of live music take place indoors or outdoors or both? ( Please read guidance note 3)

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

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

	MUSICIANS WILL PERFORM FOR THE CLIENTS ENTERTAINMENT.
--	---

Standard days and timings for Live Music ( Please read guidance note 7)

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

State any seasonal variations for the performance of live music ( Please read guidance note 5 )

--	--

Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed. ( Please read guidance note 6 )

--	--

3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
4. For example the type of activity to be authorised, if not already stated, and give relevant further details.
5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g.

Christmas Eve.

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

F - Recorded Music

Will the playing of recorded music take place indoors or outdoors or both? ( Please read guidance note 3 )

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

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

	BACKGROUND MUSIC WILL BE PLAYED FOR CUSTOMERS.
--	--

Standard days and timings for Recorded Music ( Please read guidance note 7 )

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

State any seasonal variations for playing recorded music ( Please read guidance note 5 )

--	--

Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed. ( Please read guidance note 6 )

--	--

3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.

I - Late Night Refreshment



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

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

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

	CLIENTS WILL ENJOYED SOME DRINKS WITH DELICIOUS SPANISH DISHES.
--	---

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

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

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

--	--

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

--	--

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

J - Supply of Alcohol

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

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

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

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

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

--	--

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

--	--

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

--	--

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

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

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

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

Premises Supervisor

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

Full name of proposed designated premises supervisor

First names	JOSE RAFAEL
-------------	-------------

Surname	FERREIRA MINAYA
---------	-----------------

DOB

Date Of Birth	[REDACTED]
---------------	------------

Address of proposed designated premises supervisor

Street number or Building name	[REDACTED]
Street Description	[REDACTED]
Town	[REDACTED]
County	
Post code	[REDACTED]

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

Personal licence number ( if known )	[REDACTED]
Issuing authority ( if known )	SOUTHWARK

K

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

	NONE
--	------

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

L - Hours premises are open to public

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

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

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

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

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

Mon	08:00	00:00
Tues	08:00	00:00
Wed	08:00	00:00
Thur	08:00	00:00
Fri	08:00	01:00
Sat	08:00	01:00
Sun	08:00	00:00

State any seasonal variations ( Please read guidance note 5 )

--	--

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

--	--

M - Steps to promote four licencing objectives

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

	For the Prevention of crime and disorder, Public Safety, Prevention of Public Nuisance and Protection of Children from Harm see below steps to promote them in the premises
--	---

b) the prevention of crime and disorder

	Installation of CCTV in the premises that will be in operation at all times. We will display A4 signs advising that CCTV is in operation. An incident book will be maintained within which full details of all occurrences of disorder and refused alcohol sales at the premises must be recorded. The incident book will be kept on the premises at all times and will be made available for inspection by the police. No one carrying open or sealed bottles or glasses will be admitted to the premises at any time
--	--

c) public safety

	Irresponsible drinks promotions will not be on offer. The license holder will ensure that all staff receive appropriate training about emergency and general safety precautions and procedures. The license holder will ensure that all staff are aware of their social and legal obligations and their responsibilities regarding the sale of alcohol. Free drinking water will be available at all times the premises is open to the public. The electrical system at the premises, including portable appliances will be inspected and tested annually by a competent person and a satisfactory safety report obtained. The gas system, including appliances, will be inspected annually and tested by a Gas Safe Registered engineer and a satisfactory Gas Safety Certificate must be obtained. All safety certificates and inspection reports will be kept on site and made available for inspection by officers of relevant statutory bodies. The fire safety measures provided on the premises will be maintained in good working order, and their adequacy will be determined on a regular basis, by the carrying out of a fire risk assessment as required by, and in accordance with the Regulatory Reform (Fire Safety) Order 2005. An adequate and appropriate supply of first aid equipment and materials will be available on the premises.
--	--

d) the prevention of public nuisance

	Prominent, legible notices requesting people to leave the premises and the area quietly will be displayed at all exits. The license holder will control the volume of regulated entertainment taking place at the premises, by the installation of a noise limiter. All external doors and windows will be kept shut, other than for access and egress, in all rooms when events involving amplified music or speech or other entertainment are likely to rise to noise. Where outside areas are provided for the use of customers facilities for the disposing and collecting of litter will be maintained.
--	--


e) the protection of children from harm

	A proof of age policy agreed in writing will be enforced. A challenge 21/25 policy will be employed where those individuals who appear to be under the age of 21/25 attempting to purchase alcohol must be asked for identification. The only type of ID that will be accepted is PASS accredited ID, passport or photo driving license
--	---

Guidance note 10

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

Please upload a plan of the premises

	
--	---

Please upload any additional information i.e. risk assessments

--	--

Checklist

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

Home Office Declaration

Please tick to indicate agreement

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

Proof of Entitlement to work in the UK

Please upload your proof of entitlement to work in the UK or share code issued by the Home Office online right to work checking service. (Please see guidance below)

--	--	--

**Note 15: Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

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.

**Declaration**

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

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

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

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

I agree to the above statement

	Yes
PaymentDescription	
PaymentAmountInM	

inorUnits	
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 12). If completing on behalf of the applicant, please state in what capacity.

Full name	JOSE RAFAEL FERREIRA MINAYA
Date (DD/MM/YYYY)	03/04/2024
Capacity	DPS

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

Full name	
Date (DD/MM/YYYY)	03/04/2024
Capacity	

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

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

**GUIDANCE NOTES**

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

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

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

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

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

DISQUALIFIED.

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

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



**Tear, Jayne**

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**From:** Jerrom, Charlie  
**Sent:** 05 April 2024 14:29  
**To:** [REDACTED]  
**Cc:** Regen, Licensing; Tear, Jayne; Moore, Ray  
**Subject:** New Premises Licence, 229 Old Kent Road, London, SE1 5LU Ref: 882730  
**Attachments:** Best practice guide 2022.pdf; Age verification policy 2022.pdf; Saying no 2023.pdf; Proof of age cards 2022.pdf; Alcohol 2023.pdf; Southwark Refusals Register 2023.pdf; FINAL\_c25-poster-enga-1\_WSTA.pdf

Trading Standards as a responsible authority are in receipt of a new premises license application from Jose Rafael Ferreira Minaya, in respect of 229 Old Kent Road, London, SE1 5LU. Trading Standards as a responsible authority are making representation in respect of this application under all the licensing objectives, but primarily the protection of children from harm.

In the general description this is:-

“Spanish Restaurant and Tapas Bar”

The opening hours are to be:-

Sunday to Thursday 08:00hrs to 00:00hrs  
 Friday to Saturday 08:00hrs to 01:00hrs

The hours for alcohol sales are to be (on sales)

Sunday to Thursday 11:00hrs to 23:30hrs  
 Friday to Saturday 11:00hrs to 00:30hrs

Live music (indoors)  
 Sunday to Thursday 11:00hrs to 23:00hrs  
 Friday to Saturday 11:00hrs to 00:00hrs

Recorded Music (indoors)  
 Sunday to Thursday 10:00hrs to 23:30hrs  
 Friday to Saturday 10:00hrs to 00:30hrs

Late night refreshments (indoors)  
 Sunday to Thursday 23:00hrs to 23:30hrs  
 Friday to Saturday 23:00hrs to 00:30hrs

Under the licensing objectives the application does mention a refusals log and challenge 21/25 which is very good, however it does not mention staff training or signage.

Trading Standards therefore simply asks that the following conditions be agreed by way of tidying up these matters.

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.

I attach electronic documents of training materials and a refusals register which can be used to meet the above conditions in terms of staff training and use of a refusal register. This effectively saves the business the cost of paying a consultant to undertake such activities. There is no reason why a person in the business who holds a personal license cannot undertake such training for staff and this can form part of a defence for the business should a member of staff supply alcohol to a minor.

If you are happy to accept these conditions then trading standards, as a responsible authority, will be happy to lift the representations made in respect of the application.

