



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/23/050

Date: 18/02/2023

Dear Sir/Madam

Re: Studio 68 RAILWAY ARCH 68 EWER STREET SE1 0NR

Police are in possession of an application from the above for a Full Variation to the Premises Licence for hours open to the public supply of alcohol on/off sales, Regulated Entertainment and Late Night refreshment. The operating schedule describes it as a dance venue and events/exhibitions space. The venue is situated in Borough and Bankside district Town Centre area and is also within the Cumulative Impact Zone. The extended hours requested as per the application are:

Hours premises are open to the public

Sun-Thurs-0700hrs-0030hrs

Fri-Sat-0700hrs-0330hrs

Plays

Fri-Sat-2300hrs-0300hrs

Films

Sun-Thurs-1200hrs-2300hrs

Fri-Sat-1200hrs-0300hrs

Live music

Sun-Thurs-2300hrs-0000hrs

Fri-Sat-2300hrs-0300hrs

Recorded Music

Sun-Thurs-2300hrs-0000hrs

Fri-Sat-2300hrs-0300hrs

Performance of dance

Sun-Thur-2300hrs-0000hrs
Fri-Sat-2300hrs-0300hrs

Late Night Refreshment
Sun-Thur-2300hrs-0000hrs
Fri-Sat-2300hrs-0300hrs

Supply of Alcohol for sale by retail
Sun-Thur-1200h-0000hrs
Fri-Sat-1200hrs-0300hrs

The venue was granted its current licence in October 2022 and has been operating since this time. The licence was issued following an agreement to a number of conditions that allow the venue to operate as the dance studio and provide alcohol to its dancers and associates. The new full variation seeks to contradict the reasoning behind the granting of the current licence by extending the hours, increasing the capacity and either removing or amending the core conditions which would allow the venue to operate as a nightclub and hold externally promoted events. The applicant has made no attempt to address the licensing objectives in particular that of Prevention of Crime and Disorder but instead has produced an application that undermines the objectives.

The premises are also 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'

Police object to the granting of this licence in its entirety as the hours requested are beyond the recommended policy hours and the applicant has not addressed the licensing objectives for such an operation, it is also clear that such an application if granted will add to the cumulative impact.

Submitted for your consideration.
Yours Sincerely

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

Environmental Protection Representation

From: Prickett, Mark
Sent: 15 March 2023 17:18
To: Regen, Licensing
Cc:
Subject: EPT rep - variation application, Studio 68, Ewer Street
Attachments: 1974994.pdf; Studio 68 Noise Impact Assesment.pdf; 23.03.02 Studio 68 Temporary Event Notice Final Notice of Decision.pdf; 18_AP_0135 decision notice.pdf; 22_AP_3286-Decision notice.pdf

Dear Licensing,

Southwark's Environmental Protection Team (EPT) have reviewed the premises licence variation application, attached.

The proposed variation is detailed as follows:

"The premises is seeking to extend the hours of trading as far as licensable activity is concerned on Friday and Saturday, to allow the premises to offer licensable activity until 03:00 on these days with the premises closed at 03:30.

The hours on a Sunday to Thursday are to remain the same. This variation also seeks to add the permission of alcohol for consumption off the premises to be included, to allow the area immediately outside the front of the premises to be used until 23:00 hours.

The applicant is also seeking to remove some conditions from the current licence, (detailed later in the application), and to vary the permitted activities permitted on the premises.

The applicant is seeking permission for the premises to continue to run as a dance studio, but also to include the ability to run as an event space and exhibition space, for corporate events, product launches and private parties to be held at the premises.

To assist the authorities with this decision, a comprehensive and detailed noise assessment report has been carried out at the premises and is included as an attachment to this application."

- **Background information - Licensing**

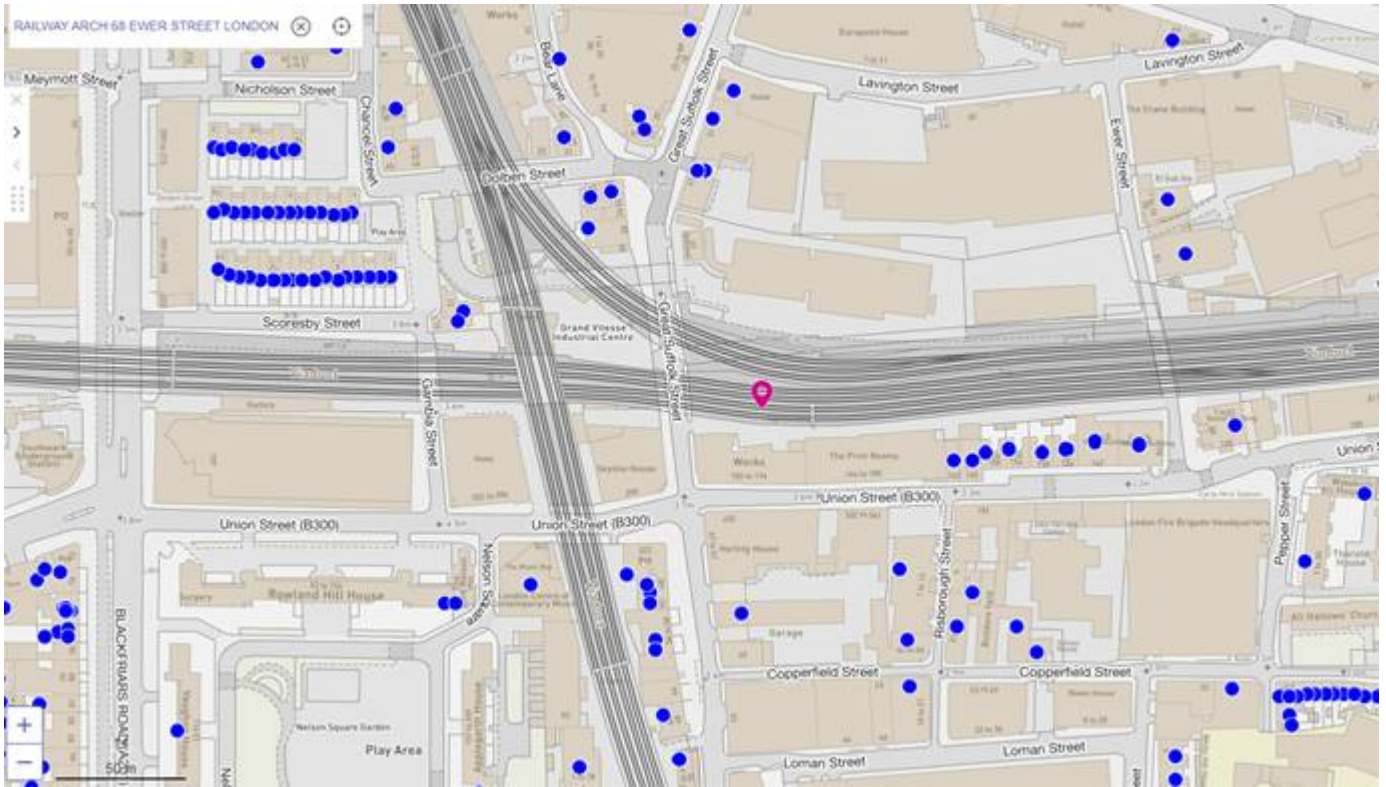
The premises was granted a premises licence in October 2022, which can be found through the following link:

<https://app.southwark.gov.uk/licensing/LicPremisesGrantedDetails.asp?systemkey=878133>

EPT made representation against this initial premises licence application which was subsequently conciliated by way of reduced hours and inclusion of conditions to address the prevention of public nuisance licensing objective.

The applicant recently applied for a TEN event to 4am on 5th March. EPT raised objection to this TEN over concerns of public nuisance occurring if the TEN went ahead. A licensing sub-committee was held on 2 March 2023 and the notice of decision is attached for reference, whereby voting members did not serve a counter notice and TEN event was permitted as applied for.

EPT also note that the premises location is within the Borough & Bankside CIP. Section 130 of Southwark's Licensing Policy details the reasoning for the CIP areas, which notes that potential nuisance can likely occur at distances away from the premises during dispersal, at transport hubs/locations or at local eateries. The below map shows the residential properties in blue dots.



- **Background information – Planning permission**

The premises has planning permission, under application number 18/AP/0135 to be “a dance studio and health and fitness centre (Use Class D2), together with the retention of the existing front and rear facades of the railway arch”. A copy of the planning permission is attached for reference.

Condition 2 from 18/AP/0135 restricts the opening hours of the use to:

2 The use hereby permitted for D2 Use Class purposes shall not be carried on outside of the hours 07:00 to 23:00 Mondays to Saturdays, and Sundays and Public Holidays 10:00 to 20:00.

Reason: To safeguard the amenities of neighbouring residential properties 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.

In September 2022, planning permission was sought to change and extend the hours of use, after the above hours of use restriction was made aware to the applicant by EPT during the premises licence application process.

