

APPENDIX B

From: Prickett, Mark <Mark.Prickett@southwark.gov.uk>
Sent: Tuesday, May 3, 2022 5:58 PM
To: Regen, Licensing <Licensing.Regen@southwark.gov.uk>
Cc: [REDACTED]
Subject: EPT objection - Premises licence application - 2-3 London Road

Dear Licensing,

Southwark Council's Environmental Protection Team (EPT) have reviewed the new premises licence for Naranjo, 2-3 London Road, SE1 6JZ.

The application seeks the following licensable activities:

- Recorded music (indoors) - 09:00-01:00 Monday-Saturday, 12:00-21:00 Sunday.
- Supply of alcohol (on and off the premises) – 09:00-01:00 Monday-Saturday, 12:00-21:00 Sunday.
- Late night refreshment (both indoors & outdoors) – 23:00-01:00 Monday-Saturday.
- Opening hours 07:00-01:30 Monday-Saturday, 12:00-21:30 Sunday.

The list of proposed conditions has been reviewed.

Planning consent

A recent planning application was submitted and granted by the same applicant as this premises licence, Mr Carlos Naranjo.

Planning application 21/AP/2326 was consented in October 2021 for 'Installation of an external extraction system to rear elevation; and the installation of a new shopfront.' A link to the application can be found here:

<https://planning.southwark.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QVRF8GKKBGVM00>

The applicant, both within the application form and the Design & Access statement, confirmed that proposed opening times for the unit will be 11:00 – 23:00. Planning permission was granted based on this.

Is it therefore unclear why the same applicant is now seeking longer hours for the premises licence? Please can the applicant advise further? Section 101 of Southwark's Statement of Licensing Policy 2021-2026 states "this Authority will look to ensure proper integration with the planning regime".

EPT stance

The longer opening hours sought are also in contrast with Southwark's Statement of Licensing Policy 2021-2026. This part of London Road is considered to be a 'local centre / small shopping parade', which also has existing residential use on the 1st floor. The policy suggests opening hours for a restaurant will be until 23:00 on Sundays to Thursdays and midnight on Friday and Saturdays.

Furthermore can the applicant please advise what the expected delivery / servicing times will be and if there will be a restriction on external waste handling?

Late night refreshment is sought until 01:00 outside. EPT request a terminal hour of 22:00 on all days for the use of the external area fronting on to London Road. Please confirm if this is agreeable? This can still be used for smokers until the premises is closed. A condition can be proposed in due course.

Proposed condition 9 states that no noise generated on the premises will give rise to a nuisance. However there is no further information provided to support that statement considering that recorded music is sought until 01:00 with residential neighbours directly above? Please can this issue be expanded on, for instance what noise insulation is there to protect the residents above? How will the applicant be sure to set music levels at a level to not cause public nuisance?

EPT **raise objection** to this application due to concerns of public nuisance arising if the application is granted at present. EPT seek a reduction in opening hours along with further information with regards to noise and operational activities. EPT will look to propose a number of conditions as part of a conciliation process if accepted information is provided in due course.

Kind regards,

Mark Prickett
Principal Enforcement Officer
Environmental Protection Team

MEMO: Licensing Unit

To Licensing Unit Date 6 May 2022
From Jayne Tear
Email jayne.tear@southwark.gov.uk

Subject Re: Naranjo, 2-3 London Road, London, SE1 6JZ
 – Application for a premises licence

I write with regards to the above application for a premises licence submitted by Naranjo Corporation Limited under the Licensing Act 2003, which seeks the following licensable activities:

- Recorded Music (indoors) on Monday to Saturday from 09:00 to 01:00 the following day and on Sunday from 12:00 to 21:00
- Late night refreshment (indoors and outdoors) on Monday to Saturday from 23:00 to 01:00 the following day
- Supply of alcohol (on and off the premises) on Monday to Saturday from 09:00 to 01:00 the following day and on Sunday from 12:00 to 21:00
- Overall opening times shall be on Monday to Saturday from 09:00 to 01:30 the following day and on Sunday from 12:00 to 21:30

Non Standard Timings:

- All licensable activities shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. An additional hour to the standard and non-standard times on the day when British Summertime commences.
- Opening hours shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. An additional hour to the standard and non-standard times on the day when British Summertime commences.