Hard copies of the above documents can be provided on request.

**Charlie Jerrom** – Enforcement Officer (Trading Standards)  
Southwark Council | Environment, Neighbourhoods and Growth | Regulatory Services  
Direct line 020 7525 7529 | Fax 020 7525 5735 | Call Centre 020 7525 2000

Visit our web pages [www.southwark.gov.uk/TradingStandards](http://www.southwark.gov.uk/TradingStandards)  
Need clear practical consumer advice? Visit Citizen's Advice Consumer Service  
[www.direct.gov.uk/consumer](http://www.direct.gov.uk/consumer)

Postal Address:  
Trading Standards Unit | 3rd Floor, Hub 1 | PO Box 64529 | London | SE1P 5LX

Visitor Address:  
160 Tooley Street | London | SE1 2QH





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

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

Tel: 020 7232 6756

Email: SouthwarkLicensing@met.police.uk

**Our reference:** MD/24/330

**Date:** 07 11/04/2024

Dear Sir/Madam

**Re:Malibu 229 Old kent Road SE1 5LU**

Police are in possession of an application from the above for a New Premises Licence for the supply of alcohol on sales, live music, recorded music, late night refreshment. The operating schedule describes it as Spanish restaurant and tapas bar will operate as a genuine restaurant. The hours requested are outside those recommended in the Southwark council Statement of Licensing policy for a restaurant in a residential area and are as follows

Open to the public

Sun-Thurs-0800hrs-0000hrs

Fri-Sat-0800hrs-0100hrs

Late Night Refreshment

Sun-Thurs-2300hrs-2330hrs

Fri-Sat-2300hrs-0030hrs

Supply of Alcohol on sales

Sun-Thurs-1100hrs-2330hrs

Fri-Sat-1100hrs-0030hrs

Recorded music

Sun-Thurs-1000hrs-2330hrs

Fri-Sat-1000hrs-0030hrs

Live Music

Sun-Thurs-1000hrs-2330hrs

Fri-Sat-1000hrs-0030hrs

The hours the applicant has requested exceed those within the Southwark council Licensing Policy and Police ask the applicant to consider reducing the requested hours so that they are in line with the policy.

The applicant has provided some control measures in the operating schedule and we welcome these however some are either not clear or not easily enforced in their current format

In regards to the control measures offered 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 must be precise and enforceable.

Police would ask the applicant to consider the following wording of conditions

1. That a digital CCTV system shall be installed at the premises, shall be maintained in full working order and shall be continually recording at all times that the premises are in use. The CCTV system must be capable of capturing a clear facial image of every person who enters the premises in all lighting conditions. The CCTV system shall be correctly time and date stamped at all times. The CCTV system shall cover all interior and exterior areas of the premises, including the frontage of the premises, and shall collect clearly defined / focused footage. That all CCTV footage shall be kept for a period of thirty one (31) days and shall be made immediately available to Police and responsible authority officers on request.

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

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

4. That all relevant staff shall be trained in their responsibilities under the Licensing Act 2003, the promotion of the licensing objectives and the terms and conditions of this licence. Records pertaining to such training ('the staff training logs') shall be kept at the premises, shall be updated every 6 months and shall be made immediately available to responsible authority officers on request. The training logs shall include the trainee's name (in block capitals), the trainer's name (in block capitals), the date(s) of training and a declaration that the training has been received and understood by the trainee. If the staff training logs are a paper hardcopy then the signature of the trainee, the signature of the trainer shall be included. That all Digital records of training and/or logs shall be made immediately available to Police and responsible authority officers on request.

5. Clearly legible signs shall be prominently displayed where they can easily be seen and read by customers at all exits from the premises, requesting that  
 (A) Customers leave the premises and area in a quiet and orderly manner.  
 (B) Customers do not consume alcoholic drinks bought at the premises in the vicinity of the premises. Such signs shall be maintained free from obstruction when the premises are in use in accordance with this licence.

6. That the supply of alcohol on the premises shall be to a person seated taking a substantial hot table meal there and for consumption by such a person as ancillary to their meal.

7. All off Sales of alcohol shall only be sold in sealed containers to persons purchasing substantial a takeaway meal for consumption away from the premises.

8. An incident book/incident recording system shall be kept at the premises to record

details of any of the following occurrences at the premises:

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

The incident book/incident recording system shall record the time, date, location, and description of each incident as well as the printed 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 and accessible at the premises at all times that the premises are in use in accordance with this licence and shall be made available immediately to Police and responsible authority officers upon request. A record of the preceding 12 months' incidents shall be available at the premises at any time. That all Digital records of training and/or logs shall be made immediately available to Police and responsible authority officers on request.

9. That if a Pubwatch scheme exists in respect of the local area, then the licensee / management will join and participate in the Pubwatch scheme. (details can be obtained from Southwark Police Licensing and Night Time Economy team)

10. Premises must have a welfare and vulnerability policy and all staff must receive this training. All new staff must receive this training before starting their role and all staff must have refresher training every 12 months. All training must be recorded and these records must be available on immediate request by responsible authority officers. That all Digital records of training and/or logs shall be made immediately available to Police and responsible authority officers on request.

11. The venue shall support "Ask for Angela" or another similar safety initiative and posters shall be displayed on the premises. All staff shall be trained in "Ask Angela" or a similar safety initiative and a record of this training shall be kept on the premises and made available for inspection immediately to responsible authority officers upon request. That all Digital records of training and/or logs shall be made immediately available to Police and responsible authority officers on request.

12. That customers shall use no outside area other than those who temporarily leave the premises to smoke with no more than five (5) people permitted to smoke at one any time. The Staff shall monitor the area and ensure patrons do not obstruct the highway or cause any disturbance to their neighbours.
13. That a dispersal policy to assist with patrons leaving the premises in an orderly and safe manner shall be devised and maintained regarding the premises. A copy of the dispersal policy shall be accessible at the premises at all times that the premises are in operation. The policy should include (but not necessarily be limited to) the following:
- i. Details as to how customer / staff egress at the premises shall be managed to minimise causing nuisance.
  - ii. Details of public transport in the vicinity and how customers will be advised in respect of it.
  - iii. Details of the management of taxis to and from the premises.
  - iv. Details of the management of any 'winding down' period at the premises.
  - v. Details of the use of security and stewarding in respect of managing customer dispersal from the premises.
  - vi. Details of road safety in respect of customers leaving the premises.
  - vii. Details of the management of ejections from the premises.
  - viii. Details as to how any physical altercations at the premises are to be managed
  - IX. Details of how refuse / waste in the local vicinity arising through the operation of the premises will be cleared up (e.g. flyer clean up, post event clean up).
14. There shall be no removal of glassware by patrons from the premises at anytime.
15. There shall be no dj led events held at the venue.

The Metropolitan Police object to the granting of this licence in its current format as the conditions offered by the applicant do not fully address the licensing objectives in particular that of prevention of crime and disorder. There are also concerns that the hours requested will have a detrimental effect on the local residents in the form of alcohol led anti-social behaviour. Police welcome the opportunity to communicate with the applicant to progress this application

Submitted for your consideration.  
Yours Sincerely

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



**From:** Earis, Richard <[Richard.Earis@southwark.gov.uk](mailto:Richard.Earis@southwark.gov.uk)>  
**Sent:** Wednesday, May 1, 2024 9:39 AM  
**To:** Regen, Licensing <[Licensing.Regen@southwark.gov.uk](mailto:Licensing.Regen@southwark.gov.uk)>  
**Cc:** [REDACTED]  
**Subject:** RE: New premises licence consultation 229 Old Kent Road

**RE: New premises licence consultation 229 Old Kent Road**

I have considered the application on behalf of EPT (Prevention of Public Nuisance Responsible Authority).

EPT object to the application on the basis that the proposed hours of operation significantly exceed the recommended hours in the Council's Statement of Licensing Policy, that the premises has a history of non-compliance, and that the controls included within the application are considered insufficient to ensure the Licensing Objective.