Planning application number 22/AP/3286 subsequently sought the “Variation of condition 2 (hours of use) pursuant to planning permission 18/AP/0135 (Continued use of railway arch as a dance studio and health and fitness centre (Use Class D2), together with the retention of the existing front and rear facades of the railway arch)”.

The proposal was to extend these opening hours to 07:00 to 00:00 Sundays to Thursdays, and Public Holidays and Friday and Saturday 07:00 to 03:00. This application was refused in November 2022. Please the decision notice attached, which confirms the reason for refusal as “*Insufficient information has been submitted to demonstrate whether the proposed extended opening hours of the premises would have a detrimental impact on the amenities of neighbouring residential properties.*”

The premises therefore only has planning consent to be a dance studio, via the 18/AP/0135 planning application, to open 23:00 Monday to Saturday and to 20:00 Sunday and Public Holidays.

EPT note there is another planning application submitted again seeking variation in hours, currently under consideration via planning application number 23/AP/04141.

- **EPT stance on variation application**

EPT note the applicant is seeking extension of hours and licensable activities on Friday and Saturday nights (which go into the early hours of the following mornings).

EPT conciliated the premises licence application on the understanding this premises would continue to operate as a dance studio with ancillary activities and therefore conditions were agreed to align with this. The premises licence is currently also in line with the Borough & Bankside CIP hours for an event premises (01:00 on Fri & Sat for licensable activities, 01:30 close).

The applicant now seeks to promote the premises to be able to “to run as an event space and exhibition space, for corporate events, product launches and private parties to be held at the premises”.

EPT have concerns over the potential for public nuisance to occur by way of late night noise from the proposed use of the arch to 03:30 every weekend.

A noise report has been submitted to address noise concerns raised by EPT, however EPT note this report was undertaken by an individual / sole trader who is not connected to a verified acoustic consultancy. There are concerns with regards to the content of the report but mainly with regards to low frequency noise referred to from the proposed use. The noise report also suggests smokers go out to the rear however this has not been raised or mentioned in any other plans / management plans. Furthermore the entrance door is not lobbied. The entrance into the arch and the door into the studio will likely be open regularly during events and lead to a constant bleed out of music noise, along with numerous guests on Ewer St which could increase noise levels within the local area.

EPT raise objection to this variation application with concerns that public nuisance could be caused into the early hours of the morning every weekend.

EPT propose a meeting with the applicant, along with any other responsible authorities that may have concerns, to further discuss the future plans for the business & to run through each of the conditions in detail to understand the reasoning why they are seeking variations. The meeting will also provide an opportunity on site to review all possible noise controlling measures that could be introduced at the premises to prevent public nuisance. It is hoped EPT will be able to conciliate with the applicant in due course.

Kind regards,

Mark Prickett
Principal Environmental Protection Officer

Environmental Protection Team
Tel: 020 7525 0023

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

Air Quality web pages: <http://www.southwark.gov.uk/air-quality>

Construction web pages: <http://www.southwark.gov.uk/construction>

Centre for Low Emission Construction - <http://www.clec.uk/>

airTEXT - a free subscription service: daily information on pollution and more, by text, email, voicemail, or mobile phone app; download from: <http://www.airtext.info/>

Walk-it – free London route planner for less polluted, quieter walking and cycling routes. Download the mobile phone app from: <http://walkit.com/walk/?city=london>

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NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 2 MARCH 2023

LICENSING ACT 2003: LICENSING ACT 2003: Studio 68 London – Railway Arch 68, Ewer Street, London SE1 0NR

1. Decision

That a counter notice not be issued under Section 105 of the Licensing Act 2003 in respect of the temporary event notice (879622) served by Miss Tamara Kramer in relation to an event to be held at Studio 68 London – Railway Arch 68, Ewer Street, London, SE1 0NR on 4-5 March 2023 from 01:00 to 04:00.

2. Reasons

This matter relates to a temporary event notice (879622) served by Miss Tamara Kramer in relation to an event to be held at Studio 68 London – Railway Arch 68, Ewer Street, London, SE1 0NR on 4-5 March 2023 from 01:00 to 04:00.

The licensing subcommittee heard from the licensing officer who outlined details of the notice. He then confirmed that there was no new information to put before the subcommittee and the objection raised by the environmental protection team remained.

The subcommittee heard evidence from premises user who clarified that the temporary event notice was sought to cover the period 4-5 March 2023 from 01:00 – 04:00 only. She stated that she had founded Studio 68 London in 2010 to try to make a difference to the community. She said that Studio 68 is a dance studio and rehearsal space which brings the community together. She explained that the studio was closed for 2 years during the pandemic but had receive limited funding which helped it to stay afloat. She stated that in 2021, she began studying before applying for a personal licence, which she obtained in 2022.

She stated that she had a temporary event notice allowed in 2022 for the office Christmas party with 200 guests.

In respect of this notice, she stated that she was asked to provide a noise impact report by the environmental protection team, which she provided as requested. The premises user was aware that the environmental protection

officer had raised issues with the report. The premises user responded to those issues by stating that the report author was not on the list of Associate Members of the Institute of Acoustics as at the time of checking, as his membership had lapsed. She stated that the author had since made contact with the environmental team officer to confirm his membership had been reinstated. She went on to say that she had consulted with other professionals who had helped her compile a dispersal policy which was also sent to the environmental team officer prior to this hearing. In relation to the dispersal of patrons, she stated that they could be dispersed on to a road where there are no residential buildings and said that the closest residential homes were approximately 20 metres away.

In response to the subcommittee's questions, she stated that she had a business partner in the venture as she could not afford to fund the event on her own.

She stated that the event would concern a dance off show provided by members who would invite friends, family and other dancers. She said the dance show would start around 23:30 where after, the doors to the premises would close to all persons that had not arrived by that time, as she did not want the dancers distracted by persons coming in whilst they were performing. Following the performance, a DJ will play music and there would be an opportunity to dance and purchase drinks. She stated that there would be security personnel who would man the doors and help disperse patrons at the end of the event. She confirmed she is a trained first aider.

The premises user went on to state that her event was not a night club and noted that there was previously a night club that ran for many years in the vicinity. She also stated that the premises had 2 men's and 2 women's toilets which had disability access.

The premises user went on to confirm that she did not use single use plastics and would investigate other bio-degradable products going forward.

The subcommittee heard from environmental team officer.

He stated that the environmental protection team had concerns over planning permission and the restrictions on the hours of use at the premises. He stated that planning permission was sought to extend the hours of use in September 2022 and that application was refused.

He had concerns regarding the Noise Impact Assessment Report submitted with the temporary event notice by the applicant. Whilst he went on to accept that he had been contacted by the author of the report who confirmed his membership with the Institute of Acoustics, concerns remained in relation to the low frequency noise, from the proposed use which would not meet Southwark's noise standards for entertainment venues. He stated that noise nuisance would likely occur from the proposed use of the arch as a nightclub.

The officer went on to highlight the discrepancies between the previously withdrawn application for temporary event notice and the current application with regards to number of persons attending and which studios would be in use. He stated that possible overcrowding could therefore occur in the main studio as well as the potential for public nuisance issues by guests using Ewer Street alleyway as a toilet if the arch provisions are overrun.

He also stated that noise nuisance could occur if the alleyway was used for smoking / drinking during the event and that noise could escape from the premises through the door/entrance being in use for ingress and egress.

Whilst he confirmed that residential homes were not in the immediate vicinity of the premises, he remained concerned that noise nuisance would likely occur when patrons left the premises to make their way home or when patrons gathered outside the premises to smoke.

In response to questions put by the subcommittee, the officer confirmed that there had been no complaints regarding the previous temporary event notice, but noted that the previous temporary event notice finished 2 hours earlier than the current notice proposed.

The subcommittee did not issue a counter notice as it was satisfied with the premises user's answers to member's questions finding her to be candid. It did not form the view that the venue was going to be used as a nightclub and noted that there had been no previous complaints from residents when the previous temporary event notice had been allowed. The subcommittee also noted that the premises user had a sound dispersal policy in place and noted that the nearest residential buildings were some distance away.

In reaching this decision the subcommittee considered all of the oral and written representations put by the event user and the environmental protection team, having had regard to all the relevant considerations and the four licensing objectives and considered that this decision was appropriate and proportionate.

3. Appeal rights

Where the relevant counter notice under Section 105(3) is given the premises user may appeal against the decision. Where counter notice is not given, the chief officer of the environmental protection team may appeal against that decision. The appeal must be made 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. No appeal may be brought later than five working days before the day on which the event begins.

Issued by the Constitutional Team on behalf of the Assistant Chief Executive, Governance and Assurance

Date: 2 March 2023

TP(Permit)

SOUTHWARK COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)



www.southwark.gov.uk

PLANNING PERMISSION

Applicant Miss Kramer

LBS Registered Number 18/AP/0135

Date of Issue of this decision 11/04/2018

Planning Permission was GRANTED for the following development:

Continued use of railway arch as a dance studio and health and fitness centre (Use Class D2), together with the retention of the existing front and rear facades of the railway arch.

