

POLICE



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**Our reference:** MD/21/298

**Date:** 28/12/2022

Dear Sir/Madam

**Re:Colab Red Lion Court 46-48 Park Street SE1 9EQ**

Police are in possession of an application from the above for a New Premises Licence for the supply of alcohol on sales and regulated entertainment. The operating schedule describes it as workshop space for arts and theatre. The Hours requested are as follows

Opening hours

Sun-Wed 0900hrs to 0000hrs

Thurs-Sat 0900hrs to 0100hrs

Performance of Dance

Mon-Sun 1200hrs to 2300hrs

Live Music

Sun-Wed 1200hrs-2300hrs

Thurs-Sat 1200hrs-0000hrs

Plays

Sun-Fri 1200hrs to 2300hrs

Sat 1200hrs to 2330hrs

Recorded Music

Sun-Thurs 1200hrs to 0000hrs

Fri-Sat 1200hrs to 0030hrs

Supply of Alcohol

Sun-Thurs 1200hrs to 0000hrs

Fri-Sat 1200hrs to 0030hrs

The premises are situated in the Borough and Bankside Cumulative impact Zone (CIZ) as designated by Southwark Council. The High Court approval of Cumulative impact policies came in Westminster City Council v Middlesex Crown Court. In brief, it stated 'A licence could be refused on the sole ground that the area was already saturated with licensed premises'

The applicant has provided a list of conditions to address the licensing objectives however most of these are either unenforceable or have no bearing on the objectives. We would like to see a more thorough application to include clear daily drinking up timings, a dispersal policy as a minimum. It is also noted that the plan appears to show the whole of the premises (all floors) will be licensed and there is no information regarding how many bars there may be or where they would be positioned.

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 in its current format as the wording of some of the conditions offered are either not suitable or enforceable and the information provided regarding its operating schedule is vague. Police welcome communication with the applicant in order to progress this application.

Submitted for your consideration.  
Yours Sincerely

**PC Mark Lynch 2246AS**  
Southwark Police Licensing Unit  
Tel: 0207 232 6756/6639

## LICENSING

|                              |  |                                 |
|------------------------------|--|---------------------------------|
| <b>To:</b><br>Licensing Unit | <b>From:</b><br>Wesley McArthur<br><a href="mailto:wesley.mcarthur@southwark.gov.uk">wesley.mcarthur@southwark.gov.uk</a><br>020 7525 5779<br>(on behalf of the Licensing Unit in its role as a responsible authority) | <b>Date:</b><br>10 January 2023 |
| <b>Subject:</b>              | Representation   |                                 |
| <b>Act:</b>                  | The Licensing Act 2003 (the Act)   |                                 |
| <b>Premises:</b>             | Red Lion Court – COLAB Bankside, Red Lion Court, 46 – 48 Park Street, London, SE1 9EQ  |                                 |
| <b>Ref:</b>                  | <b>879132</b>  |                                 |

We object to the grant of a premises licence application, submitted by COLAB Charitable Foundation under The Licensing Act 2003 (the Act), in respect of the premises known as Red Lion Court – COLAB Bankside, Red Lion Court, 46 – 48 Park Street, London, SE1 9EQ.

The application is to allow for:

**Plays and performances of dance (indoors):**

**Monday – Sunday: 12:00 hours – 23:00 hours**

**Live Music (indoors):**

**Sunday - Wednesday: 12:00 hours – 23:00 hours**

**Thursday - Saturday: 12:00 hours – 00:00 hours (midnight)**

**Recorded music (indoors) & the sale of alcohol to be consumed on the premises:**

**Sunday - Thursday: 12:00 hours – 00:00 hours**

**Friday & Saturday: 12:00 hours – 00:30 hours**

**The proposed opening hours of the premises are:**

**Sunday - Wednesday: 09:00 hours – 00:00 hours**

**Thursday - Saturday: 09:00 hours – 01:00 hours**

The premises, and its intended operation, are described as -

***“Old office block that will be used for the charitable uses of the arts. Mostly as workshop space, art studios, rehearsals, writing workspace, research and development space, showing space, theatre studios, youth theatre programmes and open creative spaces for network development. We are applying for the licence due to the showings that will take place from the research and development phases of the artists. They will be very low impact on the surrounding area as they will be small and will fully support the licensing objectives.”***