Records show we received a complaint of noise nuisance on 11/11/2023 at 23:45. A Noise Officer attended at 01:50 on 12/11/2023. He made the following notes:

*'visit made at 01:50 assessed in front bedroom of flat located above shops and restaurants of old kent road, busy mixed use road, window closed, carpeted, muffled amplified music clearly audible in bedroom, latin american style music, instrumental and bass beats prevalent, predominant noise source in the bedroom, drowned out all the background noise such as traffic noise, vibrations felt through the floor, continuous and ongoing, at a level which would prevent sleep and a statutory nuisance, located source as the malibu restaurant bar, 229 old kent road, had phone number on facade as 07949 200974, same style music at the entrance to the bar...spoke to manager who gave his name as Wilmar, and showed me temporary event notice on phone...music stopped and patrons leaving. advice given, s80 to be served.'*

An Abatement Notice was served under S.80 of the Environmental Protection Act 1990 on 26/11/2023.

Records show the premises was found with alcohol displayed for sale without a valid License or TEN on 1/12/2023 (a closure notice was issued on 8/12/2023).

Following the notice and Licensing Act breach, EPT objected to a late TEN application on 12/12/2023 which resulted in a counter notice being served.

On 14/12/2023 EPT afforded the applicant an opportunity to apply for further TENs without objection on a trial basis if certain controls were agreed and implemented during the events. The email record of this is attached to this email as evidence. Since this time several further TENs have taken place without objection or complaint and no further noise visits have been necessary.

We consider that as the proposal is significantly outside the Statement of Licensing Policy recommended hours and the premises has a history of non-compliance and an abatement notice, it is appropriate that a decision on the application is made by Committee.

If the Committee is minded to grant the License we would recommend that the following conditions are applied as worded below:

1. Patrons shall not be permitted to use any external area of the premises after 22:00hrs on any day until the premises reopens the following day, apart from for access & egress and for smoking (no more than 5 persons shall be allowed to use the external area to smoke at any one time after 22:00)
2. Amplified music, song or speech shall not be broadcast in external areas at any time.
3. All external doors and doors to noise lobbies used by patrons to enter the premises shall be kept closed except for access and egress and shall have acoustic seals, brushes and self-closers (in accordance with BS 6459 Pt. 1 1984) fitted to those doors
4. 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.
5. A comprehensive Dispersal Policy shall be produced and implemented at the premises, with all staff trained on the most recent iteration of the policy. A record of staff training on the Dispersal Policy shall be kept at the premises and a copy of the policy and training records be made available to the council or police on request
6. Suitably qualified or experienced persons shall be employed at all times whilst licensable activity is being provided, and shall take all reasonable steps to ensure that patrons do not cause a nuisance in the vicinity of the premises
7. Any background music played shall remain at a volume that permits normal conversation and the volume control of any music shall be behind the bar/counter and in the full control of staff at all times
8. A sound limiting device shall be installed, set and maintained, to control maximum levels of amplified sound inside the premises so as to ensure entertainment noise from the premises does not cause a public nuisance in the vicinity of the premises, and in particular is not audible inside any nearby noise sensitive premises.
9. All audio and musical equipment used in the premises, permitted under the Licensing Act 2003 or the Live Music Act 2012, shall be played through the installed sound limiting device.
10. All speakers for the broadcast of sound within the premises shall be isolated from the structure of the premises by anti-vibration mountings or mats.
11. Premises management shall regularly monitor outside the premises to ensure that the volume and bass levels of any licensed entertainment is kept at a level that does



not cause disturbance at the closest or most exposed noise-sensitive facade to ensure the prevention of public nuisance.

Kind Regards,

Richard

**Richard Earis** BSc MSc MCIEH CEnvH MIOA  
Principal Environmental Protection Officer  
**Environmental Protection Team**

**020 7525 0328**

Postal address: Southwark Council | Environmental Protection Team | Regulatory Services | 3rd Floor Hub 1 | PO Box 64529 | London | SE1P 5LX.

Office address (By appointment only): Southwark Council | Environmental Protection Team | Regulatory Services | 3rd Floor Hub 1 | 160 Tooley Street | London | SE1 2QH

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See: <http://www.southwark.gov.uk/environment/air-quality>



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**From:** Earis, Richard <[Richard.Earis@southwark.gov.uk](mailto:Richard.Earis@southwark.gov.uk)>  
**Sent:** Thursday, December 14, 2023 2:01 PM  
**To:** [REDACTED]  
**Subject:** RE: 229 Old Kent Road

Afternoon Raul,

Thank you for your email.

I would suggest that you include the following conditions in your TEN application. If there is no further issue or non-compliance between now and the TEN consultation deadline we will not object if the below are included. We will then monitor how the event goes in terms of nuisance and compliance with conditions to inform decisions on future events and applications.

Suggested conditions:

- All speakers for the broadcast of sound within the premises shall be isolated from the structure of the premises by anti-vibration mountings or mats.
- The volume and bass levels of any music shall be kept at a level that does not cause disturbance at the closest or most exposed noise-sensitive façade
- Premises management shall regularly monitor outside the premises to ensure that the volume and bass levels of any licensed entertainment is kept at a level that does not cause disturbance at the closest or most exposed noise-sensitive facade to ensure the prevention of public nuisance.
- Any background music played shall remain at a volume that permits normal conversation and the volume control of any music shall be behind the bar/counter and in the full control of staff at all times.
- All doors and windows shall remain closed (except for access or egress).
- There shall be no drinks permitted outside after 22:00 hours
- There shall be no more than 2 persons permitted outside at any one time, to smoke only, after 22:00
- Any queue [in a designated queuing area] to enter the premises must be supervised at all times by door supervisors.
- Suitably qualified or experienced persons shall be employed at all times, whilst licensable activity is being provided, and shall take all reasonable steps to ensure that patrons do not cause a nuisance in the vicinity of the premises.
- Announcements shall be made and notices provided to all exits used by patrons to request that patrons leave in a quiet and orderly manner that is respectful to neighbours.
- 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.

We would also recommend you write a dispersal policy to ensure that dispersal does not impact on your neighbours.

If you would like to discuss this please feel free to contact me.

Kind Regards,

Richard

**Richard Earis**

Principal Environmental Protection Officer

**Environmental Protection Team**

**020 7525 0328**

Postal address: Southwark Council | Environmental Protection Team | Regulatory Services | 3rd Floor Hub 1 | PO Box 64529 | London | SE1P 5LX.

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See: <http://www.southwark.gov.uk/environment/air-quality>

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---

**From:** [REDACTED]  
**Sent:** Thursday, December 14, 2023 11:53 AM  
**To:** Earis, Richard <[Richard.Earis@southwark.gov.uk](mailto:Richard.Earis@southwark.gov.uk)>  
**Subject:** 229 Old Kent Road

Good morning Mr Richard.

I'm writing regarding our conversation yesterday about the conditions for us to apply for a temporary event on the dates of 29th, 30th, and 31st of December 2023.

We are looking to celebrate the New Year weekend with our customers, friends, and families

We are planning to open on the 29th and 30th from 12:00 am until 02:00 am with music played by the speakers and then after 01:00 am background music and food also will be available until 23:00.

Sunday from 12:00 am till 03:00 will be played some music until 02:00 am and background music until 03:00 am. Food will also be available until 23:30.

No more than 2 people will be allowed to be in the smoking area so neighbors will not be disturbed.

We look forward to hearing from you so we can proceed with the application for the event.

<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> 2 May 2024
<b>Subject:</b>	Representation	
<b>Act:</b>	The Licensing Act 2003 (the Act)	
<b>Premises:</b>	Malibu Restaurant Bar, 229 Old Kent Road, SE1 5LU	
<b>Application number:</b>	<b>882730</b>	
<b>Location ID:</b>	201059	<b>Ward:</b> South Bermondsey

We object to the grant of an application for a premises licence, submitted by Jose Rafael Ferreira Minaya Under The Licensing Act 2003 (the Act), in respect of the premises known as Rincon Costeno, Arch 146, Eagle Yard, Hampton Street, SE1 6SP.