The premises is described within the application as a *'Restaurant'*.

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.

The premises is situated in The Elephant and Castle Major Town Centre Area and under the Southwark Statement of Licensing policy 2021 - 2026 the appropriate closing times for restaurants and cafes on Sunday to Thursday is 00:00 hours and for Friday and Saturday is 01:00 hours.

The hours applied for within this application are in excess of that which is appropriate within the licensing policy for a restaurant in this area. Therefore to promote the licensing objectives I ask the applicant to consider bringing the opening hours applied for in line with that which is appropriate for a restaurant in this area in the licensing policy and to amend the licensable activities as such, allowing half an hour drinking up time (for on sales) as follows:

- Opening times on Monday to Thursday to cease at 00:00 and on Friday and Saturday to cease at 01:00
- Supply of alcohol (on the premises) on Monday to Thursday to cease at 23:30 and on Friday and Saturday to cease at 00:30
- Supply of alcohol (off the premises) on Monday to Thursday to cease at 00:00 and on Friday and Saturday to cease at 01:00
- Late night refreshment (indoors and outdoors) on Monday to Thursday to cease at 00:00 and on Friday and Saturday to cease at 01:00
- Recorded music (indoors) on Monday to Thursday to cease at 00:00 and on Friday and Saturday to cease at 01:00

Due to the limited information provided within the operating schedule to promote the licensing objectives I ask the applicant to provide the following information:

- An accommodation limit for the premises. (to be conditioned)
- To provide a written dispersal policy for the premises. (to be conditioned)

And to consider adding the following conditions to the operating schedule:

- Any off sales of alcohol shall be provided in sealed containers and taken away from the premises.
- That clear legible signage shall be prominently displayed where it can be easily seen and read, requesting that alcohol sold as off sales should not be opened and consumed in the vicinity of the premises

I therefore submit this representation and welcome any discussion with the applicant.

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

From: Tear, Jayne
Sent: Wednesday, May 11, 2022 12:18 PM
To: Marcus Lavell <
Cc: Heron, Andrew <Andrew.Heron@southwark.gov.uk>
Subject: RE: Premises Licence Application - NARANJO 2-3 LONDON ROAD

Dear Marcus

As you have agreed to all within my email below (**Sent:** 10 May 2022 15:49) and sent me the updated dispersal policy attached I can confirm on that basis my representation is now withdrawn,

With kind regards

Jayne

Jayne Tear - Principal Licensing Officer – As Responsible Authority for Licensing
Southwark Council | Licensing Unit
160 Tooley Street | London | SE1 2QH
Direct line 020 7525 0396 | Fax 020 7525 5735 | Call Centre 020 7525

From: Marcus Lavell <
Sent: Tuesday, May 10, 2022 5:41 PM
To: Tear, Jayne <Jayne.Tear@SOUTHWARK.GOV.UK>
Cc: Heron, Andrew <Andrew.Heron@southwark.gov.uk>
Subject: RE: Premises Licence Application - NARANJO 2-3 LONDON ROAD

All now agreed.

Marcus Lavell | Barrister

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KEYSTONE LAW



From: Tear, Jayne <Jayne.Tear@SOUTHWARK.GOV.UK>
Sent: 10 May 2022 16:42
To: Marcus Lavell <
Cc: Heron, Andrew <Andrew.Heron@southwark.gov.uk>
Subject: FW: Premises Licence Application - NARANJO 2-3 LONDON ROAD

Hi Marcus,

Thank you for this – I await your agreement on the rest (within my email below **Sent:** 10 May 2022 15:49)

With kind regards

Jayne

From: Marcus Lavell <
Sent: Tuesday, May 10, 2022 4:31 PM
To: Tear, Jayne <Jayne.Tear@SOUTHWARK.GOV.UK>
Subject: RE: Premises Licence Application - NARANJO 2-3 LONDON ROAD

Dear Jayne

As discussed, please find attached updated Policy.

I have asked my client for instructions on the position as set out in your email below.

Kind regards

Marcus Lavell | Barrister

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KEYSTONE LAW



From: Tear, Jayne <Jayne.Tear@SOUTHWARK.GOV.UK>
Sent: 10 May 2022 15:49
To: Marcus Lavell <
Subject: FW: Premises Licence Application - NARANJO 2-3 LONDON ROAD

Dear Marcus,

Thank you for your response to my representation, for confirming the accommodation limits and providing the dispersal policy attached.