According to section 7 of this council's statement of licensing policy 2021 – 2026 (hereafter to referred to as the **SoLP**), the premises fall within the Borough and Bankside Cumulative Impact Area and also the Borough and Bankside Strategic Cultural Area.

The following closing times are recommended for the listed types of licensed premises located in the Borough and Bankside Strategic Cultural Area:

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

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

The Borough and Bankside Cumulative Impact Area applies to the above types of premises.

Event premises / spaces where sale of alcohol is included in, and ancillary to, a range of activities including meals:

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

Cinemas and theatres:

**Monday – Sunday: 02:00**

The Borough and Bankside Cumulative Impact Area does not apply to the above types of premises.

A copy of the SoLP is available via:

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

The area that the premises are located in is of mixed use including residential premises, commercial premises and office space.

Our objection relates to the The Borough and Bankside Cumulative Impact Area and also the proposal of suitable conditions to address the licensing objectives.

Paragraph 131 the SoLP states - *“Applications made within specified Cumulative Impact Areas (CIAs) are deemed likely to add to the potential impact the policy is intended to avoid. There is therefore an automatic presumption that such applications will be refused, however each application will be judged on its own merits.”*

Paragraph 132 of the SoLP states that - *“It is normally the case that a representation citing a relevant CIA will have to be determined at a Licensing Sub-Committee hearing.”*

We further note that section 136 of the SoLP states –

*“The effect of publishing a cumulative impact assessment is to create a rebuttable presumption that applications for new premises licences or club premises certificates or variations that are likely to add to the existing cumulative impact will normally be refused or subject to certain limitations, following relevant representations. 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.”*

In our opinion, the applicant has not demonstrated that the application will not, if granted, further contribute to the negative local cumulative impact on any one or more of the licensing objectives.

Notwithstanding the above, please note that paragraphs 161 & 162 (in part) of the SoLP state

–  
*“Where a presumption against the grant of a licence exists and a relevant representation has been received, this Authority must consider whether it would be justified in departing from its special policy in the individual circumstances of the case. This Authority will need to be satisfied that the grant of the application under consideration will not impact further on the relevant licensing objectives, before any grant or part grant of the application can be approved.”*

*“Examples of factors that this Authority may consider as demonstrating that there will be no impact may include:*

*Where a suite of conditions is proposed that will ensure that the premises operates in a specified manner. For instance, in the case of a food led operation, a suite of conditions that governs the minimum number of covers provided; that alcohol will only be provided by waiter / waitress service and /or together with a table meal and /or in a designated area;...”*

If the applicant can accept that the following proposed conditions be included in any licence issued subsequent to the application then it could be deemed that the premises is operating in a specified manner as either a theatre, or an event premises / space where sale of alcohol is included in, and ancillary to, a range of activities.

- That alcohol shall only be sold at times that a performance or event is taking place at the premises. Alcohol will not be sold during times that only lessons, rehearsals and / or similar activities are taking place and no performance or event is taking place.
- That lessons, rehearsals and / or similar activities are not classed as performances / events.
- That performances / events must be ticketed. Alcohol shall only be sold to attendees of the premises who have obtained tickets to a performance or event.
- That performers / staff involved in the production of the performance / event shall only be able to buy alcohol from the premises once the performance / event has finished.
- That members of the general public, who do not have a ticket for a performance or event, will not be permitted to access the bar or to buy alcohol from the bar at any time.
- That a means of identifying attendees to performances or events, and identifying performers / staff involved in the production of the performance / event, should be devised, maintained and in use at all times that performances or events are taking place at the premises
- That dedicated staff shall be employed at the premises to ensure that only attendees to a performance or event, who have obtained tickets for the performance / event, and who have been identified by the means devised by the premises' management, shall be able to access the bar area and purchase alcohol. These staff shall also ensure that only those performers / staff involved in the production of the performance / event shall be able to access the bar area and purchase alcohol.
- That all staff shall be easily identifiable by staff uniform.

