

Other person representations:

**Other person 1**

Councillor David Watson

**From:** Watson, Cllr David <CllrDavid.Watson@southwark.gov.uk>

**Sent:** Friday, May 26, 2023 5:03 PM

**To:** Regen, Licensing <Licensing.Regen@southwark.gov.uk>; Chamberlain, Cllr Victor <CllrVictor.Chamberlain@southwark.gov.uk>; Franklin, David <David.Franklin@SOUTHWARK.GOV.UK>; Von Wiese, Cllr Irina <CllrIrina.VonWiese@southwark.gov.uk>

**Subject:** RE: New premises application - Cafe Francois, 14-16 Stoney Street

Dear licensing team,

I wish to object to this license application.

Borough and Bankside ward is in a cumulative impact policy area because of the alcohol related crime and disorder statistics for the area, and the alcohol related hospital admissions data. Therefore, this application should be refused. The new premises would impact negatively on efforts to prevent crime and disorder, public nuisance and protect public safety.

In this case, the potential for disruption is heightened due to the proximity of the venue to neighbouring residents. The additional licensed space also risks upsetting the delicate balance of providers and facilities struck during planning negotiations for the Borough Yards development, which has helped to promote community goodwill for the scheme and its businesses.

Many thanks,

David

Councillor David Watson

Liberal Democrat Councillor for Borough & Bankside Ward

Twitter: [@DavidWatsonLD](https://twitter.com/DavidWatsonLD)

## Other person 2

licensing@southwark.gov.uk

Dear Southwark Licensing

I wish to object to this Licence application.

<b>Licence number:</b>	880146 Café Francois/CHEZ
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### EXECUTIVE SUMMARY

A. PREMATUREITY OF THE APPLICATION

B. LICENSING OBJECTIVES OF PUBLIC SAFETY AND THE SAFETY OF CHILDREN

C. LICENSING OBJECTIVE OF PUBLIC NUISANCE

D. LICENSING OBJECTION OF THE PREVENTION OF CRIME AND DISORDER

E. CONCLUSION

F. CONDITIONS

#### A. PREMATUREITY OF THE APPLICATION

I am aware the Planning and Licensing are separate regimes, but observe that, as things stand, the applicant may not make use of the Licence as applied for.

1. The Premises in question are not (yet) designated by Planning for Licensable Activities. The Premises require two separate Planning Consents: for Change of Use to Licensed Premises or Planning Consent to merge two units into one. The two Planning applications ref. 23/AP/0333 and 23/AP/0335 are as yet undetermined. The current Consent is for three separate retail units only. These screenshots taken May 25, 2023, illustrates that decisions have not been made:

Ref. No: 23/AP/0335 | Received: Tue 07 Feb 2023 | Validated: Thu 16 Feb 2023 | Status: Under consideration/assessment

2. The applicants have added outdoor areas and stairs and a Food Van to this Licence Plan with no basis in Planning Consent. The Planning Officer confirmed 3.5.23 that **neither** the current Planning Consent **nor** the February application to transform these units into a single Licensable space (as above) “*include the suggested outdoor stairs or first floor seating area, nor the first-floor doors to access it that are shown on the Licensing drawing ... There is no first floor terrace on this unit, nor can I find a current Planning application for it. I have asked the Planning agent whether this is something Café Francois are intending to apply for at a future date, and suggested the Licensing drawing be changed.*”

The Planning Officer later advised (12.5.23) that these applicants intend to apply for Planning Consent separately for the terraces – they have not done so at the time of

lodging this Licensing Application. They have decided not to change the Licensing Plan. I will add that the residents will object to at least the upper terrace at Planning.

3. The Food & Drink Van is also included in the Licensable area, being in red. Again, is there a street trading licence from Markets? Is there Planning Consent required because this area was supposed to be a Public Realm offering? Is Highways Consent required?

4. I believe that this application is Premature also because, despite the request of the Chair that new Licence applications in this densely populated area should be pre-negotiated with residents – a system which is working extremely well – these applicants did not approach the residents before putting in their application, which has created distress for the most impacted residents, confusion and a great deal of extra work. We first heard from the applicants' solicitor on May 23.