### 1. The application

The application is to allow for the provision of the following licensable activities and opening hours:

#### Live (indoors) –

- **Sunday - Thursday: 10:00 – 23:00**
- **Friday & Saturday: 10:00 – 00:30**

#### Recorded music (indoors) –

- **Sunday - Thursday: 10:00 – 23:30**
- **Friday & Saturday: 10:00 – 00:30**

#### Late night refreshment (indoors) –

- **Sunday - Thursday: 23:00 – 23:30**
- **Friday & Saturday: 23:00 – 00:30**

#### The sale of alcohol for consumption on the premises as follows –

- **Sunday - Thursday: 11:00 – 23:30**
- **Friday & Saturday: 11:00 – 00:30**

#### The proposed opening hours of the premises are –

- **Sunday - Thursday: 08:00 – 00:00**
- **Friday & Saturday: 08:00 – 01:00**

The premises are described in the application as (verbatim):

- *“Spanish restaurant and tapas bar.”*

## 2. The Locale

The premises are located to the north of Old Kent Road. The Old Kent Road is an extremely busy arterial road with constant traffic 24 hours a day. It also hosts many bus routes. The premises are in a parade of shops. The area has many high-density residential housing estates / blocks in the immediate and wider vicinity of the premises, in all directions. New residential blocks are being built along the Old Kent Road corridor as part of an extensive regeneration plan for the area. A new residential block is being built a few doors away from the premises to which this application relates. There are also many commercial premises (including other licensed premises) in the vicinity. A map of the local area is attached as appendix 1.

**Figure 1:** View of the premises' entrance looking north across Old Kent Road. Residential properties are shown directly above the premises, and adjacent to the premises at first floor level and above. A new residential block being built is also shown



**Figure 2:** View from outside the premises shop front looking north-west up Old Kent Road showing commercial premises at ground floor level, residential properties at first floor level and above and a hotel





**Figure 3:** View looking south-east down Old Kent Road showing residential properties at first floor level and above



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

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

A copy of the SoLP is available via:

<https://www.southwark.gov.uk/assets/attach/7473/Statement-of-Licensing-Policy-2021-2026.pdf>

The following closing times are recommended in our SoLP in respect of various types of licensed premises located in residential areas as stated -

Public houses, wine bars or other drinking establishments and bars in other types of premises, restaurants, cafes and 'event premises / spaces' where the sale of alcohol is included in, and ancillary to, a range of activities including meals and takeaway establishments –

Monday - Sunday:            23:00

### **3. Our objection**

Our objection relates to the promotion of all of the licensing objectives.

We say that the late night / early morning sale of alcohol is likely to have a negative effect on the promotion the crime and disorder and the prevention of public nuisance licensing objectives. Late night venues also pose more of a risk regarding public safety and the prevention of children from harm.

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 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 and amenity of 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 operational hours suggested in the SoLP exist to protect residents in the borough.

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

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.

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 this very licensing sub-committee itself.

**We therefore recommend that live and recorded music cease, and the premises close, at 23:00 daily and that the sale of alcohol to be consumed on the premises ceases at 22:30 (which would allow for 30 minutes 'drinking up' time).**

#### **4. Conditions**

We note that in part 'M' of the application, the applicant has proposed various measures to address the licensing objectives. We welcome these measures, but do not feel that they sufficiently address the licensing objectives and say that further conditions are required.

The conditions proposed need clarification to ensure that they are precise, practicable, enforceable and unambiguous.

Paragraph 1.16 (Licence conditions – general principles) of the Guidance to the Licensing Act 2003 issued by the Secretary of State under section 182 of the Licensing Act 2003 states that conditions –

- *“must be precise and enforceable;”*
- *“must be unambiguous and clear in what they intend to achieve;”*

If the licensing sub-committee is minded to grant the application we recommend that the following conditions be included in any premises licence issued subsequent to this application, and replace the measures proposed in part 'M' of the application ***in their entirety***.

#### **A. General – all four licensing objectives:**

1. That a written record of all staff authorised to sell alcohol at the premises shall be kept at the premises and will be made available to responsible authority officers immediately on request. The authorisation record shall include the name and address of the premises, the name of the licensee, the name of the DPS and the names of all staff authorised to sell alcohol at the premises.

#### **B. The prevention of crime and disorder:**

2. That any 3<sup>rd</sup> parties / members of the public using the premises for a promoted or private event must complete a venue hire agreement with the premises licence holder. The venue hire agreement shall include the full name and address of the hirer, copy of valid photo identification of the hirer (kept on file in accordance with data protection requirements), the hirer's signature and the date that the venue hire agreement has

been signed. The venue hire agreement shall include all of the licensee's terms of hire. Such agreements shall be kept on file for 6 months from the date of the event and be made immediately available to responsible authority officers on request.

### **C. Public Safety**

3. That spirits (alcohol within an alcohol by volume (ABV) of 15% or more) shall not be sold by the bottle at the premises. Spirits shall only be sold in standard measures or multiples thereof.
4. That the maximum number of people permitted on the premises at any one time (the 'accommodation limit') is **X** people (excluding staff). The accommodation limit shall be known by all staff and shall not be exceeded at any time.

<< The applicant is to provide the accommodation limit – **WM** >>

5. That clearly legible signage shall be displayed where it can easily be seen and read by customers and staff identifying all emergency escape routes and emergency exits at the premises. Such signage shall be kept free from obstructions at all times.
6. That all emergency exits, emergency escape routes and entry / exit doors at the premises shall be kept free from obstructions at all times that the premises are in use.
7. That any spills of liquid onto the floor at the premises' shall be cleared away as soon as possible on a continuous basis whilst the premises are in use. Any wet floors will be clearly demarcated as such to prevent slips being caused by the wet floors. Relevant staff shall be trained in this, and details of such training including the printed name(s) of the trainee(s), and the date(s) that the training was given, shall be recorded in the staff training logs at the premises.
8. That broken or waste glass / earthenware shall be cleared away as soon as possible on a continuous basis whilst the premises are in use to minimise risk of injury. Relevant staff shall be trained in this, and details of such training including the printed name(s) of the trainee(s), and the date(s) that the training was given, shall be recorded in the staff training logs at the premises.
9. That appropriate first aid equipment / materials shall be kept at the premises in a dedicated first aid box / boxes. The first aid box(es) shall be kept easily accessible and unobstructed at all times. All staff shall be made aware of where the first aid boxes are located.
10. That an accident book / recording system shall be maintained at the premises and be available and in use at all times that the premises are in operation. The accident book / recording system shall meet all current legislative requirements. Details of any accidents will be recorded in the accident book / recording system contemporaneously. The accident book / recording system shall be made immediately available to responsible authority officers on request. Relevant staff shall be trained in this, and details of such training including the printed name(s) of the trainee(s), and the date(s) that the training was given, shall be recorded in the staff training logs at the premises.
11. That all public areas of the premises (including any public toilets) shall be kept in a sanitary, clean and tidy state at all times that the premises are in operation so that there is no risk to public health or safety regarding the sanitariness of the premises.



12. That all areas of the premises and all fittings and equipment, door fastenings, notices, lighting, heating, electrical, toilet, washing and other installations, will be maintained in good order and in a safe condition at all times.
13. That 'Ask for Angela' posters (or posters relating to whatever similar scheme may be recommended at any time) shall be displayed in the female toilet facilities and kept free from obstructions at all times. All staff shall be trained in the 'Ask for Angela' scheme (or similar scheme) and shall perform the appropriate course of action in the event of a customer requesting assistance. Details of such training, including the printed name(s) of the trainee(s), and the date(s) that the training was given, shall be recorded in the staff training logs at the premises.