At: RAILWAY ARCH 68, EWER STREET, LONDON, SE1 0NR

In accordance with application received on 17/01/2018 08:05:14 **Your Ref. No.:**

and Applicant's Drawing Nos. SITE LOCATION PLAN; DESIGN AND ACCESS STATEMENT; 17 - 173.1 REV A - EXISTING FLOOR PLANS; 17 - 173.2 REV A - EXISTING SECTIONS AND ELEVATION

For the reasons outlined in the case officer's report, which is available on the planning register

Subject to the following two conditions:

Time limit for implementing this permission and the approved plans

1 The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans:

17 - 173.1 REV A - EXISTING FLOOR PLANS; 17 - 173.2 REV A - EXISTING SECTIONS AND ELEVATION

Reason:

For the avoidance of doubt and in the interests of proper planning.

Compliance condition(s) - the following condition(s) impose restrictions and/or other requirements that must be complied with at all times once the permission has been implemented.

2 The use hereby permitted for D2 Use Class purposes shall not be carried on outside of the hours 07:00 to 23:00 Mondays to Saturdays, and Sundays and Public Holidays 10:00 to 20:00.

Reason:

To safeguard the amenities of neighbouring residential properties 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.

Continued overleaf...

TP(Permit)

SOUTHWARK COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)



www.southwark.gov.uk

PLANNING PERMISSION

LBS Reg. No. 18/AP/0135

Date of Issue of this decision 11/04/2018

Statement of positive and proactive action in dealing with the application

The Council has published its development plan and core strategy on its website together with advice about how applications are considered and the information that needs to be submitted to ensure timely consideration of an application. Applicants are advised that planning law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

The Council provides a pre-application advice service that is available to all applicants in order to assist applicants in formulating proposals that are in accordance with the development plan and core strategy and submissions that are in accordance with the application requirements.

The application was assessed and a recommendation formed within the 8 week deadline.

Signed *Simon Bevan*

Director of Planning

Your attention is drawn to the notes accompanying this document

Any enquiries regarding this document should quote the LBS Registered Number and be sent to the Director of Planning, Southwark Council, Chief executive's department, Planning division, Development management, PO Box 64529, London SE1 5LX, or by email to planning.applications@southwark.gov.uk

UPRN: 200003493488

TP/RLY/12/BK1

PLANNING PERMISSION

LBS Registered Number: 18/AP/0135

Date of issue of this decision: 11/04/2018



www.southwark.gov.uk

IMPORTANT NOTES RELATING TO THE COUNCIL'S DECISION

- [1] **APPEAL TO THE SECRETARY OF STATE.** If you are aggrieved by this decision of the council as the local planning authority to grant permission subject to conditions you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990. If you appeal you must do so within six months of the date of this notice. The Secretary of State can allow a longer period for giving notice of an appeal but will not normally use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems that the local planning authority could not have granted it without the conditions imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order. If you do decide to appeal you can do so using The Planning Inspectorate's online appeals service. You can find the service through the appeals area of the Planning Portal at www.planningportal.gov.uk/pcs. You can also appeal by completing the appropriate form which you can get from The Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN [tel. 0117-3726372]. The form can also be downloaded from the Inspectorate's website at www.planning-inspectorate.gov.uk. The Planning Inspectorate will publish details of your appeal on the internet on the appeals area of the Planning Portal. This may include a copy of the original planning application form and relevant supporting documents supplied to the council by you or your agent, together with the completed appeal form and information you submit to The Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you, that you are happy will be made available to others in this way. If you supply information belonging to someone else please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.
- [2] **PURCHASE NOTICE.** If either the local planning authority or the Secretary of State grants permission subject to conditions, the owner may claim that the land can neither be put to a reasonably beneficial use in its existing state nor made capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances the owner may serve a purchase notice on the Council requiring the Council to purchase the owner's interest in the land in accordance with Part VI of the Town and Country Planning Act 1990.
- [3] **PROVISIONS FOR THE BENEFIT OF THE DISABLED.** Applicants are reminded that account needs to be taken of the statutory requirements of the Disability Discrimination Act 1995 to provide access and facilities for disabled people where planning permission is granted for any development which provides:
- (i) Buildings or premises to which the public are to be admitted whether on payment or otherwise. [Part III of the Act].
 - (ii) Premises in which people are employed to work as covered by the Health and Safety etc At Work Act 1974 and the Management of Health and Safety at Work Regulations as amended 1999. [Part II of the Act].
 - (iii) Premises to be used as a university, university college or college, school or hall of a university, or intended as an institution under the terms of the Further and Higher Education Act 1992. [Part IV of the Act].
- Attention is also drawn to British Standard 8300:2001 Disability Access, Access for disabled people to schools buildings – a management and design guide. Building Bulletin 91 (DfEE 99) and Approved Document M (Access to and use of buildings) of the Building Regulations 2000 or any such prescribed replacement.
- [4] **OTHER APPROVALS REQUIRED PRIOR TO THE IMPLEMENTATION OF PLANNING PERMISSION.** The granting of planning permission does not relieve the developer of the necessity for complying with any Local Acts, regulations, building by-laws and general statutory provisions in force in the area, or allow them to modify or affect any personal or restrictive covenants, easements, etc., applying to or affecting either the land to which the permission relates or any other land or the rights of any persons or authorities [including the London Borough of Southwark] entitled to the benefits thereof or holding an interest in the property concerned in the development permitted or in any adjoining property.
- [5] **WORKS AFFECTING THE PUBLIC HIGHWAY.** You are advised to consult the council's Highway Maintenance section [tel. 020-7525-2000] about any proposed works to, above or under any road, footway or forecourt.
- [6] **THE DULWICH ESTATE SCHEME OF MANAGEMENT.** Development of sites within the area covered by the Scheme of Management may also require the permission of the Dulwich Estate. If your property is in the Dulwich area with a post code of SE19, 21, 22, 24 or 26 you are advised to consult the Estates Governors', The Old College, Gallery Road SE21 7AE [tel: 020-8299-1000].
- [7] **BUILDING REGULATIONS.** You are advised to consult Southwark Building Control at the earliest possible moment to ascertain whether your proposal will require consent under the Building Act 1984 [as amended], Building Regulations 2000 [as amended], the London Building Acts or other statutes. A Building Control officer will advise as to the submission of any necessary applications, [tel. call centre number 0845 600 1285].
- [8] **THE PARTY WALL Etc. ACT 1996.** You are advised that you must notify all affected neighbours of work to an existing wall or

floor/ceiling shared with another property, a new building on a boundary with neighbouring property or excavation near a neighbouring building. An explanatory booklet aimed mainly at householders and small businesses can be obtained from the Department for Communities and Local Government [DCLG] Free Literature tel: 0870 1226 236 [quoting product code 02BR00862].

IMPORTANT: This is a PLANNING PERMISSION only and does not operate so as to grant any lease, tenancy or right of occupation of or entry to the land to which it refers.

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SOUTHWARK COUNCIL

Town and Country Planning Act 1990 (as amended)



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DECISION NOTICE

LBS Reg. No.: 22/AP/3286

Date of Issue of Decision: 04/11/2022

Applicant Miss Tamara Kramer

The London Borough of Southwark REFUSES PERMISSION for:

Variation of condition 2 (hours of use) pursuant to planning permission 18/AP/0135 (Continued use of railway arch as a dance studio and health and fitness centre (Use Class D2), together with the retention of the existing front and rear facades of the railway arch)

At Railway Arch 68 Ewer Street London SE1 0NR

Received on: 15 September 2022

In accordance with the valid application received on 15 September 2022 and supporting documents:

Reference no./Plan or document name/Rev.

Received on

For the reasons outlined in the case officer's report, which is available on the Planning Register.

The Planning Register can be viewed at: <https://planning.southwark.gov.uk/online-applications/>

Reasons for Refusal

1. Insufficient information has been submitted to demonstrate whether the proposed extended opening hours of the premises would have a detrimental impact on the amenities of neighbouring residential properties. As such the proposal is contrary to The National Planning Policy

DECISION NOTICE

LBS Registered Number: 22/AP/3286

Date of issue of this decision:
04/11/2022



www.southwark.gov.uk

Framework 2021 and Policies P56 Protection of Amenity and P66
Reducing noise pollution and enhancing soundscapes of The Southwark
Plan 2022.

Signed: *Stephen Platts*

Director of Planning and Growth

DECISION NOTICE

LBS Registered Number: 22/AP/3286

Date of issue of this decision: 04/11/2022



www.southwark.gov.uk

LBS Reg. No.: 22/AP/3286

Date of Issue of Decision: 04/11/2022

Important Notes Relating to the Council's Decision

1. Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

If an enforcement notice is or has been served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, OR within 6 months (12 weeks in the case of a householder or minor commercial appeal) of the date of this notice, whichever period expires earlier.

- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal.

DECISION NOTICE

LBS Registered Number: 22/AP/3286

Date of issue of this decision:
04/11/2022



www.southwark.gov.uk

Further details are on GOV.UK
(<https://www.gov.uk/government/collections/casework-dealt-with-by-inquiries>).

2. Purchase Notice

- If either the local planning authority or the Secretary of State grants permission subject to conditions, the owner may claim that the land can neither be put to a reasonably beneficial use in its existing state nor made capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances the owner may serve a purchase notice on the Council requiring the Council to purchase the owner's interest in the land in accordance with Part VI of the Town and Country Planning Act 1990.

3. Compensation

- In certain circumstances a claim may be made against the local planning authority for compensation, where permission is refused by the Secretary of State on appeal or on a reference of the application to the Secretary of State. The circumstances in which such compensation is payable are set out in Section 27 of the Planning (Listed Building and Conservation Areas) Act 1990.

Trading Standards Representation

From: Moore, Ray
Sent: 16 February 2023 15:44
To: Regen, Licensing; Stewart Gibson; tk@studio68london.net
Cc: Forrest, Yemisi
Subject: Full variation for premises license 878133 Tamara Kramer, Studio 68 London, Railway Arch 68, Ewer Street, London, SE1 0NR REF: 879636
Attachments: 982719b.pdf; 982719k.pdf

Trading Standards as a responsible authority are in receipt of an application for a full variation of a premises license as above. Trading Standards as a responsible authority are making representations under all the licensing objectives.

This premises license was originally applied for in August 2022. Concerns were that this was intended to move the business into becoming a night club in the Borough and Bankside Cumulative Impact Area. It should be noted that in the current Southwark Statement of Licensing Policy for Borough and Bankside Cumulative Impact Area it covers the following premises ...

“CIP Premises : **Night clubs, public houses and bars, restaurants and cafes, off-licences, supermarkets, convenience stores and similar premises.**”

The final negotiated conciliation was for a series of conditions and limitations on hours to prevent this from happening. This application seeks to overturn that conciliated agreement and runs contrary to the current Southwark Statement of Licensing Policy.

Trading Standards as a responsible authority recommends that this application is rejected.

Attached are the original representations from when the application was made and the conciliated conditions which were agreed.

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

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SOUTHWARK

2030

FIND OUT MORE...



Moore, Ray

From: Moore, Ray
Sent: 12 August 2022 10:42
To: Regen, Licensing; s.gibson@sglicensing.co.uk; tk@studio68london.net
Cc: Forrest, Yemisi
Subject: RE: Application for a new premises license, Tamara Elena Kramer, T/A "Studio 68", Railway Arch 68, Ewer Street, London, SE1 0NR Ref: 878133
Attachments: Best practice guide 2016.pdf; Age verification policy 2022.pdf; Proof of age cards 2022.pdf; PAL card retailer guide 2019.pdf; Saying no avoiding conflict 2016.pdf; Alcohol 2016.pdf; Southwark Refusals Register 2013LR.pdf
Categories: Egress Switch: Unprotected

Trading Standards as a responsible authority are in receipt of a new premises license application from Tamara Kramer in respect of a premises at Railway Arch 68, Ewer Street, London, SE1 0NR. 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 this application is a follow on application to one that was withdrawn in July.

In the general description this is to be:-

"The premises primarily operates as a dance studio, and has done for the past 11 years. The applicant is seeking to add licensable activities by way of sale of alcohol, and hot food after 23:00 hours. The premises does fall within the Borough and Bankside CIA, but the applicant believes this to be an exception to the policy as the licensable activities are ancillary to the main purpose of the premises/ business, which is that of a dance studio. The premises will not be either food or alcohol or entertainment led."

In the July application it stated:-

"I have a dance studio for the past 11 years and would like to have the chance to create licensed events and activities selling alcohol and food. The premises will be accommodating rehearsals, classes and tour practise and will be good to be able to provide the food and drinks for the clients and dancers coming to the venue."

The opening hours are to be:-

Monday to Thursday 12:00hrs to 00:30hrs
Friday and Saturday 12:00hrs to 03:30hrs
Sunday 12:00hrs to 00:00hrs

The hours for alcohol sales are to be:-

Monday to Thursday 12:00hrs to 00:00hrs
Friday and Saturday 12:00hrs to 03:00hrs
Sunday 12:00hrs to 23:30hrs

In the previous application they were to be (both opening and alcohol):-

Monday to Sundays 08:00hrs to 05:00hrs

The application is for on sales of alcohol although there are other forms of activity on the application including plays; films (“on occasion the applicant will put on a performance that involves both dancers and actors, performing in a play for the benefit of spectators. Up to 23:00 hours this is no longer licensable. Plays will take place either on Fridays or Saturdays (2300hrs to 03:00hrs); films (“On occasion the applicant may wish to provide the screening of films for the entertainment of the customers. This will not take place every day and or evening, but the hours provide the flexibility for the premises to offer this form of entertainment as required.”) (same hours as for alcohol); live music (“This request is to allow live singers, and musicians to perform at the premises. The majority of these events will take place on Friday and/ or Saturday night. These activities could normally be linked to dance competitions that are held at the premises on Fridays and/or Saturdays. These dance competitions do not usually begin until 22:00 to 22;30 hours, hence the late hour.”) (same hours as for alcohol); recorded music (“This request is to allow DJ recorded music to be played at the premises. the majority of these events will take place on Friday and/ or Saturday night. These activities could normally be linked to dance competitions that are held at the premises on Fridays and/or Saturdays. These dance competitions do not usually begin until 22:00 to 22;30 hours, hence the late hour.”) (same hours as for alcohol). Performance of dance (“The premises operates primarily as a dance studio, so dance exhibitions will take place at the premises, as well as being linked to plays, for an audience.”) (same hours as for alcohol) and late night refreshments (“To allow the sale of hot food to continue beyond 23:00 hours as required”) (same hours as for alcohol).

(The previous application also included indoor sporting events and wrestling till 5am)

In this application under section K it states that it is not applicable whereas previously it stated:-

Under section K about adult entertainment services etc. it states.... “We may have some exotic dancing, but that wouldn’t be at early hours, this will be after hours meaning between the hours of 23:00-05:00.”

The intended Designated Premises Supervisor is to be Tamara Kramer with a personal license from Brent no 24874.

WRT the licensing objectives it states:-

a) General:

The premises will operate to a high standard, and will do so should this licence be granted in terms of the sale of alcohol.

All staff will be fully trained in their responsibilities with regard to the sale of alcohol, and will be retrained every six months, with recorded training records kept for inspection.

Training to Include:

- preventing underage sales of alcohol
- preventing proxy sales of alcohol to underage persons
- preventing sales of alcohol to a person who is drunk

The premises will close 30 minutes after the licensing activities have ceased, to allow customers to finish their drinks and food and leave in a quiet and orderly manner.

Alcohol will only be served as ancillary to activities consistent with a dance studio.

b) the prevention of crime and disorder

The premises shall install and maintain a CCTV system as per the requirements of the Police Licensing Team.

All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.

The CCTV system shall continually record whilst the premises is open for licensable activities and will include the external area immediately outside the premises entrance. All recordings shall be stored for a minimum period of 31 days with date and time stamping.

Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.

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

A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received concerning crime and disorder
- (d) any incidents of disorder
- (e) all seizures of drugs or offensive weapons
- (f) any faults in the CCTV system, searching equipment or scanning equipment
- (g) any refusal of the sale of alcohol
- (h) any visit by a relevant authority or emergency service.

c) public safety

The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.

The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.

All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.

All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.

d) the prevention of public nuisance

No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly

Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.

All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times

No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (08.00) hours on the following day

e) the protection of children from harm

A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the Council at all times whilst the premises is open.

This goes much further in dealing with the licensing objectives. **However, this is in the Borough and Bankside Cumulative Impact Areas and is in a very residential area within that. The hours are still far outside those that would be acceptable and there is no attempt to state how the business would prevent this from adding to the cumulative impact.**

Furthermore, whilst suggesting this is initially to allow for some drinks for customers and their guest the fact that a 3am license is sought suggests otherwise. It should be noted what the applicant put in the previous application a month ago before employing a licensing agent...

Under "live music": "As we do dance and live shows having a live band will be a great opportunity to have! I have chosen to do 08:00-5:00 window but most probably will be less hours. Having the option to do these events can help the community with the option on selling alcohol and drinks for our guests and clients."

Under "recorded music": "Social day to network for industry professionals in dance and fitness doing a night function once or twice a month will be incredible! I have chosen to do 08:00-5:00 window but most probably will be less hours."

Under "performance of dance": "As Dance Lovers, doing showcases will be an advantage being able to sell a glass of wine to our guests coming to watch a show and be able to have an option for an extra for the guests. I have chosen to do 23:00-5:00 window but most probably will be less hours."