We note that the applicant has offered a comprehensive list of control measures in the operating schedule of the application, however to ensure that any subsequent licence conditions are practicable and enforceable we recommend that the control measures offered in the application are replaced in their entirety with the licence conditions proposed below:

- That there shall be an identified duty manager and security supervisor on site at all times that the premises are in operation. They shall sign in at the beginning of their shift in a staff log. The log shall include their printed name and the time & date that they sign in. The log shall be kept at the premises and be made available to council and / or police officers immediately on request.
- That the premises shall be kept securely locked shut when not in use.
- That all fire doors and emergency exits shall be kept in their closed positions, and never kept propped open, at all times that the premises are in use.
- That prior to the premises opening on each day a check shall be undertaken to ensure that all emergency exits are unlocked and operable, and that all emergency escape routes are completely free from any obstructions. A log of such checks shall be maintained and shall include the printed name of the person who undertook the check and the time & date that the check was undertaken. The log shall be made immediately available to council, police or fire brigade officers on request.
- That a crime prevention policy will be devised and maintained at the premises. The crime prevention policy will include provision for lost property and its return to owners. A copy of the crime prevention 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. All staff shall be trained in the implementation of the latest version of the crime prevention policy. Details of such training shall be recorded in the staff training logs at the premises.
- That clearly legible crime prevention notices will be prominently displayed where they can easily be seen and read by customers to provide relevant crime prevention information to customers as deemed appropriate by management. Such notices shall be kept free from obstructions at all times.
- That 'Chelsea Hooks', or similar, shall be provided throughout the public areas of the premises.
- That a digital hard drive 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 emergency exits. The CCTV system shall always 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 council and / or police officers on request.

- 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.
- 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. Such signage shall be kept free from obstructions at all times.
- That all staff shall be supplied with, shall be trained in the use of, and shall use at all times the premises are in operation, 2-way radios ('walkie-talkies') to aid in the safe operation of the premises.
- 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, the 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 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.

- That all drinks will be decanted into polycarbonate (or similar) drinking receptacles. Glass drinking receptacles will not be used at the premises.
- That SIA registered door supervisors will be deployed at the premises when the premises are in operation under this licence. They 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 de-escalate 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. When deployed they shall remain at the premises at least until the end of business and all patrons have vacated the premises.
- That a zero tolerance policy regarding illegal drug use will be implemented and maintained at the premises. All staff shall be trained in respect of the premises' drug policy and details of such training shall be recorded in the staff training logs at the premises.
- That when events or performances are taking place the duty manager shall engage in pre-opening health and safety, security and event specific briefings with all staff. A record of such briefings shall be kept and maintained at the premises and shall include the printed name of all staff attending the briefing and the time & date of the briefing. The record shall be made available to council and / or police officers immediately on request.

- That comprehensive risk assessments for Health and Safety and Fire Safety shall be undertaken. The risk assessments shall be kept / be accessible at the premises and be made available to council, police or fire brigade officers immediately on request. The risk assessments shall be reviewed at least annually, or when any substantive alterations are made to the premises, and the result of the reviews shall be recorded in the risk assessments. The reviews shall be signed off by a member of management staff. All staff should be made aware of the risk assessments and permitted to read them on request.
- That a comprehensive risk assessment regarding COVID-19, and / or any other relevant infectious disease as determined by the licensee, shall be undertaken. The risk assessment shall be kept at / be accessible at the premises and made available to officers of the council and / or police immediately on request. The risk assessment shall be reviewed at least annually and the result of the review shall be recorded in the risk assessment. The review shall be signed off by a member of management staff. All staff should be made aware of the risk assessment and permitted to read them on request.
- That there shall be an identified first aider on site at all times that the premises are in operation. They shall sign in at the beginning of their shift in a staff log. The log shall include their printed name and the time & date that they sign in. The log shall be kept at the premises and be made available to council and / or police officers immediately on request.
- That a first aid policy will be devised and maintained at the premises. A copy of the first aid 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. All staff shall be trained in the implementation of the latest version of the first aid policy and details of such training shall be recorded in the staff training logs at the premises.
- That a first aid room for the treatment, recovery, rest or ambulance waiting of injured / intoxicated persons shall be provided. Only first aiders, staff assisting the first aider(s), injured persons and council & emergency service personnel shall be permitted into the first aid room when it is in use.
- 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.