#### **D. The prevention of public nuisance**

14. That customers shall not be permitted to enter or leave the premises with open or sealed drinks containers of any kind.
15. That only management staff shall have access to any amplification equipment at the premises, and only management staff shall be permitted to change any control settings on said equipment.
16. That the sound level at which entertainment is provided will be set by the management of the premises so that it does not give rise to nuisance and this level will not be exceeded at any time.
17. That any litter caused by the operation of the premises shall be cleared away from the immediate vicinity of the premises periodically throughout operating hours, and at the end of trade, on each day that the premises are in operation. Relevant staff shall be trained in this, and details of such training including the printed name(s) of the trainee(s), and the date(s) that the training was given, shall be recorded in the staff training logs at the premises.
18. That suitable external containers for customer's cigarette butts shall be provided at all times that the premises are in use. Such containers shall be emptied regularly to ensure that they can be used at all times that the premises are in use, and so that they do not overflow and cause cigarette butt litter in the vicinity.
19. That external doors at the premises shall be kept closed except for immediate, and emergency, access and egress to and from the premises.
20. That any openable windows at the premises shall be kept closed at all times that licensable activities are taking place at the premises.
21. That staff shall be trained to arrive at, conduct themselves at the premises at all times, and leave the premises in an orderly manner, with particular care taken when staff close the premises at the end of trade on each day. The details of such training, including the printed name(s) of the trainee(s) and the date(s) that the training was given, shall be recorded in the staff training logs at the premises.
22. That clearly legible signage shall be prominently displayed where it can easily be seen and read by customers, at all exits from the premises and in any external areas, requesting to the effect that customers leave the premises and locale in a quiet and orderly manner with respect to local residents. Such signage shall be kept free from obstructions at all times.

23. That external waste handling, collections of goods from the premises, deliveries of goods to the premises and the cleaning of external areas shall only occur between the 07:00 hours and 22:00 hours.
24. That clearly legible signage stating a dedicated contact telephone number for the premises shall be prominently displayed where it can easily be seen and read by passers-by. The signage shall state to the effect that the phone number shown can be used to contact the premises in respect of any complaints regarding the operation of the premises. If the telephone number relates to a mobile phone, then the duty manager / supervisor on duty shall have the mobile phone on their person at all times. Such signage shall be kept free from obstructions at all times.
25. That, if and when required, staff shall interact with customers to ensure that customers behave at the premises in a quiet and orderly manner and also leave the premises and locale in a quiet and orderly manner. Customers deemed by staff to be engaging in anti-social behaviour shall be asked to leave the premises. All relevant staff shall be trained in this, and details of such training including the printed name(s) of the trainee(s), and the date(s) that the training was given, shall be recorded in the staff training logs at the premises.

**E. The protection of children from harm:**

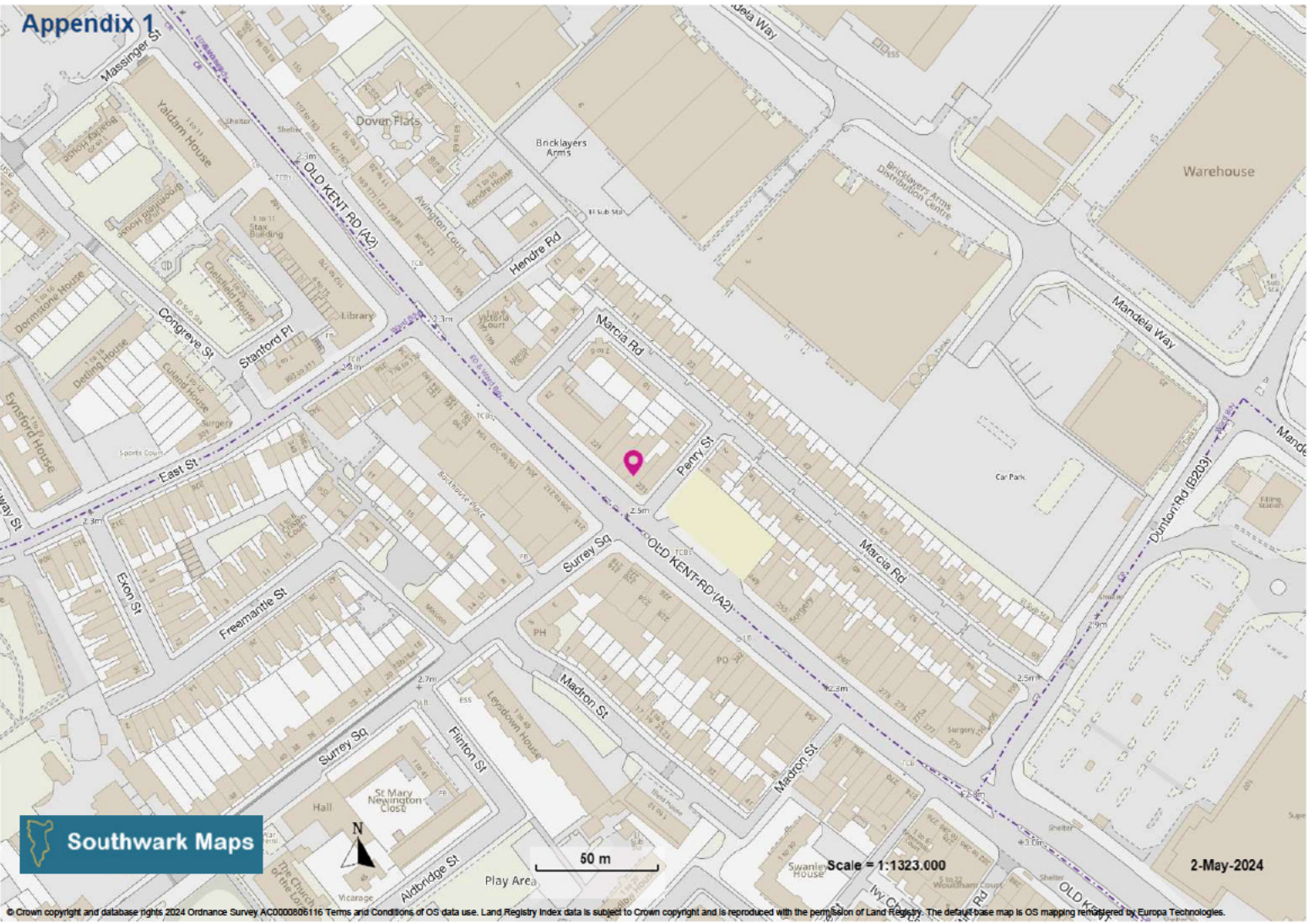
- It is noted that the applicant has already agreed to conditions with this council's trading standards service to address this licensing objective.

We welcome discussion regarding any of the above, however should the applicant agree to our suggested amendments to the application then we will withdraw this application.

Yours sincerely,

**Wesley McArthur**  
Principal Enforcement Officer

Appendix 1



**Tear, Jayne**

---

**From:** Jerrom, Charlie  
**Sent:** 12 April 2024 16:03  
**To:** [REDACTED]  
**Cc:** Moore, Ray; Tear, Jayne; Regen, Licensing  
**Subject:** RE: New Premises Licence, 229 Old Kent Road, London, SE1 5LU Ref: 882730

Dear Raul,

Thank you for your email, Trading Standards as a responsible authority now withdraw their representations on the basis of the email below.