5. No external elevations or designs for the terraces or Food & Drink Van have been available for any residents to see, so residents have no idea of any noise containment measures for the prevention of Public Nuisance. No special conditions have been offered either for extra noise emanating from the terraces and the Food & Drink Van. The terraces and Food Van were not mentioned or shown when this applicants' project was 'engaged' on many months ago with the residents, which is regrettable.

6. I believe that this application is also premature because it fails to limit the number of covers. The Planning Application for this unit shows a restaurant with 72 covers and a café with 28 covers and a 'kitchen' with 18 covers ... so the total number of patrons is 118. This leaves out the people on the three outdoor spaces which are not consented but would add quite a few. The number of covers needs to be established in this Licence application so that the Committee may accurately judge the impacts of its patrons on the Licensing Objectives.

Moreover, I believe that this application fails to uphold the Licensing Objectives in the following ways:

## **B. LICENSING OBJECTIVES OF PUBLIC SAFETY AND THE SAFETY OF CHILDREN**

The proposed outdoor areas are in square known as Soap Yard, which acts as the servicing area. Servicing takes Monday to Saturday 7am till 10am, Sundays and Bank Holidays 8 – 10am.

It needs to be emphasised that Soap Yard is the site of servicing not just for the applicants' large, consolidated unit but servicing for this whole massive complex of Borough Yards. The **only entrance** for all servicing traffic is through the very courtyard where the applicants wish to put their terraces, tables and the Food & Drink Van.

As the Borough Yards complex becomes busier, these limited servicing periods mean that a lot of vehicular traffic will be concentrated in those times.

By virtue of changing the profile of the complex from majority retail to dominantly food & drink in 2021, the amount of servicing also increases.

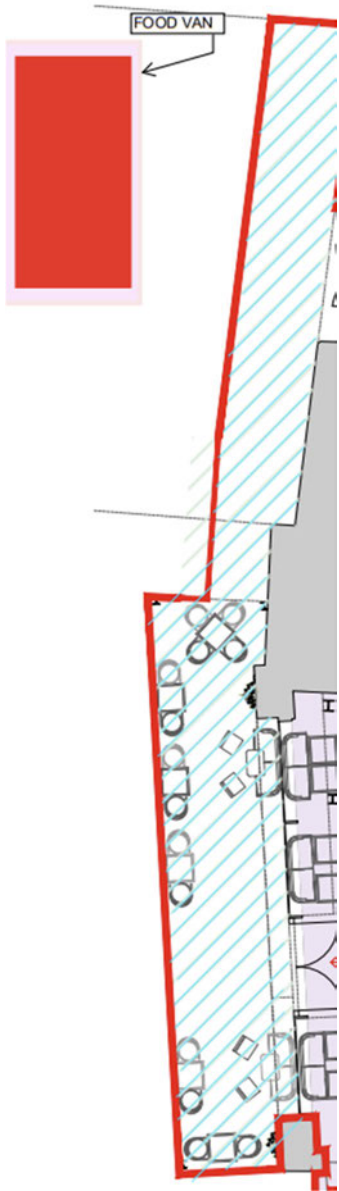
This relatively small delivery van pictured below, for example, could be a problem for the proposed Food & Drink Van which would project beyond the outside area and into the Soap Yard arch. It could be a safety issue for clients queuing for the Food & Drink Van or standing around it to consume what they have bought.

Yet the Licensing hours sought are from 8am onwards, Monday to Saturday. From 8 – 10am Monday to Saturday, those seated in the outdoor areas or standing to queue for the Food & Drink Van would be vulnerable to large lorries in a space narrowed by the enclosures indicated.



Left – lorry in Soap Yard Servicing area

Below right – extract from the Licensing Plan.



The height of the proposed outdoor terrace on the first floor could be an issue with tall lorries, causing a Public Safety issue for those seated or standing out there.

Then there is a question of **emissions** from servicing lorries. I suggest adding a condition that no outdoor areas, including the Food & Drink Van, may be used before 10am. (The existing conditions take care of the fact that the outdoor areas may not be used after 10.30pm)

### **C. LICENSING OBJECTIVE OF PUBLIC NUISANCE**

The Borough Yards complex is embedded in a residential village of around 932 people.