('X' to be determined by the licensee in accordance with their fire safety risk assessment)

- That counting devices shall be used by the staff who are controlling customer entry to the premises to keep an accurate count of the number of people at the premises and to ensure that the premises' accommodation limit is never exceeded. Staff using the counting devices should be able to determine the number of people at the premises immediately on the request of council, fire brigade or police officers.
- That all 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 shall be kept at the premises, shall be updated every 6 months and shall be made immediately available police and / or council officers on request. The training records 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 and understood.

- 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.
- That any spills of liquid at the premises', and broken or waste glass / earthenware 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 to prevent slips being caused by the wet floors.
- That waste glass receptacles shall be kept out of publically accessible areas.
- That a fire / smoke detection and alarm system shall be installed at the premises and be maintained in full working order at all times that the premises are in use.
- That emergency evacuation drills shall be undertaken on a monthly basis. A log of such drills shall be kept and shall include the printed names of the people who took part in the drill and the time & date of the drill. The log shall be kept at the premises and be made immediately available to council, fire brigade or police officers on request.
- 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.
- That there shall be identified fire marshals on site at all times that the premises are in operation. They shall sign in at the beginning of their shift in a staff log. The log shall include their printed name and the time & date that they sign in. The log shall be kept at the premises and be made available to council and / or police officers immediately on request.
- That appropriate fire-fighting / fire safety equipment, in accordance with the fire safety risk assessment undertaken in respect of the premises, shall be kept at the premises in easily accessible and unobstructed locations. The fire-fighting equipment will be inspected at least once a year by a person qualified to do so to ensure that it is in full working order. Any certificate, or other record, in respect of inspections of the fire-fighting equipment shall be kept / be accessible at the premises and be made available to officers of the council, fire brigade or police immediately on request. Instructions for the use of any fire-fighting equipment must be kept at the premises.
- That all staff shall be trained in the use of the fire-fighting / fire safety equipment and details of such training shall be recorded in the staff training logs at the premises.
- That an incident log 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
  - ii. Calls to the police
  - iii. Any complaints received
  - iv. Ejections of people from the premises
  - v. Visits to the premises by the local authority, police or fire brigade
  - vi. Any malfunction in respect of the CCTV system, searching equipment or scanning equipment
  - vii. All crimes reported

viii. Any other relevant incidents

The incident book / incident recording system shall record the time, date, location and description of each incident, the printed and, if possible, signed name of the person reporting the incident and any action taken in respect of the incident. The incident book / incident recording system shall be available / be accessible at the premises at all times that the premises are in use and shall be made available to council and / or police officers immediately on request. All staff shall be trained in the use of the incident log and details of such training shall be recorded in the staff training logs at the premises.