Regards

Charlie Jerrom – Enforcement Officer (Trading Standards)  
Southwark Council | Environment, Neighbourhoods and Growth| Regulatory Services  
Direct line 020 7525 7529 | Fax 020 7525 5735 | Call Centre 020 7525 2000

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Postal Address:  
Trading Standards Unit | 3rd Floor, Hub 1 | PO Box 64529 | London | SE1P 5LX

Visitor Address:  
160 Tooley Street | London | SE1 2QH

**From:** raul [REDACTED]  
**Sent:** Tuesday, April 9, 2024 11:22 AM  
**To:** Jerrom, Charlie <[Charlie.Jerrom@southwark.gov.uk](mailto:Charlie.Jerrom@southwark.gov.uk)>  
**Subject:** Re: New Premises Licence, 229 Old Kent Road, London, SE1 5LU Ref: 882730

Good afternoon Charlie Jerrom  
I'm sorry for the late reply.  
We appreciate the information that you have provided us and we will use it to train our team.  
We agree with the conditions above mentioned and we are happy to apply those conditions and used the electronic documents for training.

Raul Gimeno

El El vie, 5 abr 2024 a la(s) 14:29, Jerrom, Charlie <[Charlie.Jerrom@southwark.gov.uk](mailto:Charlie.Jerrom@southwark.gov.uk)> escribió:

Trading Standards as a responsible authority are in receipt of a new premises license application from Jose Rafael Ferreira Minaya, in respect of [229 Old Kent Road, London, SE1 5LU](#). Trading Standards as a responsible authority are making representation in respect of this application under all the licensing objectives, but primarily the protection of children from harm.

In the general description this is:-

“Spanish Restaurant and Tapas Bar”

The opening hours are to be:-

Sunday to Thursday 08:00hrs to 00:00hrs

Friday to Saturday 08:00hrs to 01:00hrs

The hours for alcohol sales are to be (on sales)

Sunday to Thursday 11:00hrs to 23:30hrs

Friday to Saturday 11:00hrs to 00:30hrs

Live music (indoors)

Sunday to Thursday 11:00hrs to 23:00hrs

Friday to Saturday 11:00hrs to 00:00hrs

Recorded Music (indoors)

Sunday to Thursday 10:00hrs to 23:30hrs

Friday to Saturday 10:00hrs to 00:30hrs

Late night refreshments (indoors)

Sunday to Thursday 23:00hrs to 23:30hrs

Friday to Saturday 23:00hrs to 00:30hrs

Under the licensing objectives the application does mention a refusals log and challenge 21/25 which is very good, however it does not mention staff training or signage.

Trading Standards therefore simply asks that the following conditions be agreed by way of tidying up these matters.

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.

I attach electronic documents of training materials and a refusals register which can be used to meet the above conditions in terms of staff training and use of a refusal register. This effectively saves the business the cost of paying a consultant to undertake such activities. There is no reason why a person in the business who holds a personal license cannot undertake such training for staff and this can form part of a defence for the business should a member of staff supply alcohol to a minor.

If you are happy to accept these conditions then trading standards, as a responsible authority, will be happy to lift the representations made in respect of the application.

Hard copies of the above documents can be provided on request.

**Charlie Jerrom** – Enforcement Officer (Trading Standards)

Southwark Council | Environment, Neighbourhoods and Growth | Regulatory Services

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**Tear, Jayne**

---

**From:** mark.A.Lynch@met.police.uk  
**Sent:** 23 April 2024 14:22  
**To:** Regen, Licensing  
**Cc:** [REDACTED] Tear, Jayne  
**Subject:** Malibu 229 Old kent Road SE1 5LU ref 330/24

Good Afternoon

In view of the applicant and police agreeing to the below conditions in red to be added to the venues licence, police would like to withdraw their objection to the granting of the premises licence for Malibu 229 Old Kent Road SE1 5LU

1. That a digital CCTV system shall be installed at the premises, shall be maintained in full working order and shall be continually recording at all times that the premises are in use. The CCTV system must be capable of capturing a clear facial image of every person who enters the premises in all lighting conditions. The CCTV system shall be correctly time and date stamped at all times. The CCTV system shall cover all interior and exterior areas of the premises, including the frontage of the premises, and shall collect clearly defined / focused footage. That all CCTV footage shall be kept for a period of thirty one (31) days and shall be made immediately available to Police and responsible authority officers on request.
2. That a member of staff shall be on duty at all times that the premises are in use, who is trained in the use of the CCTV system and who is able to view, and download to a removable storage device, CCTV footage at the immediate request of Police and responsible authority officers.
3. That clearly legible signage shall be prominently displayed where it can easily be seen and read by customers advising to the effect that CCTV is in operation at the premises. The signage shall be kept free from obstructions at all times.
4. That all relevant staff shall be trained in their responsibilities under the Licensing Act 2003, the promotion of the licensing objectives and the terms and conditions of this licence. Records pertaining to such training ('the staff training logs') shall be kept at the premises, shall be updated every 6 months and shall be made immediately available to responsible authority officers on request. The training logs shall include the trainee's name (in block capitals), the trainer's name (in block capitals), the date(s) of training and a declaration that the training has been received and understood by the trainee. If the staff training logs are a paper hardcopy then the signature of the trainee, the signature of the trainer shall be included. That all Digital records of training and/or logs shall be made immediately available to Police and responsible authority officers on request.
5. Clearly legible signs shall be prominently displayed where they can easily be seen and read by customers at all exits from the premises, requesting that
  - (A) Customers leave the premises and area in a quiet and orderly manner.
  - (B) Customers do not consume alcoholic drinks bought at the premises in the vicinity of the premises. Such signs shall be maintained free from obstruction when the premises are in use in accordance with this licence.
6. That the supply of alcohol on the premises shall be to a person seated taking a substantial hot table meal there and for consumption by such a person as ancillary to their meal.
7. All off Sales of alcohol shall only be sold in sealed containers to persons purchasing substantial a takeaway meal for consumption away from the premises.
8. An incident book/incident recording system shall be kept at the premises to record details of any of the following occurrences at the premises:
  - (i) Instances of anti-social or disorderly behaviour or Violence



- (ii) Calls to the police or fire brigade
- (iii) Abuse of staff and/or customers
- (iv) Ejections of people from the premises
- (v) Visits to the premises by the local authority, police or fire brigade
- (vi) Refused sales of alcohol
- (vii) Any malfunction in respect of the CCTV system
- (viii) Any other relevant incidents

The incident book/incident recording system shall record the time, date, location, and description of each incident as well as the printed 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 and accessible at the premises at all times that the premises are in use in accordance with this licence and shall be made available immediately to Police and responsible authority officers upon request. A record of the preceding 12 months' incidents shall be available at the premises at any time. That all Digital records of training and/or logs shall be made immediately available to Police and responsible authority officers on request.

9. That if a Pubwatch scheme exists in respect of the local area, then the licensee / management will join and participate in the Pubwatch scheme. (details can be obtained from Southwark Police Licensing and Night Time Economy team)

10. Premises must have a welfare and vulnerability policy and all staff must receive this training. All new staff must receive this training before starting their role and all staff must have refresher training every 12 months. All training must be recorded and these records must be available on immediate request by responsible authority officers. That all Digital records of training and/or logs shall be made immediately available to Police and responsible authority officers on request.

11. The venue shall support "Ask for Angela" or another similar safety initiative and posters shall be displayed on the premises. All staff shall be trained in "Ask Angela" or a similar safety initiative and a record of this training shall be kept on the premises and made available for inspection immediately to responsible authority officers upon request. That all Digital records of training and/or logs shall be made immediately available to Police and responsible authority officers on request.

12. That customers shall use no outside area other than those who temporarily leave the premises to smoke with no more than five (5) people permitted to smoke at one any time. The Staff shall monitor the area and ensure patrons do not obstruct the highway or cause any disturbance to their neighbours.

13. That a dispersal policy to assist with patrons leaving the premises in an orderly and safe manner shall be devised and maintained regarding the premises. A copy of the dispersal policy shall be accessible at the premises at all times that the premises are in operation. The policy should include (but not necessarily be limited to) the following:

- i. Details as to how customer / staff egress at the premises shall be managed to minimise causing nuisance.
- ii. Details of public transport in the vicinity and how customers will be advised in respect of it.
- iii. Details of the management of taxis to and from the premises.
- iv. Details of the management of any 'winding down' period at the premises.
- v. Details of the use of security and stewarding in respect of managing customer dispersal from the premises.
- vi. vii. Details of road safety in respect of customers leaving the premises.
- viii. Details of the management of ejections from the premises.
- VIII. Details as to how any physical altercations at the premises are to be managed
- IX. Details of how refuse / waste in the local vicinity arising through the operation of the premises will be cleared up (e.g. flyer clean up, post event clean up).