For clarification can you confirm that you have agreed the following amendments to the operating schedule:

Amendments to hours:

- Opening times on Monday to Thursday to cease at 00:00 and on Friday and Saturday to cease at 01:00
- Supply of alcohol (on the premises) on Monday to Thursday to cease at 23:30 and on Friday and Saturday to cease at 00:30

- Supply of alcohol (off the premises) on Monday to Thursday to cease at 00:00 and on Friday and Saturday to cease at 01:00
- Late night refreshment (indoors and outdoors) on Monday to Thursday to cease at 00:00 and on Friday and Saturday to cease at 01:00
- Recorded music (indoors) on Monday to Thursday to cease at 00:00 and on Friday and Saturday to cease at 01:00

To add the following conditions:

- The accommodation limit for the premises shall not exceed 250 persons (excluding staff), comprising of a) Basement 150, b) Ground Floor 100.
- The written dispersal policy shall be kept at the premises with the licence and made available for inspection by authorised council officers or the police. All relevant staff shall be trained in the implementation of the dispersal policy
- Any off sales of alcohol shall be provided in sealed containers and taken away from the premises.
- That clear legible signage shall be prominently displayed where it can be easily seen and read, requesting that alcohol sold as off sales should not be opened and consumed in the vicinity of the premises

If you are agreeing to the hours above the dispersal policy attached does not reflect the hours agreed or the hours that have been applied for on as Sunday (which I did not object to) It states the following:

1.1.1. Hours

Key dispersal times are anticipated to be:

- Sunday: 22:00 – 00:00
- Monday - Thursday: Likely drift away during daytime hours
- Friday – Saturday: 22:00 - 01:15

Could you amend the attached dispersal policy to reflect the hours agreed when you respond. If all of the above is agreed I will be in a position to withdraw my representation,

With kindest regards

Jayne

Jayne Tear - Principal Licensing Officer – As Responsible Authority for Licensing

Naranjo London Road

**Dispersal and Noise
Management Policy**

NARANJO LONDON ROAD – DISPERSAL / NOISE MANAGEMENT STRATEGY

1.1. Dispersal Policy

This Policy has been developed by Naranjo Corporation to ensure that all guests are dispersed in a controlled fashion so as to avoid congestion or disturbance to the local area.

1.1.1. Hours

Key dispersal times are anticipated to be:

- Sunday: 21:00 – 21:45
- Monday - Thursday: Likely drift away during daytime hours
- Friday – Saturday: 22:00 - 01:15

These hours have been identified following a detailed consideration of the unique nature of our location, being located on London Road, with good dispersal routes, but with the mixed-use high-street setting.

At key dispersal times, site management or front of house personnel will be deployed on the premises, and in the public realm. This policy focuses on key dispersal times although appropriate staff will be in place throughout operating hours to address customer needs and promote the licensing objectives.

1.1.2. During Trade

It is expected that during trading hours, our management team takes responsibility for ensuring that customers behave appropriately or if not, are asked to leave.

If a customer is asked to leave, staff will endeavour to monitor the customer either via CCTV or personnel on the ground.

It is our responsibility to ensure we have adequate support on-site to ensure all customers are safe and act responsibly.

Further, due to this being a mixed-use area, staff will be trained and instructed to approach customers behaving in an unacceptably noisy manner (acceptability will vary dependant on time of day) and request that they respect the needs of our neighbours. Customers who do not comply will be required to leave the Premises and be prevented from attending in the future.

1.1.3. Winding-Down Period

We will operate an effective “wind-down” procedure, in order to facilitate orderly dispersal of patrons. Members of staff will be re-allocated to their “Dispersal Roles” over a 30 minute period to prepare for dispersal.

Key staff in dispersal rolls are to remain on duty and in post until 30 minutes after closing time or, if later, until the last customer has left the area. Staff are to be trained on the following:-

- The nearest mode of public transport;
- Details of where to find taxis and a number of a local provider;
- General local knowledge so that Staff can help guests with directions;

At close:

Managers / Supervisors must remain on site until all customers have been cleared from the premises and dispersed from the surrounding area, making sure customers are safely and quietly on their way. Customers must not take open drinks with them.