- That a non-smoking policy in accordance with the Smoke Free Regulations shall be devised and maintained regarding the premises. A copy of the non-smoking 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. All staff shall be trained in the implementation of the latest version of the non-smoking policy and details of such training shall be recorded in the staff training logs at the premises.
- That statutory or public nuisance of any kind shall not arise from the premises at any times that the premises are in use.
- That soundproofing will be installed and maintained in respect of all external walls. Details of the sound proofing specification, installers and installation date shall be kept at the premises and be made immediately available to council and / or police officers on request.
- That the premises' management shall regularly monitor outside the premises and take all necessary steps to ensure that noise from patrons or the premises' operation does not cause disturbance, or nuisance of any kind. A log of such monitoring including the printed name of the person who undertook the monitoring and the date & time of the monitoring shall be kept at the premises and be made immediately available to council or police officers on request.
- 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 of the premises 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.
- That staff shall be instructed to arrive at, leave and conduct themselves at the premises in a quiet and orderly manner at all times with particular care taken when staff close the site at the end of trade on each day. Such instruction shall be included in any written staff training / induction material.
- That external doors at the premises shall be kept closed except for immediate, and emergency, access and egress to and from the premises.
- That windows at the premises shall be kept closed whenever licensable activities are being provided at the premises.
- That a comprehensive noise management plan (NMP) shall be undertaken. The NMP shall be kept at / be accessible at the premises and made available to council and / or police officers 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 signed off by a member of

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

- That a sound limiting device (or similar equipment) shall be installed at the premises, be maintained in full working order and be in use at all times that the premises are in operation under this licence. All amplification equipment, entertainment devices and amplified instruments shall be routed through the sound limiting device (or similar equipment). The sound limiting device (or similar equipment) shall be calibrated so that the level of amplified sound at the premises does not cause a statutory or public nuisance. Only management staff shall have access to the sound limiting device (or similar equipment), and shall be able to demonstrate that it is in use at the immediate request of council and / or police officers.
- That clearly legible signage stating a dedicated contact telephone number for the duty manager shall be prominently displayed where it can easily be seen read by passers-by. The signage shall state to the effect that the phone number shown can be used to contact the duty manager in respect of any complaints regarding the operation of the premises. Such signage shall be kept free from obstructions at all times.
- That any external areas of the premises will be closed to customers between 22:00 hours and 09:00 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 rendered unusable by 22:15 hours each day.
- That waste and recycling shall only be emptied into external waste or recycling receptacles between 07:00 hours and 22:00 hours. At all other times waste or recycling shall be kept at the premises until it is ready for collection.
- That, if and when required, staff will verbally instruct customers to leave the premises and locale in a quiet and orderly manner, not to loiter in the locale and will remind customers to be respectful to local residents.
- That deliveries to and from the premises shall only take place between 07:00 hours and 20:00 hours.
- That speakers at the premises shall have rubber mounts, or be separated from walls at the premises, to minimise the transmission of amplified sound through the premises.
- That the telephone number / contact details for a local taxi service shall be available at the premises and provided to customers on request. Taxi drivers shall be asked to park in an area that will minimise disturbance to local residents.
- That if / when staff at the premises order a taxi for customers, those staff will taxi drivers instruct the taxi drivers not to sound their horns in the vicinity of the premises to alert customers to their presence or to idle their engines whilst waiting for customers.
- That there shall be staff on duty to assist in the quiet and orderly dispersal of customers from the premises. Such staff shall be able to guide customers to the nearest public transport hubs and the quickest way to get to them, and will advise departing customers to leave the locale in a quiet and orderly manner.

- That on sales of alcohol shall cease a minimum of 30 minutes before the premises' closing time on each day to allow for 'drinking up time'.
- That a challenge 25 scheme shall be maintained 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 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.
- 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 and / 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 and understood.
- 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.
- 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.
- That a child protection policy will be devised and maintained at the premises. A copy of the child protection 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. All relevant staff shall be trained in the implementation of the latest version of the child protection policy and details of such training shall be recorded in the staff training logs at the premises.

In addition to the above, we request that the applicant further clarify the intended use of the premises. If it is to operate as an event premises / space where sale of alcohol is included in, and ancillary to, a range of activities then we recommend that the closing times of the premises are amended so that they reflect those recommended in the SoLP.

We welcome discussion with the applicant on any of the matters above.

Yours sincerely,

**Wesley McArthur**  
Principal Enforcement Officer