14. There shall be no removal of glassware by patrons from the premises at anytime.

15. There shall be no dj led events held at the venue.

Kind regards



**Mark Lynch Pc2246AS**  
**Southwark Licensing Team**  
 Central South BCU  
 Metropolitan Police Service  
 07721523980  
 Southwark Police station 323 Borough high St, SE1 1JL  
[www.met.police.uk](http://www.met.police.uk) [mark.a.lynch@met.police.uk](mailto:mark.a.lynch@met.police.uk) [southwarklicensing@met.police.uk](mailto:southwarklicensing@met.police.uk)  
 Facebook Lambeth Southwark

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**From:** Lynch Mark A - AS-CU

**Sent:** 17 April 2024 08:31

**To:** raul [REDACTED]

**Subject:** RE: Malibu 229 Old kent Road SE1 5LU ref 330/24

Good Morning

Thank you for your reply , I have noticed that your application does not include off sales therefore the condition 7 initially shown is not required . I see in your reply you agreed to all the conditions however could you please confirm that you happy to accept the wording I have proposed and the removal of condition 7

Kind regards

Mark



**Mark Lynch Pc2246AS**  
**Southwark Licensing Team**  
 Central South BCU  
 Metropolitan Police Service  
 07721523980  
 Southwark Police station 323 Borough high St, SE1 1JL  
[www.met.police.uk](http://www.met.police.uk) [mark.a.lynch@met.police.uk](mailto:mark.a.lynch@met.police.uk) [southwarklicensing@met.police.uk](mailto:southwarklicensing@met.police.uk)  
 Facebook Lambeth Southwark

**From:** raul [REDACTED]

**Sent:** 15 April 2024 11:52

**To:** Lynch Mark A - AS-CU <[mark.A.Lynch@met.police.uk](mailto:mark.A.Lynch@met.police.uk)>

**Subject:** Re: Malibu 229 Old kent Road SE1 5LU ref 330/24

Good afternoon sir.

Thank you for your email and your consideration for our premises license .

Please find below the answers of the questions that you had asked in the previous email.

I tried to contact you by phone.

Kind regards.

**1. CCTV System Installation and Maintenance:**

- Agree: A digital CCTV system capable of capturing clear facial images in all lighting conditions will be installed and maintained in full working order.

**2. Staff Training and CCTV Monitoring:**

- Agree: A trained staff member will be on duty at all times to monitor and download CCTV footage upon immediate request by police or responsible authority officers.

**3. Signage for CCTV Operation:**

- Agree: Clearly legible signage will be displayed advising customers of CCTV operation at the premises.

**4. Staff Training Records:**

- Agree: All relevant staff will be trained in their responsibilities under the Licensing Act 2003 and the terms and conditions of the license. Training logs will be kept at the premises, updated every 6 months, and made available to responsible authority officers upon request.

**5. Exit Signage and Customer Conduct:**

- Agree: Clearly legible signs will be displayed at all exits requesting customers to leave quietly and not to consume alcohol bought on the premises in the vicinity.

**6. Supply of Alcohol with Meal:**

- Agree: Alcohol will only be supplied to persons seated taking a substantial hot table meal on the premises.

**7. Off Sales of Alcohol:**

- Agree: Off sales of alcohol will only be sold in sealed containers to persons purchasing substantial takeaway meals.

**8. Incident Recording System:**

- Agree: An incident book/recording system will be kept at the premises to record relevant incidents and will be made available to police and responsible authority officers upon request.

**9. Participation in Pubwatch Scheme:**

- Agree: If a Pubwatch scheme exists, the licensee/management will join and participate.

**10. Welfare and Vulnerability Policy:**

- Agree: The premises will have a welfare and vulnerability policy, and all staff will receive training. Records of training will be available on immediate request by responsible authority officers.

**11. Support for Safety Initiatives:**

- Agree: The venue will support "Ask for Angela" or a similar safety initiative, and all staff will be trained accordingly. Records of training will be available on immediate request by responsible authority officers.

**12. Use of Outside Area and Smoking:**

- Agree: Customers will only use designated outside areas, with a maximum of five people permitted to smoke at any time.

**13. Dispersal Policy:**

- Agree: A dispersal policy will be devised and maintained regarding the premises, including management of customer egress, public transport advice, management of taxis, winding down periods, use of security/stewarding, road safety, management of ejections, and clearing up refuse/waste.

**14. Removal of Glassware:**

- Agree: There will be no removal of glassware by patrons from the premises at any time.

#### 15. DJ-Led Events:

- Agree: There will be no DJ-led events held at the venue.

El vie, 12 abr 2024 a las 8:50, <[mark.A.Lynch@met.police.uk](mailto:mark.A.Lynch@met.police.uk)> escribió:

Good afternoon

please find attached Southwark Police representation in regards to the application for a New Premises licence for Malibu 229 Old kent Road SE1 5LU



**Mark Lynch Pc2246AS**

**Southwark Licensing Team**

Central South BCU

Metropolitan Police Service

07721523980

Southwark Police station 323 Borough high St, SE1 1JL

[www.met.police.uk](http://www.met.police.uk) ✉ [mark.a.lynch@met.police.uk](mailto:mark.a.lynch@met.police.uk) ✉ [southwarklicensing@met.police.uk](mailto:southwarklicensing@met.police.uk)

Lambeth Southwark

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# Licensing Act 2003 Premises Licence



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

Premises licence number

862805

## Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Giovanni 229 Old Kent Road London SE1 5LU  Ordnance survey map reference (if applicable), 178551533409	
<b>Post town</b> London	<b>Post code</b> SE1 5LU
<b>Telephone number</b>	

Where the licence is time limited the dates

Licensable activities authorised by the licence

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

The opening hours of the premises

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

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

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

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

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

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

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

Monday	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 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

## Part 2

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

Rute Carvalho



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

Rute Carvalho



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. Awaiting personal licence number

Authority

Licence Issue date 02/05/2018



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

**288** 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.

**289** 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.

**293** 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.

**340** 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.

**341** Intoxicating liquor shall not be sold or supplied for consumption on the premises otherwise than to persons taking substantial table meals there and as an ancillary to that persons meal

**342** No alcohol shall be taken outside of the premises at anytime with the exception of off sales which shall be sold in sealed containers for consumption away from the premises

**343** Signage on entrance/exit requesting customers to respect neighbours and leave quietly.

**344** The premises will have a fire and health and safety risk assessment

**345** The premises will participate in a local Pub Watch and local neighbourhood association meetings, where available

**346** Staff will clean any rubbish or litter in front of the premises on a regular basis

**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.

**4AB** That all staff involved in the sale of alcohol shall be trained in the prevention of sales of alcohol to underage persons, and the challenge 25 scheme in operation at the premises. A record of such training shall be kept / be accessible at the premises at all times and be made immediately available for inspection at the premises to council or police officers on request. The training record shall include the trainee's name (in block capitals), the trainer's name (in block capitals), the signature of the trainee, the signature of the trainer, the date(s) of training and a declaration that the training has been received. Refresher training shall be provided to all staff every six months.

**4AC** That clearly legible signs shall be prominently displayed where they can easily be seen and read by customers stating to the effect that a challenge 25 policy is in operation at the premises, that customers may be asked to provide proof of age and stating what the acceptable forms of proof of age are. Such signage shall be displayed at all entrances, points of sale and in all areas where alcohol is displayed for sale. The signage shall be kept free from obstructions at all times.