There follow photographs of residential windows within a few metres of the proposed Premises and their terraces and the Food & Drink Van.



This photo above shows the premises at left and some of the residential windows at right.

The photo below is taken from the site of the proposed terraces but only a ground level. At the level of the first-floor terrace, the noise would be closer to the residential windows.

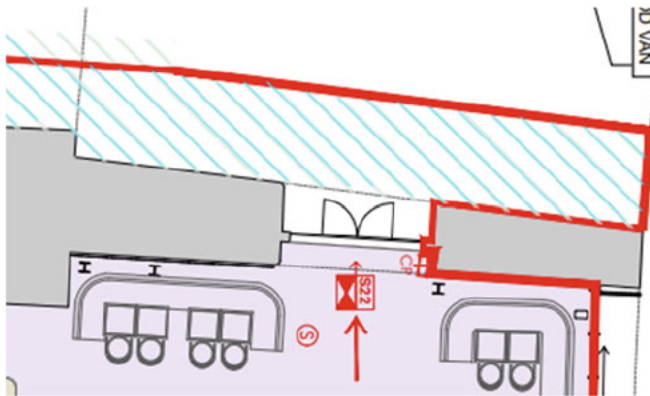


Above – residential windows with the Premises at left (behind trees)

Below ... residential apartments at left ... Premises at right. (Currently Paul Smith)



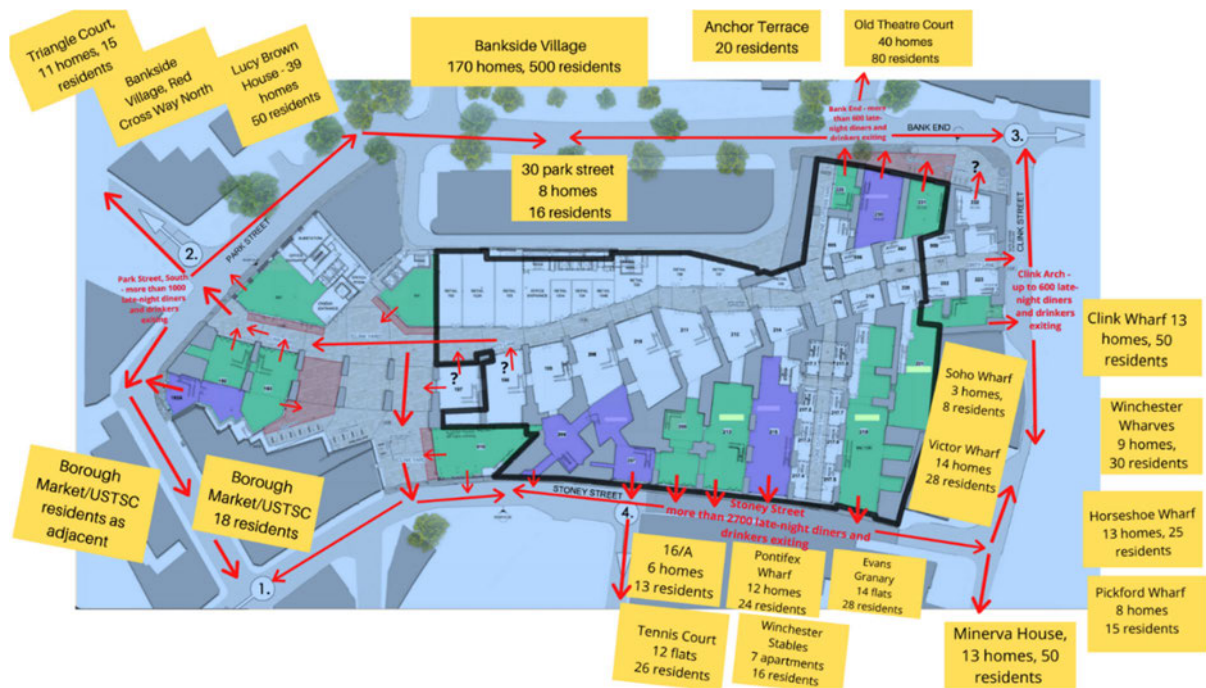
The Licensing Plan shows no seats on this section of the outdoor area



Which might indicate it will be used for vertical drinking?

