

MEMO: Licensing Unit

To Licensing Unit Date 22 June 2022
From Jayne Tear Telephone 020 7525 0396
Email jayne.tear@southwark.gov.uk

Subject Re: Elimhouse Community Association Southwark, 86 Bellenden Road, London,
SE15 4RQ – Application for a premises Licence

I write with regards to the above application for a premises Licence submitted by Elimhouse Community Association Southwark under the Licensing Act 2003, which seeks the following licensable activities

- Supply of alcohol (on the premises) on Monday to Sunday from 11:00 to 22:30
- Overall opening times shall be on Monday to Sunday from 11:00 to 23:00

The premises is described within the application as a *'Local community association providing services for older clientele. The licence is required as the TENs permitted will not cover the society's needs'*.

My representation is submitted under the prevention of crime and disorder and the prevention of public nuisance licensing objectives and has regard to the Southwark Statement of Licensing Policy 2021 – 2026.

The premises is situated in a residential area and under the Southwark Statement of Licensing policy 2021 - 2026 the appropriate closing times for restaurants; cafes, public houses, wine bars or other drinking establishments is 23:00 daily.

The premises also falls within the cumulative impact area (CIA) for Peckham. Under the Southwark Statement of Licensing Policy 2021 - 2026 the local CIA applies to night clubs, public houses & bars, off-licences, supermarkets, convenience stores and similar premises.

Section six of the policy (from page 34) deals with Southwark's local cumulative impact policies. This premises sits in the Peckham policy area as defined in paragraph 155 of the policy and this premises falls into the class of premises in 156 of the policy.

Therefore under 131 of the policy there is a rebuttable presumption that applications for new premises licences that are likely to add to the existing cumulative impact will normally be refused or subject to certain limitations. In such circumstances, it is for the applicant to demonstrate that the application will not, if granted, further contribute to the negative local cumulative impact on any one or more of the licensing objectives.

The applicant has not addressed the presumption to refuse this application within the operating schedule nor has it address the four licensing objectives. I would recommend refusal of this application unless the applicant can demonstrate that the premises will not contributing to crime and disorder and public nuisance within the policy area.

Due to the limited information on the application form and 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)

There is another currently another application (for a club premises certificate) currently under consultation for this premises address and whilst I recognise that there is no restriction under the Licensing Act 2003 for there to be more than one licence to be in effect at any one time at the same premises, however I have concerns that the holding of any additional licence has the potential to undermine the licensing objectives and decisions made as a result of determining applications to review a premises licence whereby if one licence was modified, suspended or revoked the premises could effectively continue to operate under the second licence. I have further concerns regarding the enforcement of the terms and conditions of the premises licences if it is unclear under the authorisation of which premises licence the licensable activities are taking place and who is the relevant premises licence holder and DPS.

In order to promote the licensing objectives I ask the applicant to agree that the following 2 conditions are also added to the operating schedule in order to promote the licensing objectives:

- The Licensing Authority and Police shall be informed at least 14 days prior to the provision of licensable activities under this licence.
- When this licence is used to provide licensable activities and the licence summary is displayed on the premises, the licence summary of any other premises licence/club premises certificate will not be displayed at the same time.

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

I may submit further comments once all of the information is received.

Southwark'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

----- Original Message -----

From: "Moore, Ray" <Ray.Moore@southwark.gov.uk>
To: "Regen, Licensing" <Licensing.Regen@southwark.gov.uk>;
Cc: "Forrest, Yemisi" <Yemisi.Forrest@Southwark.gov.uk>
Sent: Monday, 20 Jun, 2022 At 16:13

Subject: RE: Application for a new premises license, Elimhouse Community Association Southwark , 86 Bellenden Road, London SE15 4RQ Ref: 877630

Trading Standards as a responsible authority are in receipt of a new premises license application from Elimhouse Community Association Southwark in respect of a premises at 86 Bellenden Road, London, SE15 4RQ. 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. It should be noted that there is also a club premises application in for this premises at the same time (Ref 877534)

In the general description this is to be:-

“Local community association providing services for older clientele. The licence is required as the TENs permitted will not cover the society’s needs.”

The opening hours are to be:-
Monday to Sundays 11:00hrs to 23:00hrs only.

The application is for on sales of alcohol only. The hours for the sale of alcohol are to be:-
Monday to Sunday 11:00hrs to 22:30hrs only.

The intended Designated Premises Supervisor is to be Aubyn Graham.

Under the general – all four licensing objectives M (a) it states:-

“The applicant has considered the local authority statement of licensing policy. Pre application discussion has taken place with the police. Risk Assessments have been undertaken in relation to the licensing objectives and the steps to be taken are listed below.”