Managers must ensure that any rubbish / spillages outside are removed before leaving site.

NARANJO LONDON ROAD – DISPERSAL / NOISE MANAGEMENT STRATEGY

Managers will contact the Police/EHO as appropriate, regarding any concerns relating to noise nuisance, crime and disorder or anti-social behaviour.

1.1.4. Staff

Staff will come and go from the premises throughout the working day depending on their shift pattern. Due to our focus on staff awareness and the fact that they will be arriving/departing at different times, there should be no material disturbance to the local area. To support this, all staff will be briefed on the need to respect our neighbours and keep noise to a minimum when arriving and departing; adherence to this policy is to be a term of employment.

1.1.5. Dispersal Plan

The Dispersal Plan has been produced based on the above governing information, to assist in the promotion of the licensing objectives, with particular regard to:

- The Prevention of Crime and Disorder; and
- The Prevention of Public Nuisance; and
- Public Safety; and
- Protecting Children (and other vulnerable people) from harm.

This plan is subject to change from time to time as it evolves through operational learnings and discussions with local stakeholders.

The management team are aware of the potential for neighbourhood noise and disturbance as patrons leave at key dispersal times. Our management team has implemented this written dispersal plan to move patrons from the premises and its immediate vicinity in such a way as to prevent disturbance or nuisance to our neighbours. It will be the responsibility of all staff to support this policy.

1.1.6. Notices

Notices shall be displayed around the site and within our Licensed Premises requesting that patrons respect the needs of the local residents and leave the local area quietly. That message will be repeated and enforced on our social media presence. All employees are given appropriate instructions and training to encourage patrons to leave the premises and the area quietly, using the notices to reinforce their message.

1.1.7. Taxi Service

Staff will ensure patrons can wait inside our Licensed Premises while waiting for taxis. Staff will ensure that car doors are not slammed and will ensure that taxi drivers keep engines turned off if they are parked outside. Arrangements are to be made with all local taxi firms for taxis to stop at a safe stopping place when collecting patrons. Taxi drivers will be asked to remain in their vehicles and radios should not be played at a volume likely to disturb the neighbourhood. At the end of their shift, employees will say goodbye to each other inside the premises and arrange for lifts or taxis to collect them at a convenient and safe stopping point away from residential properties.

1.1.8. Dispersal Summary

Staff shall be in place in and around the exits to wish patrons farewell and ask them to leave quietly and shall answer any questions regarding transport availability. Staff will address any departing patrons congregating outside of the premises. Staff will at all times be aware of activity outside of the premises and employ best efforts to minimise bad behaviour.

NARANJO LONDON ROAD – DISPERSAL / NOISE MANAGEMENT STRATEGY

Management will identify areas of particular sensitivity (nearby residences) and if necessary, provide a presence in those places to minimise potential problems. Whilst carrying out their duties outside of the premises, all staff are trained not to behave in a manner likely to disturb the neighbourhood, conversation and laughter must be quiet.

Management staff will attach the utmost importance to the investigation of any complaints of noise nuisance or antisocial behaviour linked to the Premises.

1.2. Noise Management Strategy

The management team aim to be considerate and respectful of all local stakeholders. There are a number of residential properties in the neighbourhood and all noise will be managed from the premises so as not to disturb people resting and sleeping in their homes.

The following points are critical to the Noise Management Strategy and are used in conjunction with the end of night Dispersal Policy:

- Any noise emanating from the Premises will not cause a nuisance at any nearby residential properties.
- The outside area is to be monitored throughout all hours of operation. Noisy behaviour by our customers will not be tolerated. Any customers found to be making excessive noise or any noise that may cause a nuisance to neighbours will be required to leave the area and excluded from the Premises. To be clear:
 - Customers behaving in an unacceptable manner will be asked politely to quieten down,
 - Customers that refuse to, or are not capable of reducing their noise levels, will be asked to leave the Premises,
 - Customers who demonstrate that they will continue to be a risk of noise nuisance will be barred from the Premises.
- The management will ensure that waste is correctly packaged and refuse can be removed quickly and efficiently.
- Any glass or bottles in the immediate vicinity of the Premises will be cleared and then safely disposed of, whether emanating from the Premises or not.
- The Noise Management Strategy will be constantly reviewed and any needs of neighbours will be responded to quickly.