Under "late night refreshments": "To help the running of the facility, will be good to do fundraisers and social events for the public to assist and have a nice drink I have chosen to do 08:00-5:00 window but most probably will be less hours. Want to make sure I do not break any rules"

Under the sale of alcohol: "Social Events and dance nights with live music in between other similar events, rehearsals and for parents waiting for their kids when they are in the studio."

During COVID restrictions and closures this premises was the subject of numerous complaints from local residential properties about noise and whether the premises should be operating. Advice from Trading Standards about the operation of the premises when it was required to be closed was often disputed or even ignored. These same issues of public nuisance are not addressed in any way in the application in spite of the applicant being only too aware of these issues with neighbouring domestic properties.

There are many questions about whether it would be appropriate to issue a 3am license to this business which would imply a major change of use. Trading Standards would ask that this application is refused; if not refused then with severely limited hours and the agreement of

conditions from all relevant responsible authorities. If the license were to be granted then Trading Standards as a responsible authority would ask that the applicant agrees to these matters around the protection of children from harm be tied up into the following conditions.

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

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Moore, Ray

From: Moore, Ray
Sent: 21 September 2022 14:05
To: Stewart Gibson; mark.A.Lynch@met.police.uk; Prickett, Mark
Cc: Heron, Andrew; McArthur, Wesley
Subject: RE: Studio 68 Ewer Street SE1 0NR

Categories: Egress Switch: Unprotected

On the basis of the e-mail below and proposed conditions, 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

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Please consider the environment - do you really need to print this email?

From: Stewart Gibson
Sent: Tuesday, September 20, 2022 5:24 PM
To: mark.A.Lynch@met.police.uk; Prickett, Mark <Mark.Prickett@southwark.gov.uk>; Moore, Ray <Ray.Moore@southwark.gov.uk>
Cc: Heron, Andrew <Andrew.Heron@southwark.gov.uk>; McArthur, Wesley <Wesley.McArthur@southwark.gov.uk>
Subject: Studio 68 Ewer Street SE1 0NR

Good afternoon all.

I have now had the opportunity to go through all of your representations, and in some cases suggested conditions with the applicant, and in response the applicant would say this.

The premises operates as a dance studio, and has done for over 11 years. The premises will continue to operate as a dance studio, with all licensable activity requested to be ancillary to the main business of that of a dance studio.

You may not be aware of what takes place at the studio, so the following link may assist you in this. The premises were used for many years to train the dancers on the [REDACTED] for example, and many other TV shows. Dancers such as [REDACTED] have used these premises on numerous occasions.

<https://www.youtube.com/channel/> [REDACTED]

The idea is to use a mobile bar in the studio for those watching the dancers, but all in the studio are dancers, not the general public. There is the main dance studio downstairs, and a smaller one upstairs, although both are very rarely used at the same time.

Under no stretch of the imagination are these premises trying to become a night club, neither will it become a venue for DJ's to hire out and run events at these premises. All music played will be ancillary to the main activity of a dance studio.

When there is no dance activity, as per the business of that of a dance studio, the premises will not be open, and so no licensable activities can take place.

I can also confirm that the relevant planning application has been made to vary a condition of the existing planning consent in respect of the hours of trade, and obviously no licensable activity would take place outside of the permitted planning hours should this application be granted. The extended hours would only be utilised if and when the planning consent was varied, to permit the hours applied for under the Licensing Act 2003.

Given the above description, and in consultation with yourselves, I would like to confirm the following offered, and agreed conditions to be added to the premises licence should it be granted.

Some of these conditions have already been offered in the original operating schedule but the wording has been modified to fit with the required wording of Southwark Licensing Policy.

1. That licensable activities shall only take place as ancillary to activities consistent with a dance studio.
2. CCTV shall be installed and have the ability to capture a clear identifiable facial image of all patrons entering the venue. Images will be stored for a minimum of 31 days and will be made available to Police or other relevant authority upon request.
3. That all CCTV footage shall be kept for a period of thirty one (31) days, maintained to a good working order and shall, upon request, be made immediately available to Officers of the Police and the Council
4. 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
5. That the premises shall operate in line with the dispersal policy. A copy of this policy shall be kept at the premises and made available upon request by Police or Council Officers
6. That clearly legible signage will be prominently displayed where it can easily be seen and read by customers at all exits from the premises and at the bar area advising to the effect that customers are not permitted to take any drinks from the premises outside of the premises at any time. Such signage shall be kept free from obstructions.
7. There shall be no new entry to the premises for customers after 00:00 (save for re-entry for existing customers who have temporarily left the premises, e.g. to smoke).
8. Customers permitted to temporarily leave and then re-enter the premises to smoke must be restricted to a designated smoking area. No more than 10 of customers will be permitted to remain in the designated smoking area at any one time.
9. A comprehensive Dispersal Policy shall be produced and implemented at the premises, with all staff trained on the most recent iteration of the policy. The dispersal policy will be kept at the premises with the premises licence. 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.

10. No externally promoted DJ led events shall take place at the venue
11. The venue shall not operate as a night club
12. An incident log shall be kept at the premises ,and made available on request to Police or authorised council officers
13. Notices shall be prominently displayed at all exits requesting customers to respect the needs of local residents and businesses and leave the area quietly
14. The maximum number of people permitted on the premises at any one time, (the accommodation limit), will be 200 excluding staff.
15. The only patrons to use these premises shall be dancers who are either training, and may wish a drink after their sessions, or other dancers who are watching others train. These premises are not open to the general public to “walk in”.

We believe that by implementing the above conditions, and the fact that these premises operate as a dance studio, and will continue to do so, along with the attached dispersal policy, that this application is an exception to the current Southwark Licensing Policy, and so should be granted.

We are hopeful that given the above, you will feel able to withdraw your representation to the application.

If you have any further questions or queries about the application or any of the above, please contact me on the details provided, or by phone on [REDACTED]. I am hopeful we can avoid a hearing in this instance.

I look forward to your response.

Kind regards

Stewart Gibson
Licence Agent

To: Licensing Unit	From: Wesley McArthur wesley.mcarthur@southwark.gov.uk 020 7525 5779 (on behalf of the Licensing Unit in its role as a responsible authority)	Date: 15 March 2023
Subject:	Representation	
Act:	The Licensing Act 2003 (the Act)	
Premises:	Studio 68, Railway Arch 68, Ewer Street, London, SE1 0NR	
Ref:	879636	

We object to the grant of an application to vary a premises licence, submitted by Tamara Kramer under The Licensing Act 2003 (the Act), in respect of the premises known as Studio 68, Railway Arch 68, Ewer Street, London, SE1 0NR.

1. The extant licence –

The extant premises licence (licence number 878133) allows for licensable activities and opening hours as follows –

Plays (indoors):

Friday & Saturday: 23:00 hours – 01:00 hours

Films (indoors):

Sunday – Thursday: 12:00 hours – 23:00 hours

Friday & Saturday: 12:00 hours – 01:00 hours

Live music, recorded music, performances of dance and late night refreshment (indoors):

Sunday – Thursday: 23:00 hours – 00:00 hours

Friday & Saturday: 23:00 hours – 01:00 hours

The sale of alcohol to be consumed on the premises:

Sunday – Thursday: 12:00 hours – 00:00 hours

Friday & Saturday: 12:00 hours – 01:00 hours

The opening hours of the premises are:

Sunday – Thursday: 12:00 hours – 00:30 hours

Friday & Saturday: 12:00 hours – 01:30 hours

In the application for the extant licence the premises, and the intended operation of the premises, were described as (verbatim) -

“The premises primarily operates as a dance studio, and has done for the past 11 years. The applicant is seeking to add licensable activities by way of sale of alcohol, and hot food after 23:00 hours.

The premises does fall within the Borough and Bankside CIA, but the applicant believes this to be an exception to the policy as the licensable activities are ancillary to the main purpose

of the premises/ business, which is that of a dance studio. The premises will not be either food or alcohol or entertainment led."

Additional information provided in the application also clearly indicated that the purpose of the premises was that of a dance studio with related (**and ancillary**) licensable activities. In relation to the licensable activities sought in the application for the extant licence, the following was stated –

Plays –

"On occasion the applicant will put on a performance that involves both dancers and actors, performing in a play for the benefit of spectators. Up to 23:00 hours this is no longer licensable. Plays will take place either on Fridays or Saturdays."

Films –

"On occasion the applicant may wish to provide the screening of films for the entertainment of the customers. This will not take place every day and or evening, but the hours provide the flexibility for the premises to offer this form of entertainment as required."

Live music -

"This request is to allow live singers, and musicians to perform at the premises. The majority of these events will take place on Friday and/ or Saturday night. These activities could normally be linked to dance competitions that are held at the premises on Fridays and/or Saturdays. These dance competitions do not usually begin until 22:00 to 22:30 hours, hence the late hour."