The following map shows the other residents who would be in earshot of loud noise from the proposed terraces.





Noise from these premises would particularly affect residents in the properties in Stoney Street, and 16A Winchester Walk.

But everyone shown in this map would be affected by the litter arising from the Food & Drink Van and any takeaway sales from inside the Café Francois complex. We would suffer an increase, if possible, of people sitting on our doorsteps to consume the takeaway food and drink.

We would also be affected by the Borough Yards complex lacking public toilets to service those who consume its takeaway food.

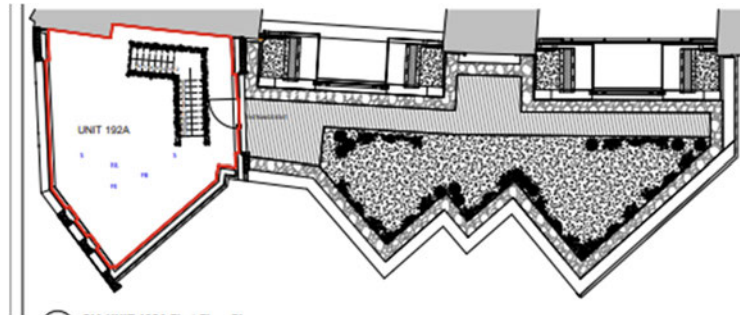
#### a. Precedent regarding Public Nuisance from Borough Yards First-Floor Terrace

In a 2021 PLANNING HEARING the Borough Yards complex, it agreed that a first-floor terrace immediately opposite the proposed premises would not be used for Licensable Activities. This is the terrace that leads out from the Barrafinna bar. This is expressed as Condition 39 in the Planning Consent 21/AP/0507:

*39. NO USE OF FLAT ROOF APPENDIX 1 The flat roof of the ground floor to unit 192/192A hereby permitted shall not be used other than for maintenance purposes, as a means of escape and as a green roof, and shall not be used for any other purpose including use as a roof terrace or balcony or for the purpose of sitting out*

*Reason In order that the privacy of neighbouring properties may be protected from overlooking from use of the roof area in accordance with The National Planning Policy Framework 2019, Strategic Policy 13 High environmental standards of The Core Strategy 2011 and Saved Policy 3.2 'Protection of Amenity' of the Southwark Plan 2007.*

Accordingly, the subsequent Licensing Application for Unit 192A **did not include the terrace in its red licensable area** as shown in the screenshot below from Licence 874292.



The reasons for withholding Planning Consent for an outdoor terrace near residents still stand. While Planning is separate from Licensing, the Licensing Objective of the Prevention of Public Nuisance covers the same issue. Those same residents would be gravely affected by two floors of terraces at the proposed Premises – particularly from an upper floor terrace like the one above. Those residents are still there. Why should this new licence undermine the previous Planning Consent and what was accepted in previous Licensing hearing – that an upper floor terrace so close to residents is unacceptable?

(Meanwhile, this Planning Application for consolidating the three units for this Premises, **adds 22 square metres of extra (Licensable) space, and therefore more drinkers.** )

And we have to fear this now of **collateral Public Nuisance arising from the grant of this Licence as it stands**: if this applicant is granted terraces for Licensable activities, then the bar at unit 192A will almost certainly come back with a variation to have drinking on the terrace above, given the new precedent, and everything we struggled to achieve in 2021 to protect residents from Public Nuisance will come falling down.

### **b. Topography And Public Nuisance**

The Borough Yards complex is an aesthetic success, and has deservedly won prizes, but it is embedded in a residential community that precedes it by decades – and the topography is against the promotion of the Licensing Objectives when it comes to Public Nuisance. This is why the residents objected so strenuously when the developers switched course from the original concept of 70 percent retail (quiet, early closing, no drinkers, no litter) to an eating and drinking hub.

The retail that we thought we had saved ... is now be leased to premises for takeaway food and drink, creating noise and litter and the need for public toilets that the Borough Yards complex does not provide.

The canyon-like topography of the small and narrow streets around Borough Yards efficiently transmits noise, music, laughter and smoke up to residents' homes. Drinkers in outdoor spaces perceive no difference between inside and outside - and

behave accordingly. This licence offers no provision for the containment of noise break-out of human voice from the terraces. The nearest residential bedrooms are just metres away.