Under the “protection of children from harm it states:-

“The premises will operate a “Challenge 25” proof of age policy which will require any person who appears to be under the age of 25 to produce identification to prove they are 18 or over. Only a passport, photo-card driving licence, Armed Forces ID cards or a proof of age card bearing the official “PASS” accreditation hologram should to be accepted as proof of age.”

This is good but Trading Standards as a responsible authority would simply ask that the applicant agrees to these matters being tidied up into the following conditions which more comprehensively deals with 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.

This authority can provide suitable training records and training materials for the business upon request at no cost. An easy to use refusals register can also be provided – again at no cost to the business. I attach electronic versions of these for the business that can be used.

Ray MOORE

Principal Trading Standards Enforcement Officer

Southwark Council | Environment & Leisure| Regulatory Services

Post: 3rd Floor Hub 2, PO Box 64529 | London SE1P 5LX

Direct line 020 7525 0816 | Fax 020 7525 5735 | Call Centre 020 7525 2000

From:

Sent: Tuesday, June 21, 2022 9:37 AM

To: Moore, Ray <Ray.Moore@southwark.gov.uk>

Subject: RE: Application for a new premises license, Elimhouse Community Association Southwark , 86 Bellenden Road, London SE15 4RQ Ref: 877630

Good Morning Ray,

I can confirm my client is fine to accept these conditions for the licence.

Thanks for your guidance.

From: Moore, Ray <Ray.Moore@southwark.gov.uk>

Sent: Tuesday, June 21, 2022 10:53 AM

To: ;Regen, Licensing <Licensing.Regen@southwark.gov.uk>

Subject: RE: Application for a new premises license, Elimhouse Community Association Southwark , 86 Bellenden Road, London SE15 4RQ Ref: 877630

On the basis of the e-mail below Trading Standards as a responsible authority now withdraw their representations.

Ray MOORE

Principal Trading Standards Enforcement Officer

Southwark Council | Environment & Leisure| Regulatory Services

Post: 3rd Floor Hub 2, PO Box 64529 | London SE1P 5LX

Direct line 020 7525 0816 | Fax 020 7525 5735 | Call Centre 020 7525 2000

From: Binya, Raymond

Sent: Tuesday, June 21, 2022 9:34 AM

To: Regen, Licensing <Licensing.Regen@southwark.gov.uk>

Cc:

Subject: Application for new premises licence for 86 Bellenden Road, London SE15 4RQ, our ref 977498

Dear Licensing Team,

Application for a new premises licence under the Licensing Act 2003.

Application reference number: 877630

Address: Elim House Community Association Southwark
86 Bellenden Road
London
SE15 4RQ

New premises licence application for Sale of alcohol ON the premises 1100-2230 Mon-Sun, Opening hours 1100-2300 Mon-Sun

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 licence if granted on the promotion of the 'prevention of public nuisance' licensing objective.

The premises is surrounded by residential premises who have been subjected to public nuisance as result of licensable activities. Southwark Council Noise Team are in receipt of a number of complaints noise and antisocial behaviour. The main issues have been loud music, noise from patrons and loud music from patrons' vehicles. Most of these issues have resulted from having regular late night temporary events.

Therefore, although application is within the policy hours, EPT we recommend that following conditions to be incorporated within the Operating Schedule in addition to those suggested by the applicants:

1. The premises shall be adequately mechanically ventilated and comfort cooled to allow doors and windows to remain closed during licensed entertainment.
2. Sound insulation of an adequate specification shall be installed to any shared walls/floors/ceilings to ensure that noise from the operation of the premises does not cause any intrusion in neighbouring property.
3. 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.

4. 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.
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. Amplified music, song or speech shall not be broadcast in external areas at any time.
7. No drinks or glassware are permitted outside at any time.
8. 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.
9. The premises licence holder shall visibly display a telephone number for local residents to contact management of the premises as and when necessary.
10. No external areas of the premises, including the garden shall be used for the purposes of licensed entertainment after 23:00 hours.

EPT will be willing to withdraw our representation if applicants agree to the above recommended conditions.

Kind Regards

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

From: Binya, Raymond <Raymond.Binya@southwark.gov.uk>

Sent: Thursday, June 23, 2022 9:32 AM

To: Regen, Licensing <Licensing.Regen@southwark.gov.uk>

Cc:

Subject: RE: Application for new premises licence for 86 Bellenden Road, London SE15 4RQ, our ref 977498

Dear Licensing,

I can confirm that I have received an emailed from applicant's agent Mr [redacted] of [redacted] that they have accepted our recommended conditions (Email is attached).

For this reason, I can confirm that we are withdrawing our representation on this application.

Kind Regards

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