Recorded music -

"This request is to allow DJ recorded music to be played at the premises. the majority of these events will take place on Friday and/ or Saturday night. These activities could normally be linked to dance competitions that are held at the premises on Fridays and/or Saturdays. These dance competitions do not usually begin until 22:00 to 22:30 hours, hence the late hour."

Performances of dance –

"The premises operates primarily as a dance studio, so dance exhibitions will take place at the premises, as well as being linked to plays, for an audience."

Late night refreshment –

"To allow the sale of hot food to continue beyond 23:00 hours as required."

No further information was provided regarding the proposed sale of alcohol.

A copy of the application for the extant licence is attached as **appendix 1**.

It is worth noting that this council's Environmental Protection Team (EPT), this council's Trading Standards service (TS) and the Metropolitan Police Service (MPS) all submitted representations objecting to the application for the extant licence. They withdrew their

representations on the proviso that the premise were to operate as a dance studio (and not a nightclub), with any licensable activities ancillary to the premises operating as a dance studio.

In an email to the MPS dated 20 September 2022 the applicant's agent (who is the agent in respect of this variation application) stated –

“Under no stretch of the imagination are these premises trying to become a night club, neither will it become a venue for DJ's to hire out and run events at these premises. All music played will be ancillary to the main activity of a dance studio.

When there is no dance activity, as per the business of that of a dance studio, the premises will not be open, and so no licensable activities can take place.”

A copy of the full email is attached as **appendix 2**.

The above statement was also provided to the council's TS department. The MPS and the council's TS withdrew their representations.

In an email to the council's EPT dated 26 September 2022 the applicant's agent stated –

“You also make the point that you believe the request for 3am will not be solely for the continuation of existing dance classes/ associated dance studio use. We have already agreed conditions with the two other responsible authorities regarding this, namely:

That licensable activities shall only take place as ancillary to activities consistent with a dance studio

No externally promoted DJ led events shall take place at the venue

The venue shall not operate as a nightclub

The only patrons to use these premises shall be dancers who are either training, and may wish a drink after their sessions, or other dancers who are watching others train. These premises are not open to the general public to “walk in”.

These conditions are perfectly clear, that the premises can only function as a dance studio, and nothing else, and that licensable activities are only permitted as ancillary to activities consistent with a dance studio.”

A copy of the full email is attached as **appendix 3**.

Subsequent to further discussions, the EPT withdrew their representation.

2. The variation application –

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

“The premises is seeking to extend the hours of trading as far as licensable activity is concerned on Friday and Saturday, to allow the premises to offer licensable activity until 03:00 on these days with the premises closed at 03:30.

The hours on a Sunday to Thursday are to remain the same.

This variation also seeks to add the permission of alcohol for consumption off the premises to be included, to allow the area immediately outside the front of the premises to be used until 23:00 hours.

The applicant is also seeking to remove some conditions from the current licence, (detailed later in the application), and to vary the permitted activities permitted on the premises.

The applicant is seeking permission for the premises to continue to run as a dance studio, but also to include the ability to run as an event space and exhibition space, for corporate events, product launches and private parties to be held at the premises.

To assist the authorities with this decision, a comprehensive and detailed noise assessment report has been carried out at the premises and is included as an attachment to this application.”

The application seeks to extend the premises hours of operation and amend or remove existing licence conditions as follows –

1. To amend the licence plans to show an external area to be used for the consumption of alcohol immediately outside the entrance to the premises.

2. To extend the terminal hours in respect of plays, films, live music, recorded music, performances of dance, late night refreshment and on sales of alcohol as follows –

Friday & Saturday 03:00

3. To allow for the provision of the sale of alcohol to be consumed off the premises (not currently permitted) –

Sunday – Thursday 12:00 – 00:00

Friday & Saturday 12:00 – 03:00

4. To amend the opening hours of the premises -

Sunday – Thursday 07:00 – 00:00

Friday & Saturday 07:00 – 03:00

5. Remove and / or amend the following conditions of the extant premises licence as follows (taken verbatim from the application) –

Condition 340:

“That licensable activities shall only take place as ancillary to activities consistent with a dance studio.”

To be amended to include the new activities proposed.

Condition 346:

“There shall be no new entry to the premises for customers after 00:00hrs (save for re-entry for existing customers who have temporarily left the premises, e.g. to smoke).”

To be amended to read no new re-entry to the premises for customers after 01:00 hours on Friday and Saturday

Condition 349:

“No externally promoted DJ led events shall take place at the venue”

An amendment to add unless these are part of a pre-booked event, exhibition or private party.

Condition 354:

“The maximum number of people permitted on the premises at any one time, (the accommodation limit), will be 200 excluding staff.”

Due to the additional activity proposed for the venue, (events etc.), this capacity figure to be increased to 300 excluding staff. (The added activities will allow for additional people to attend).

Condition 355:

“The only patrons to use these premises shall be dancers who are either training, and may wish a drink after their sessions, or other dancers who are watching others train. These premises are not open to the general public to “walk in”.”

Due to the request to add additional activity to the premises this condition will no longer apply. The dance side of the business will remain, but in addition the applicant is seeking to add an event and exhibition space along with a facility for private parties.

Condition 357:

"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."

It would be wise to add “as per the recommendations from the Noise Impact Report”.

Condition 363:

“No alcoholic drinks are permitted to be taken outside at any time.”

This condition will need to be removed in order to permit the use of the outside space at the front of the premises until 23:00 hours.

Condition 364:

Clearly legible signage will be prominently displayed at all guest exits, where it can easily be seen and read, requesting to the effect that guests do not take drinks outside.”

Reason as per 363.

3. Our objection

According to section 6 of this council’s statement of licensing policy 2021 – 2026 (the SoLP), the premises fall within the Borough and Bankside Strategic Culture Area and also the Borough and Bankside Cumulative Impact Area. The premises are located in railway arches under a major train viaduct. The immediate area comprises of commercial premises, office space and also many residential dwellings (please see appendix 4 for a map of the locale).

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 following closing times are recommended in our SoLP in respect of various types of licensed premises located in the Borough and Bankside Strategic Culture Area as follows -

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

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

Night clubs (with ‘sui generis’ planning classification) –

Friday – Saturday:	03:00
Monday – Thursday:	01:00
Sunday:	00:00

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

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

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

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

Our objection relates to the promotion of the prevention of public nuisance, the prevention of crime and disorder and the public safety licensing objectives.

The premises currently operates as a dance studio with ancillary licensable activities, however this application seeks to fundamentally and substantially change the style of operation of the premises and would allow the premises to operate as a bar / nightclub.

It is clear from prior communication as outlined in appendices 2 & 3 that the council's EPT and TS service, and the MPS, only agreed to the extant licence being issued on the strict proviso that it was *not* to operate as a nightclub.

A bar or night club operation has increased risk factors regarding the promotion of the licensing objectives, which is why such types of premises are subject to the Borough and Bankside Cumulative Impact Area.

Although it must be made clear that there is no prohibition on the style of operation regarding a premises from being changed, we say that allowing the premises to operate as proposed in this application would have a detrimental effect to the quality of life for local residents.

Even when bars and nightclubs are operated to high standards, and in compliance with the premises licences issued in respect of them internally, they attract crime, disorder, anti-social behavior and nuisance to the areas where they are located in. Even if the applicant is able to operate the premises well under the proposed variation, they will not be able to avoid these problems being caused in the locale – again, this is why such premises are subject to the Borough and Bankside Cumulative Impact Area.

In addition to the above, the applicant seeks to increase the accommodation limit of the premises from 200 people (excluding staff) to 300 people (excluding staff). The existing safe maximum accommodation limit was provided by the licensee based on their own risk assessment of the premises. It is not shown in the application why it is now deemed that the premises can safely contain 300 people at any one time (excluding staff). This is an increase in the accommodation limit of 50%. We say that the newly proposed accommodation limit may be too high and seek clarification as to how it was reached.

Further, the applicant has offered no new conditions (as one might expect) to robustly address the licensing objectives in respect of the proposed change of operation of the premises. This is of great concern because of the aforementioned increased risk in regards to promoting the licensing objectives in respect of operating a premises with bar / nightclub facilities.

We ***do not object*** to the inclusion of the provision of off sales at the premises for the following hours & subject to the additional conditions stated below –

Sunday – Thursday: 12:00 hours – 00:00 hours
Friday & Saturday: 12:00 hours – 01:00 hours

- That any 'off sales' of alcohol shall be provided in sealed containers to be taken away from the premises, save for a maximum of 5 customers consuming drinks in the external area to the frontage of the premises. After 22:00 hours this area shall be closed except for up to 5 customers at any one time who will be permitted to use this area to smoke only.
- That clearly legible signage shall be prominently displayed where it can easily be seen and read by customers at all exits requesting to the effect that customers do not consume alcoholic drinks bought at the premises in the vicinity of the premises. Such signage shall be kept free from obstructions at all times.

- That customers will not be permitted to take open containers of alcohol away from the premises (in this condition 'the premises' means the internal and external areas of the premises).