If the Food & Drink Van is allowed to sell alcohol, its patrons (given the dense crowds in the area particularly at weekends) will sometimes have no choice but to stand around it consuming beer ... or take the beer to sit on our doorsteps.

### **c. Early Morning Noise From Outdoor Furniture**

If this Licence is granted as it stands, then staff would be, doubtless noisily, putting street furniture and possibly barriers outside early in the morning, prolonging the noise to which residents are exposed. They would be stocking the Food & Drink Van too.

### **d. Acoustic Lobby Required**

In the original Borough Yards Licenses, it was agreed that '*Unit 215 and Unit 219 must install lobby doors at the entrance/exit door to prevent noise escape likely to cause a nuisance*'. The licensable activities between Units 219 and the present premises will effectively be swapped (if, of course, Planning Consent is granted). So we ask for the provision of lobby doors for noise containment to apply in this unit too, given its proximity to residents.

### **e. Waste Issues**

It has sadly become the tradition in this area that people buy takeaway food which they consume as they walk around the streets, dropping litter wherever they go, often on the doorsteps and windowsills of residents. The problem is that they have little choice, because premises like the proposed one do not offer external bins. The applicants intend to sell takeaway food and drink. There is no mention of external bin provision for the takeaway items sold. The photo below was taken on May 19, 2023, opposite the proposed Premises. Without bins, and using plastic beakers, what choice did these drinkers have?



#### **D. LICENSING OBJECTIVE: PREVENTION OF CRIME & DISORDER**

Residents in this area are regularly subjected to intoxicated visitors shouting, swearing, screaming and chanting under their windows. These visitors sometimes fight outside residents homes, smash bottles and damage property. The area is a hot spot for bag snatching and drug dealing. Urination (indecent exposure) is all too common a problem – and the lack of Public Toilets in Borough Yards, as mentioned, becomes more problematic the more they lease units to takeaway food and drink establishments.

The Borough and Bankside CIA has the highest rowdy behaviour and street drinking calls of anti-social behaviour. It has over double the number of calls of the second highest CIA in Southwark (Camberwell), 78% higher than Peckham's alcohol violent crime, the highest annual call-out rates violence with injury reported crime and 25% of the total alcohol-related ambulance call-outs.

To add extra drinking spaces via the terraces can only add extra drinkers and more problems of this nature.

#### **E. CONCLUSION**

The application currently fails to uphold the Licensing Objectives and we ask for it to be refused.

If the application is not refused, then we ask for the Food & Drink Van and the upper terrace to be removed from the application.

If the Committee is minded to grant the application, including the Food & Drink Van and upper terrace, then we ask for the following conditions:

## **F. CONDITIONS EXTRA TO THOSE OBTAINED FOR ALL BOROUGH YARDS LICENCE**

If the Committee is minded to grant this Licence, I request the following conditions

1. The terraces may not be used for Licensable activities until Planning Consent is granted.
2. The Food & Drink Van may not be used for Licensable activities until any Planning, Highways and Markets or other necessary Consents are granted.
3. That the Food & Drink Van does not sell takeaway beer or beverages in single use plastic containers but adheres to the existing agreed terms of the overall licences for the Borough Yards complex.
3. That between 8am and 10am, the terraces, outdoor area and Food Van are not used, to avoid public safety risks from servicing vehicle impacts and emissions.
4. That substantial differentiated bins are provided by the applicant outside for the wrappings of takeaway food and bottles from the Premises, and that these bins are emptied regularly by the applicants.
5. That a limit on the number of covers is applied to the Licence.
6. That no vertical drinking is allowed on the terraces or the other outdoor space indicated in the Plan.
7. That no smoking is allowed on the terraces.
8. That all patrons on the terraces and outdoor space will be seated.
9. That no standing or queueing to be allowed on the terraces or outdoor space.
10. That alcohol will be served only with substantial food on the terraces and outdoor space.
11. That the terraces and outdoor space are closed to patrons by 10pm Monday to Saturday and by 9pm on Sunday.
12. That no noisy moving of outdoor furniture or servicing of the Food & Drink Van will take place between 22.30 and 8.30am.
13. That an interior lobby is added for noise containment at the Stoney Street/Soap Yard entrance.
14. (In view of the problems with Mondo), that no TENS will be applied for that would allow the Premises to sell beer in in single use plastic beakers from the Food & Drink Van.
15. That no TENS will be applied for that would otherwise undermine the special conditions of the Borough Yards licences.
16. That any customers using the Food & Drink Van may have access to the toilets inside the Premises and that a sign is displayed on the van to that effect.

