

**From:** Binya, Raymond <[Raymond.Binya@southwark.gov.uk](mailto:Raymond.Binya@southwark.gov.uk)>

**Sent:** Wednesday, March 9, 2022 5:25 PM

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

**Cc:**

**Subject:** Application to vary premises licence for Mingles Restaurant, 1 Peckham Park Road, SE15 6TR EPT ref 971007

Dear Licensing Team,

Application for variation of premises licence under the Licensing Act 2003

**Application reference number:** 876778

**Address:** Mingles Restaurant  
1 Peckham Park Road  
London  
SE15 6TR

I wish to make a representation on behalf of Southwark Environmental Protection Team (EPT) in our capacity as Environmental Health Responsible Authority, about the likely effect of the sought variations if granted in its current format on the promotion of the 'prevention of public nuisance' licensing objective.

The application seeks for a full variation to vary the current permitted hours for late Night refreshment, the sale of alcohol, recorded music and the associated opening hours with below proposed opening times:

- **Recorded Music (indoors): Sun to Thurs: 10:00 - 00:30, Fri & Sat: 10:00 - 02:30**
- **Late Night Refreshment (on & off the premises): Sun to Thurs: 23:00 - 00:30, Fri & Sat: 23:00 - 02:30**
- **Sale of alcohol (on the premises): Sun to Thurs: 10:00 - 00:30, Fri & Sat: 10:00 - 02:30**
- **Opening hours: Sun to Thurs: 10:00 - 01:00, Fri & Sat: 10:00 - 03:00**

The Environmental Protection Team wishes to object to this application. The grounds for objection are presented below:

- a) The times that have been applied for in the application for both the provision of late night refreshment and for the supply of alcohol fall outside of those contained within the Southwark Statement of Licencing Policy 2021 to 2026 for this area, which is categorised as an area of '*Local centres and small shopping parades*'. This policy indicates that the closing times of restaurants should be Friday – Sat 00:00 and Sunday –Thurs 23:00 hours. The supply of alcohol to members of the public to extended hours (relative to the policy) in this area increases the possibility for public nuisance

- b) There are residents living above the restaurant. During the process of original license, the applicant advised the officer of our that there are/were no residents living above the eating area of the restaurant. However, on 7<sup>th</sup> March 2022 our Noise and Nuisance Team received a call from a resident who gave address as living on top of the restaurant. The resident complained about the music noise that has been coming from the restaurant and bar which is situated just under resident's bedroom. Further to this, the resident highlighted the building is not well soundproofed and that sometimes music is played until 1am.
- c) On 30/10/2017, the premises was granted a retrospective planning permission 17/AP/2942, to change of Use from A1 (shop) to A3 (restaurant) and installation of an external flue to the rear. This planning consent had a condition that restricted the hours of use:

*The use hereby permitted for A3 use (restaurant) purposes shall not be carried on outside of the hours 10:00 - 23:00 on Sunday to Thursday and 10:00 - 00:00 on Friday and Saturday.*

*Reason:*

*To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance or the local environment from noise creep due to plant and machinery in accordance with the National Planning Policy Framework 2012, Strategic Policy 13 High Environmental Standards of the Core Strategy 2011 and Saved Policy 3.2 Protection of Amenity of the Southwark Plan (2007).*

Therefore, although we understand that Planning and Licensing are different regimes, however we believe that granting these variations as applied will contradict another regime which looks at use land to ensure that it does not affect on other people who live and work in around this premises. The hours of use were recommended to mirror restrictions that were within Southwark Statement of Licencing Policy 2016-2020

Kind Regards

**Raymond Binya**  
**Principal Environmental Protection Officer**  
Environmental Protection Team  
Tel: 020 7525 4809

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

# MEMO: Licensing Unit

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**To** Licensing Unit                      **Date** 10 March 2022  
**From** Jayne Tear  
**Email** jayne.tear@southwark.gov.uk

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**Subject** Re: Mingles Restaurant, 1 Peckham Park Road, London, SE15 6TR  
Application to vary a premises licence

I write with regards to the above application to vary a premises licence submitted by Rowland Hamilton under the Licensing Act 2003, which seeks the following licensable activities:

- To extend recorded music (indoors) on Sunday to Thursday from 22:30 to 00:30 the following day and on Friday and Saturday from 23:30 to 02:30 the following day
- To add late night refreshment (indoors and outdoors) on Sunday to Thursday from 23:00 to 00:30 the following day and on Friday and Saturday from 23:00 to 02:30 the following day (The current premises licence allows for LNR (indoors) on Friday and Saturday from 23:00 to 00:00).
- To extend supply of alcohol (on the premises) on Sunday to Thursday from 22:30 to 00:30 and on Friday and Saturday from 23:30 to 02:30 the following day
- Overall opening times shall be on Sunday to Thursday from 10:00 to 01:00 the following day and on Friday and Saturday from 01:00 to 03:00 the following day

The application also seeks to remove the following conditions from the premises licence:

- Condition 344 - that alcoholic drinks will only be served to persons who are seated (to facilitate the retail sale of alcohol to customers with food deliveries).
- Condition 345 be varied to permit a maximum of 30 persons (excluding staff) on the premises at any one time
- Condition 352 be varied so that door staff are employed on Fridays and Saturdays from 2200 hours until closing
- Condition 353 be varied so that no admissions/re-admissions are permitted after 0000 hours on Fridays and Saturdays
- Condition 369 be varied to read "That customers will not be permitted to take or consume any drinks supplied at the premises off of the premises (save for any drinks sold with takeaway or delivered food) or outside of the premises at any time."

The nature of the variation is described within this application as '*To vary the current permitted hours for late night refreshment, the sale of alcohol, recorded music and the associated opening hours*'.

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

This application does not ask to add 'off sales' yet offers a condition in box a of the operating schedule which refers to providing off sales.

The premises is situated in a residential area and under the Southwark Statement of Licensing Policy 2021 - 2026 the appropriate closing times for restaurants, public houses, wine bars or other drinking establishments in this area is 23:00 daily. Takeaways or night clubs (with sui generis planning classification) are not considered appropriate for this area.

On Friday and Saturday the premises currently has closing hours in excess of those that are appropriate within the licensing policy for a residential area.

The council's noise team have received 2 complaints from a local resident on 7/3/2022 and 8/3/2022 alleging disturbance from music that sometimes goes on until 1am.

The premises was is described in the original premises licence application as a '*Ground floor retail shop to be used as a restaurant within the A3 permitted A3 development*'.

The applicant wants to remove conditions that are designed to promote the licensing objectives but has not replaced them with any suitable alternative and it would seem that the premises is moving away from that of a restaurant to that of an upright drinking establishment/nightclub.

This application does not offer any measures to promote the licensing objectives and has not considered the impact of patrons arriving and leaving the area later at night upon residents and no dispersal plan/policy has been provided.

I therefore recommend to the licensing sub-committee that this application is refused.

I may provide further supporting information at a later stage.

Southward's Statement of Licensing Policy 2021 – 2026 can be found on the following link:  
<https://www.southwark.gov.uk/business/licences/business-premises-licensing/licensing-and-gambling-act-policy>

Jayne Tear  
Principal Licensing officer  
In the capacity of Licensing Authority as a Responsible Authority



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

**Metropolitan Police Service**  
**Licensing Office**  
**Southwark Police Station,**  
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Tel: 07880 053191

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[southwarklicensing@met.police.uk](mailto:southwarklicensing@met.police.uk)  
[ian.clements@met.police.uk](mailto:ian.clements@met.police.uk)

**Our** MD/21/036/21  
**reference:**

**Date:** 10th March 2022

**Re:- Mingles 1 Peckham Park Road SE156TR**

Dear Sir/Madam

Police are in receipt of an application from the above for a variation to their existing premises licence 359260.

The variation seeks to extend the opening hours and permitted hours for the provision of licensable activities including recorded music, sale of alcohol and late night refreshment as follows.

Recorded Music	Sun to Thu	1000 – 0030
	Fri to Sat	1000 – 0230
LNR	Sun to Thu	2300 - 0030
	Fri to Sat	2300 – 0230
Alcohol	Sun to Thu	1000 – 0030
	Fri to Sat	1000 – 0230

The terminal hour to increase to 30 minutes beyond the provision for licensable activities.

The applicant also seeks to vary the following conditions

**Condition 344** - that alcoholic drinks will only be served to persons who are seated (to facilitate the retail sale of alcohol to customers with food deliveries).

**Condition 345** be varied to permit a maximum of 30 persons (excluding staff) on the premises at any one time

**Condition 352** be varied so that door staff are employed on Fridays and Saturdays from 2200 hours until closing

**Condition 353** be varied so that no admissions/re-admissions are permitted after 0000 hours on Fridays and Saturdays

**Condition 369** be varied to read "That customers will not be permitted to take or consume any drinks supplied at the premises off of the premises (save for any drinks sold with takeaway or delivered food) or outside of the premises at any time.