Paragraph 131 of 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.

We also refer to R (on the application of Westminster City Council) -v- Middlesex Crown Court [2002] EWHC 1104 in which HHJ Baker adjudicated *"Notwithstanding the applicant being a fit and proper person and the premises would be well run a licence could be refused on the sole ground that the area was already saturated with licence premises....and the cumulative effect of the existing premises was impacting adversely on the area to an unacceptable level"*.

This application can be refused on the sole basis that it is subject to a cumulative impact area.

We therefore refer this application to the council's Licensing Sub-Committee and recommend that the application be refused (except for the inclusion of off sales, as explained above).

Notwithstanding the above, if the licensing sub-committee were minded to grant this application (which we strongly oppose), then we would seek that a suitable schedule of practicable and enforceable conditions are imposed on any subsequently issued premises licence. We will be happy to provide the applicant and licensing sub-committee with such a schedule at the hearing to determine the application.

We welcome discussion with the applicant on any of the matters above, and recommend that they contact us as soon as possible should they wish to engage in such discussion.

Yours sincerely,

Wesley McArthur
Principal Enforcement Officer

09/08/2022

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

Ref No. 1880555

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

	Tamara Kramer
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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)

£	24250
	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

	Studio 68
--	-----------

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

Do you have a Southwark postcode?	Yes
Address Line 1	RAILWAY ARCH 68 EWER STREET
Address Line 2	
Town	LONDON
Post code	SE1 0NR
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	
If other, please specify	
Surname	
Forenames	
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	
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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.

Do you wish to add a second individual applicant?

	No
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Operating Schedule

When do you want the premises licence to start?

	06/09/2022
--	------------

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)

	<p>The premises primarily operates as a dance studio, and has done for the past 11 years. The applicant is seeking to add licensable activities by way of sale of alcohol, and hot food after 23:00 hours.</p> <p>The premises does fall within the Borough and Bankside CIA, but the applicant believes this to be an exception to the policy as the licensable activities are ancillary to the main purpose of the premises/ business, which is that of a dance studio. The premises will not be either food or alcohol or entertainment led.</p>
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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)
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Provision of regulated entertainment (Please read guidance note 2)

	a) plays
	b) films
	e) live music
	f) recorded music
	g) performance of dance

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Provision of late night refreshment

	i) Late night refreshment
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Supply of alcohol

	j) Supply of alcohol
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In all cases please complete boxes K, L and M.

A - Plays

Will the performance of a play take place indoors or outdoors or both? (Please read guidance note 3)

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

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

	on occasion the applicant will put on a performance that involves both dancers and actors, performing in a play for the benefit of spectators. Up to 23:00 hours this is no longer licensable. Plays will take place either on Fridays or Saturdays.
--	--

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

Day	Start	Finish
Mon		
Tues		
Wed		
Thur		
Fri	23:00	03:00
Sat	23:00	03:00
Sun		

State any seasonal variations for performing plays (Please read guidance note 5)

	n/a
--	-----

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

	n/a
--	-----

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.

B- Films

Will the exhibition of films take place indoors or outdoors or both? (Please read guidance note 3)

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

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

	On occasion the applicant may wish to provide the screening of films for the entertainment of the customers. This will not take place every day and or evening, but the hours provide the flexibility for the premises to offer this form of entertainment as required.
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Standard days and timings for Films (Please read guidance note 7)

Day	Start	Finish
Mon	12:00	23:00
Tues	12:00	23:00
Wed	12:00	23:00
Thur	12:00	23:00
Fri	12:00	03:00
Sat	12:00	03:00
Sun	12:00	23:00

State any seasonal variations for the exhibition of films (Please read guidance note 5)

	n/a
--	-----

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

	n/a
--	-----

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.

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)

	This request is to allow live singers, and musicians to perform at the premises. the majority of these events will take place on Friday and/ or Saturday night. These activities could normally be linked to dance competitions that are held at the premises on Fridays and/or Saturdays. These dance competitions do not usually begin until 22:00 to 22;30 hours, hence the late hour.
--	---

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

Day	Start	Finish
Mon	23:00	00:00
Tues	23:00	00:00
Wed	23:00	00:00
Thur	23:00	00:00
Fri	23:00	03:00
Sat	23:00	03:00
Sun	23:00	00:00

State any seasonal variations for the performance of live music (Please read guidance note 5)

	n/a
--	-----

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)

	n/a
--	-----

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)

	This request is to allow DJ recorded music to be played at the premises. the majority of these events will take place on Friday and/ or Saturday night. These activities could normally be linked to dance competitions that are held at the premises on Fridays and/or Saturdays. These dance competitions do not usually begin until 22:00 to 22;30 hours, hence the late hour.
--	---

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

Day	Start	Finish
Mon	23:00	00:00
Tues	23:00	00:00
Wed	23:00	00:00
Thur	23:00	00:00
Fri	23:00	03:00
Sat	23:00	03:00
Sun	23:00	00:00

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

	n/a
--	-----

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)

	n/a
--	-----

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.

G - Performances of Dance

Will the performances of dance take place indoors or outdoors or both? (Please read guidance note 3)

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

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

	The premises operates primarily as a dance studio, so dance exhibitions will take place at the premises, as well as being linked to plays, for an audience.
--	---

Standard days and timings for Performance of dance (Please read guidance note 7)

Day	Start	Finish
Mon	23:00	00:00
Tues	23:00	00:00
Wed	23:00	00:00
Thur	23:00	00:00
Fri	23:00	03:00
Sat	23:00	03:00
Sun	23:00	00:00

State any seasonal variations for the performance of dance (Please read guidance note 5)

	n/a
--	-----

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

	n/a
--	-----

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)

	To allow the sale of hot food to continue beyond 23:00 hours as required
--	--

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	00:00
Tues	23:00	00:00
Wed	23:00	00:00
Thur	23:00	00:00
Fri	23:00	03:00
Sat	23:00	03:00
Sun	23:00	00:00

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

	n/a
--	-----

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)

	n/a
--	-----

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	12:00	00:00
Tues	12:00	00:00
Wed	12:00	00:00
Thur	12:00	00:00
Fri	12:00	03:00
Sat	12:00	03:00
Sun	12:00	00:00

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

	n/a
--	-----

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)

	n/a
--	-----

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

Surname	
---------	--

DOB

Date Of Birth	
---------------	--

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)

	n/a
--	-----

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	12:00	00:30
Tues	12:00	00:30
Wed	12:00	00:30
Thur	12:00	00:30
Fri	12:00	03:30
Sat	12:00	03:30
Sun	12:00	00:00

State any seasonal variations (Please read guidance note 5)

	n/a
--	-----

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)

	n/a
--	-----

M - Steps to promote four licencing objectives

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

	<p>The premises will operate to a high standard, and will do so should this licence be granted in terms of the sale of alcohol.</p> <p>All staff will be fully trained in their responsibilities with regard to the sale of alcohol, and will be retrained every six months, with recorded training records kept for inspection.</p> <p>Training to Include: preventing underage sales of alcohol preventing proxy sales of alcohol to underage persons preventing sales of alcohol to a person who is drunk</p> <p>The premises will close 30 minutes after the licensing activities have ceased, to allow customers to finish their drinks and food and leave in a quiet and orderly manner.</p> <p>Alcohol will only be served as ancillary to activities consistent with a dance studio.</p>
--	---

b) the prevention of crime and disorder

	<p>The premises shall install and maintain a CCTV system as per the requirements of the Police Licensing Team.</p> <p>All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.</p> <p>The CCTV system shall continually record whilst the premises is open for licensable activities and will include the external area immediately outside the premises entrance.</p> <p>All recordings shall be stored for a minimum period of 31 days with date and time stamping.</p> <p>Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.</p>
--	--

	<p>A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.</p> <p>An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:</p> <ul style="list-style-type: none"> (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received concerning crime and disorder (d) any incidents of disorder (e) all seizures of drugs or offensive weapons (f) any faults in the CCTV system, searching equipment or scanning equipment (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service.
--	---

c) public safety

	<p>The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.</p> <p>The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.</p> <p>All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.</p> <p>All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.</p>
--	--

d) the prevention of public nuisance

	<p>No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.</p> <p>Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly</p> <p>Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.</p> <p>All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times</p> <p>No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (08.00) hours on the following day</p>
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e) the protection of children from harm

	<p>A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.</p> <p>A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the Council at all times whilst the premises is open.</p>
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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	
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	
Date (DD/MM/YYYY)	09/08/2022
Capacity	Licence Agent

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)	09/08/2022
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.

Appendix 2

From:

Sent: 20 September 2022 17:24

To: Lynch Mark A - AS-CU; Prickett, Mark; Moore, Ray

Cc: Heron, Andrew; McArthur, Wesley

Subject: Studio 68 Ewer Street SE1 0NR

Good afternoon all.

I have now had the opportunity to go through all of your representations, and in some cases suggested conditions with the applicant, and in response the applicant would say this.