**4A1** That a register of refused sales of alcohol shall be maintained in order to demonstrate effective operation of the challenge 25 policy. The register shall be clearly and legibly marked on the front cover as a register of refused sales, with the address of the premises and with the name and address of the licence holder. The register shall be kept / be accessible at the premises at all times. On a monthly basis, the Designated Premises Supervisor (DPS) shall check the register to ensure it is being properly completed. The DPS shall sign and date the register to that effect and where appropriate take corrective action in a timely manner if the register is not being completed correctly. The register shall be made immediately available for inspection at the premises to council or police officers on request.

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

**Annex 4 - Plans - Attached**

Licence No. 862805  
Plan No. 2018-001\_Rute Carvalho  
Plan Date 2018.03.26

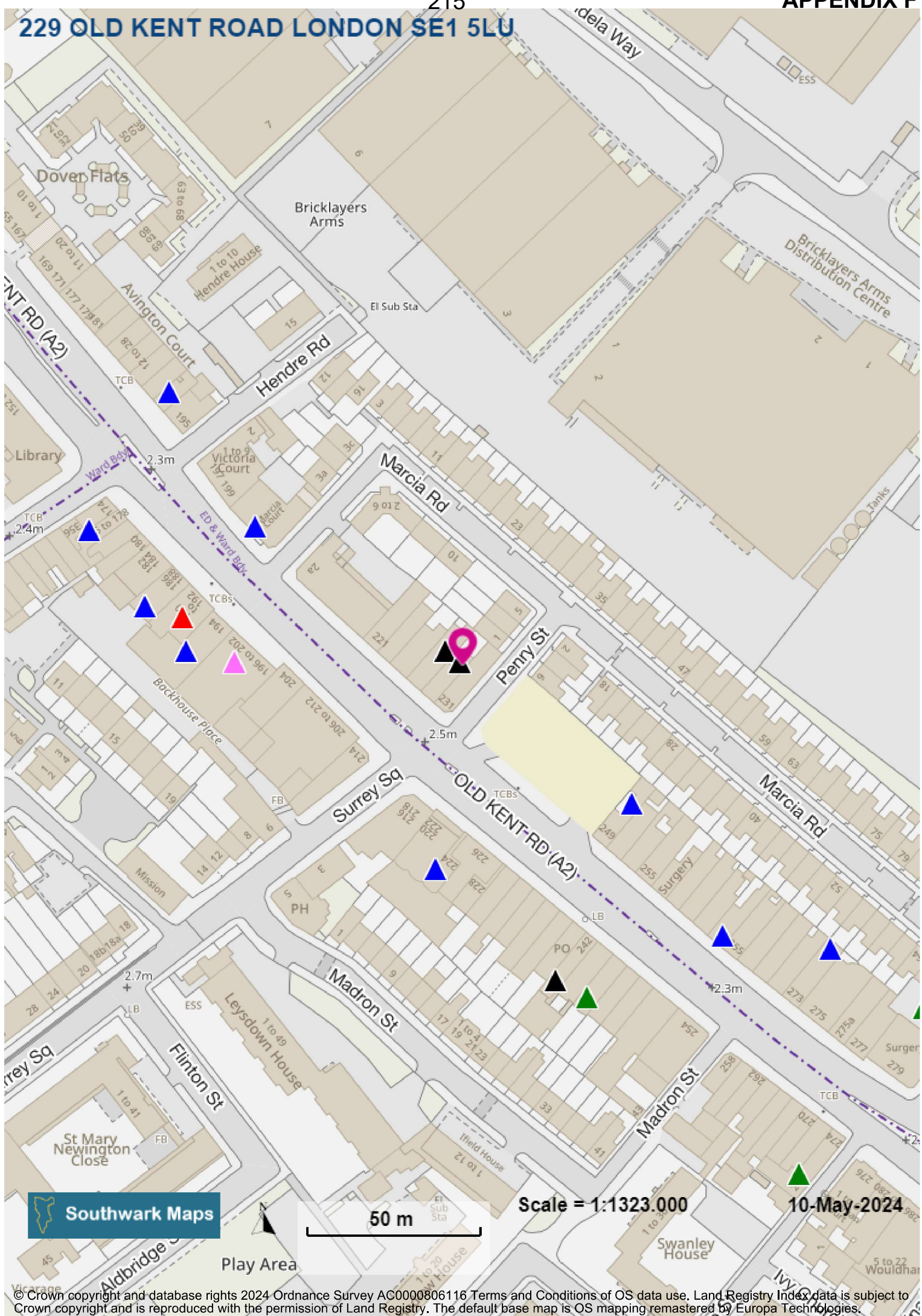
**Malibu Restaurant Bar, 229 Old Kent Road TENS**

Ref no	Start date	End date	Times	Max. no people	Sale of alcohol	For consump.	Reg. Ent.	LNR	Police obj.	EPT obj.	A counter notice	A counter notice late
881468	03/11/2023	05/11/2023	(12:00 AM TILL 01:00) (12:00 TILL 00:00 PM)	70	Yes	None	Yes	Yes	No	No		
881533	10/11/2023	12/11/2023	10/11/(12:00 TILL 02:00PM) 12/ (12:00 TILL 23:45)	70	Yes	None	Yes	Yes	No	No		
881612	17/11/2023	19/11/2023	17/18/(11:00AM TILL 02:00) 19/(11:00AM--TILL 23:45PM)	65	Yes	On Premises	Yes	Yes	No	Yes		(MM) TENS Counter Notice Late (5) (if rec. Rep Police or EPU)
881707	24/11/2023	26/11/2023	24/25 (11:00AM TILL 02:00) 26 / (11:00AM--TILL 23:45PM)	65	Yes	On Premises	Yes	Yes	No	Yes	(MM) TENS Counter Notice -no more days, evens, exceeding personal use age permitted Relevant limits	
881762	01/12/2023	03/12/2023	1/2 (11:00AM TILL 02:00) 3 / (11:00AM--TILL 23:45PM)	65	Yes	On Premises	Yes	Yes	No	Yes	(MM) TENS Counter Notice -no more days, evens, exceeding personal use age permitted Relevant limits	
881826	08/12/2023	10/12/2023	8/12 (11:00AM TILL 02:00) 10/12 (11:00AM--TILL 23:45PM)	60	Yes	On Premises	Yes	Yes	No	No	(MM) TENS Counter Notice -no more days, evens ,exceeding personal use age permitted Relevant limits	



881899	15/12/2023	17/12/2023	15/12 12:00-02:00 17/12 12:00AM - 23:45	65	Yes	On Premises	Yes	Yes	No	Yes		(MM) TENS Counter Notice Late less (10working days (if rec .Rep Police or EPTR [REDACTED])
881984	29/12/2023	01/01/2024	29/12 - 30/12 12:00- 02:00 31st- 1/1 12:00AM - 03:00	60	Yes	On Premises	Yes	Yes	No	Yes		
882212	26/01/2024	28/01/2024	26/27(12:00 AM-02:00 AM ) 28(12:00 AM TILL 23:30 PM.)	60	Yes	On Premises	Yes	Yes	No	No		
882280	02/02/2024	04/02/2024	(2-3rd) 12.00 - 02.00 4/2/2024 12.00 - 23.45	60	Yes	On Premises	Yes	Yes	No	No		
882472	01/03/2024	03/03/2024	(1-2nd) 12.00 - 02.00 3/3/2024 12.00 - 23.45	60	Yes	On Premises	Yes	Yes	No	No		
882602	22/03/2024	24/03/2024	22/23 00.00 - 02.00 23/24 00.00 - 23.45	60	Yes	On Premises	Yes	Yes	No	No		

# 229 OLD KENT ROAD LONDON SE1 5LU



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<b>Reserve</b>		Andrew Heron, licensing team	
Councillor Charlie Smith	1	Wesley McArthur, licensing team	
<b>Other Members</b>		Jayne Tear, licensing team	
Councillor Suzanne Abachor	By email	Richard Earis, environmental protection team	
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