I note that application with regard to the sale of alcohol is for ON the premises only and the current premises licence is also for ON only and no variation to that has been applied for. Therefore condition 369 or its variation is confusing and requires clarification from the applicant.

The premises are situated within a residential area, as per Southwark's statement of licensing policy the closing times for restaurants are recommended to be 2300 each day of the week.

The current premises licence already has hours outside of this policy, however I recognise that the licence contains control measures such as SIA door supervisors and alcohol served to seated patrons only as a measure to negate and potential issues.

The variation to these conditions would be welcome, but in my opinion the hours are too excessive for a residential area and would be likely to have a negative impact on the licensing objectives. I therefore recommend that this application to vary the premises licence is refused.

Police welcome the opportunity to discuss this with the applicant.

Submitted for your consideration

Yours Sincerely

**PC Ian Clements 2362AS**  
Licensing Officer  
Southwark Police Licensing Unit

Mingles, 1 Peckham Park Road, Brixton

### **Amendments to Application for variation of premises licence**

Change the applied for hours for all licensable activities to:

Sunday to Thursday activities cease at 2330 and close by 0000

Friday and Saturday activities cease at 0100 and close by 0130

Remove of provision for off sales for delivery.

Conditions to remain in the licence (which were applied to be varied or removed):

**Condition 344** - that alcoholic drinks will only be served to persons who are seated.

**Condition 369** to still read "That customers will not be permitted to take or consume any drinks supplied at the premises off of the premises or outside of the premises at any time."

Conditions to put forward (as in the application):

**Condition 345** be varied to permit a maximum of 30 persons (excluding staff) on the premises at any one time

**Condition 352** be varied so that door staff are employed on Fridays and Saturdays from 2200 hours until closing

**Condition 353** be varied so that no admissions/re-admissions are permitted after 0000 hours on Fridays and Saturdays

Remove conditions from application relating to alcohol delivery sales:

Regarding any off sales for delivery or takeaway, made by way of telephone/internet orders, the following will be adhered to:

- (a) No alcohol delivery unless accompanying the purchase of food.
- (b) No more than four beers/ciders or a 750 ml bottle of wine per individual order.
- (c) Couriers will be trained on relevant aspects of the Licensing Act 2003 including underage sales, sales to a person who is drunk, obtaining alcohol for a child or a person who is drunk and delivering alcohol to someone under the age of 18.
- (d) Any person taking an order for the supply of alcohol on behalf of the premises licence holder will inform all customers that proof of age by way of photographic driving licence, passport or a form of identification with the PASS hologram will be required at point of delivery before alcohol is supplied.

The licensee shall ensure that any delivery service employed to facilitate the delivery of alcohol, as an ancillary to a food order, has an adequate proof of age scheme in place, such as Challenge 25, to be undertaken at the point of delivery to any customer.

Any website from which customers can order food and drink to be delivered to a home address will contain a message to the effect that alcoholic products can only be purchased by persons who are over the age of 18 years, and that identification will be requested when the alcohol is delivered.

All staff employed by the licence holder and likely to be involved in the sale of alcohol by delivery from the premises shall receive the following training in age restricted sales:

- a) induction training which must be completed and documented prior to the sale of alcohol by the staff member;
- b) Refresher/reinforcement training at intervals of no more than 6 months.

Training records will be kept at the premises and available for inspection by a police officer or other authorised officer on request.

All staff employed by the licence holder likely to be involved in the delivery of alcohol shall be trained to record refusals of sales of alcohol in a refusals register. The register will contain:

- a) details of the time and date the refusal was made;
- b) the identity of the staff member refusing the sale or delivery; and
- c) details of the alcohol the person attempted to purchase or retained and not delivered

This register will be kept at the premises and available for inspection by a police officer or other authorised officer on request.

Food deliveries including alcohol will only be made to a physical premises.

Additional conditions:

A dispersal policy shall be in place at the premises and training shall be provided by an approved dispersal trainer. Such training shall be documented and provided to all staff at the premises. Training records shall be signed by both the trainer and staff. Refresher training shall take place at least once a calendar year.

On Fridays and Saturdays, a duty manager will be present at the premises to assist with dispersal.

Staff will monitor the use of the public highway when used by smokers to ensure there's minimum congregation by customers.

Staff will monitor use of the public highway for queuing by customers and customers will be encouraged to queue in a manner which doesn't impede pedestrians.