The premises operates as a dance studio, and has done for over 11 years. The premises will continue to operate as a dance studio, with all licensable activity requested to be ancillary to the main business of that of a dance studio.

You may not be aware of what takes place at the studio, so the following link may assist you in this. The premises were used for many years to train the dancers on the [REDACTED] for example, and many other TV shows. Dancers such as [REDACTED] have used these premises on numerous occasions.

[https://www.youtube.com/channel/\[REDACTED\]](https://www.youtube.com/channel/[REDACTED])

The idea is to use a mobile bar in the studio for those watching the dancers, but all in the studio are dancers, not the general public. There is the main dance studio downstairs, and a smaller one upstairs, although both are very rarely used at the same time.

Under no stretch of the imagination are these premises trying to become a night club, neither will it become a venue for DJ's to hire out and run events at these premises. All music played will be ancillary to the main activity of a dance studio.

When there is no dance activity, as per the business of that of a dance studio, the premises will not be open, and so no licensable activities can take place.

I can also confirm that the relevant planning application has been made to vary a condition of the existing planning consent in respect of the hours of trade, and obviously no licensable activity would take place outside of the permitted planning hours should this application be granted. The extended hours would only be utilised if and when the planning consent was varied, to permit the hours applied for under the Licensing Act 2003.

Given the above description, and in consultation with yourselves, I would like to confirm the following offered, and agreed conditions to be added to the premises licence should it be granted.

Some of these conditions have already been offered in the original operating schedule but the wording has been modified to fit with the required wording of Southwark Licensing Policy.

1. That licensable activities shall only take place as ancillary to activities consistent with a dance studio.
2. CCTV shall be installed and have the ability to capture a clear identifiable facial image of all patrons entering the venue. Images will be stored for a minimum of 31 days and will be made available to Police or other relevant authority upon request.
3. That all CCTV footage shall be kept for a period of thirty one (31) days, maintained to a good working order and shall, upon request, be made immediately available to Officers of the Police and the Council
4. 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
5. That the premises shall operate in line with the dispersal policy. A copy of this policy shall be kept at the premises and made available upon request by Police or Council Officers
6. That clearly legible signage will be prominently displayed where it can easily be seen and read by customers at all exits from the premises and at the bar area advising to the effect that customers are not permitted to take any drinks from the premises outside of the premises at any time. Such signage shall be kept free from obstructions.
7. There shall be no new entry to the premises for customers after 00:00 (save for re-entry for existing customers who have temporarily left the premises, e.g. to smoke).
8. Customers permitted to temporarily leave and then re-enter the premises to smoke must be restricted to a designated smoking area. No more than 10 of customers will be permitted to remain in the designated smoking area at any one time.
9. A comprehensive Dispersal Policy shall be produced and implemented at the premises, with all staff trained on the most recent iteration of the policy. The dispersal policy will be kept at the premises with the premises licence. 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.
10. No externally promoted DJ led events shall take place at the venue
11. The venue shall not operate as a night club

12. An incident log shall be kept at the premises ,and made available on request to Police or authorised council officers
13. Notices shall be prominently displayed at all exits requesting customers to respect the needs of local residents and businesses and leave the area quietly
14. The maximum number of people permitted on the premises at any one time, (the accommodation limit), will be 200 excluding staff.
15. The only patrons to use these premises shall be dancers who are either training, and may wish a drink after their sessions, or other dancers who are watching others train. These premises are not open to the general public to “walk in”.

We believe that by implementing the above conditions, and the fact that these premises operate as a dance studio, and will continue to do so, along with the attached dispersal policy, that this application is an exception to the current Southwark Licensing Policy, and so should be granted.

We are hopeful that given the above, you will feel able to withdraw your representation to the application.

If you have any further questions or queries about the application or any of the above, please contact me on the details provided, or by phone on [REDACTED]. I am hopeful we can avoid a hearing in this instance.

I look forward to your response.

Kind regards

Licence Agent

From: mark.A.Lynch
Sent: Thursday, September 22, 2022 11:22 AM
To: Regen, Licensing <Licensing.Regen@southwark.gov.uk>
Cc:
Subject: Studio 68 Ewer Street SE1 0NR

Good Morning

In view of the applicants agreement to the below amended conditions (in red) and agreement to implement the attached dispersal policy, Police would now like to withdraw their objection to the granting of the Premises licence for Studio 68 Arch 68 Ewer Street SE1 0NR

Kind regards

Mark Lynch Pc2246AS
Southwark Police Licensing

Appendix 3

From:

Sent: Monday, September 26, 2022 4:36 PM

To: Prickett, Mark

Cc: Heron, Andrew; McArthur, Wesley

Subject: Re: EPT rep - premises licence application, Arch 68 Ewer Street

Good afternoon Mark.

Thank you for your email last week.

I am sure you are aware by now, that both the Police and Trading Standards have withdrawn their representations, leaving you as the only outstanding objector.

I note the content of your email, and in response I would say this.

The premises has operated to the hours you have stated for a number of years, this is correct. However the drain on businesses as a result of the Covid lockdowns continues to bite. Studio 68 were one of the few premises at the Arches who continued to pay their rent during the lockdowns, even though they couldn't trade. This had a serious long term effect on the business, and when you add in the demise of the entertainment style programmes on TV such as the X XXXXXX, times are extremely difficult for the owner.

The reason this is relevant is the dancers on programmes such as the X XXXXXX used to train, practice at studio 68. Now there are less of this type of programme on the TV this source of income has dried up.

The owner is trying to diversify her business in light of this, and one of the options is to hold Salsa competitions at the studio. Being Spanish, this is dear to her heart, and traditionally Salsa competitions begin later in the evening, (Spanish cultural thing), and so run later in the evening as well. To generalise about the hours kept by other dance studios in London, without any knowledge of how they operate and what they do day by day, is wrong, and could well be seen as discrimination against the Spanish community.

You also make the point that you believe the request for 3am will not be solely for the continuation of existing dance classes/ associated dance studio use. We have already agreed conditions with the two other responsible authorities regarding this, namely:

That licensable activities shall only take place as ancillary to activities consistent with a dance studio

No externally promoted DJ led events shall take place at the venue

The venue shall not operate as a night club

The only patrons to use these premises shall be dancers who are either training, and may wish a drink after their sessions, or other dancers who are watching others train. These premises are not open to the general public to "walk in".

These conditions are perfectly clear, that the premises can only function as a dance studio, and nothing else, and that licensable activities are only permitted as ancillary to activities consistent with a dance studio.

Therefore the comments you make in your email can only mean you are asking the committee, should this application end up at a hearing, to believe that the applicant, intends to breach the agreed conditions with the Police and Trading Standards.

Can I ask you explain why you believe this will be the case?

Moving on to your concerns that the premises will generate noise.

Studio 68 has two dance studios, which can operate simultaneously if required with two different styles of music and dance, without one compromising the other. When you think about it, this would have to be the case. It would be impossible for dancers to operate in one studio, as say a ballet class, if the sound of the Salsa music was drowning out the ballet music, or vice versa. The studios are sound proofed, because they have to be for a professional dance studio to operate successfully. If music cannot be heard from one studio to the next it certainly will not be heard in residential flats some 60 to 70 metres down the alleyway. These studios have been, and continue to be used by professional dance coaches, as per the video link I gave you in my previous email. Coaches such as XXXXX XXXXXXXXX would not use this studio if they were not soundproofed to the highest order.

As far as customer noise is concerned on leaving the premises, you already have the maximum capacity figures, (200 when both studios are used simultaneously, which is extremely rare), and the fact that customers will leave the premises going the opposite way to the residential properties, by leaving the alley by turning right on leaving the premises, which is the shortest route to the main roads. (The flats are to the left). These residential properties you mention already have a pub directly underneath them, and it is also relevant to note that none of the residents of these flats have objected to the application.

We have also agreed a condition that no one can gain entry to the premises after midnight, to prevent anyone attempting to enter the premises late. All customers have to be dancers, and so will have to be inside the premises before midnight.

The given hour of 3am will only be used when dance studio activities are taking place, (competitions), so on a number of Friday and Saturday nights the premises will be closed at this time anyway.

If the absolute maximum of 200 capacity are leaving late at night, they will be governed by an agreed dispersal policy which will ensure that no noise nuisance is caused by people leaving the studio.

This brings me to the final point you make. The request for a noise report to be produced.

There have been no noise complaints regarding these premises to date. The section 182 guidance is very clear on avoiding unnecessary expense to applicants who submit applications. To get an accredited noise report is costly, and given the circumstances of this application, an unnecessary expense to the applicant, especially in the extremely difficult economic climate.

The premises could not function at any time of the day if the studios were not sound proofed, due to the reasons already stated. The additional cost of a noise report, will, in our opinion serve no positive purpose, merely confirm what is already known.

The studios do not generate noise nuisance.

I wonder given the above if you now feel able to join the Police and Trading Standards in withdrawing your representation.

Regards