16. That all the special conditions negotiated for the other Borough Yards licence are included here as well.

[REDACTED]

[REDACTED]

[REDACTED] Clink Street

London SE1 [REDACTED]

### Other person 3

From: [REDACTED]  
Sent: Thursday, May 25, 2023 2:29 PM  
To: Regen, Licensing <[Licensing.Regen@southwark.gov.uk](mailto:Licensing.Regen@southwark.gov.uk)>  
Subject: Café Francois, Licence number 880146

I wish to object to Licence application number 880146.

The application does not limit the number of covers, and fails to uphold Licensing Objectives in the following ways:

#### PUBLIC NUISANCE

Noise from the terraces and food van would affect residents in Stoney Street, and [REDACTED] Winchester Walk especially as the nearest bedrooms are just metres away. This application is proposing to add 22 square metres of Licensable mezzanine space to what was already set as the limit at Borough Yards - and on top of that, three separate extra areas of Licensable space are proposed in the terraces and enclosure behind them.

It should be noted that the topography of the small and narrow streets around Borough Yards amplifies noise, music, laughter and smoke up to residents' homes. If this Licence were granted staff would be putting street furniture and possibly barriers outside early in the morning, prolonging the noise to which residents are exposed.

There is no mention of extra external bin provision for the takeaway items. Litter is already a major problem in the area. As is urination.

**PUBLIC SAFETY AND THE SAFETY OF CHILDREN** The proposed area for the terraces and food van are used to service the whole of Borough Yards. Large lorries create emissions and children's lungs are particularly vulnerable to vehicle particulates. There is also a risk of collisions.

#### PREVENTION OF CRIME & DISORDER

Residents in this area are regularly subjected to drunk and disorderly visitors swearing, screaming and chanting under their windows, and sometimes fights break out.

Urination (indecent exposure) is already a common problem. Borough Yards does not provide public toilets. While the Premises have toilets, would the people using the food van have automatic access to them?

#### CONDITIONS EXTRA TO THOSE OBTAINED FOR ALL BOROUGH YARDS

**LICENCE** If the Committee were minded to grant this Licence, I request that the conditions proposed by [REDACTED] are added to those that already apply to all Premises in Borough Yards.

Since the terraces and food van proposed in this Application lack the necessary consents from Planning, Markets, Highways, I ask that Southwark Licensing makes clear to the applicants that they may not sell alcohol under this Licence, if granted, until the necessary consents are obtained.

NAME [REDACTED]

ADDRESS [REDACTED] Clink Street, London [REDACTED]

Kind regards,

[REDACTED]



**Other person 4**

From: [REDACTED]  
Sent: Monday, May 29, 2023 9:33 PM  
To: Regen, Licensing <[Licensing.Regen@southwark.gov.uk](mailto:Licensing.Regen@southwark.gov.uk)>  
Subject: Objection to Licensing application no. 880146/Cafe Francois

Hello I wish to object this licensing application for a 'Cafe Francois' where the Paul Smith unit currently is in Borough Yards. I understand this is in advance of consent from other Departments such as Planning, Highways and so on, which signals complete disregard to those who live in the area. They want to pack 'out of towners' into the premises (they don't specify the maximum number) and then ignore the noise and commotion generated by drunken revellers - and the peeing! It's already bad in the Borough Yards area (the other day Park Street stank of urine). I think this license would further aggravate the 'public nuisance' that Borough Yards already generates for long suffering residents and I hope you decline it.

Yours sincerely, [REDACTED]

[REDACTED], [REDACTED] Redcross Way, SE1 [REDACTED]

PS why the heck is a food van needed, with the market next door? More noise, more peeing in the corners and leaving plastic beakers full of urine. Urgh.

Other person 5

From: [REDACTED]

Sent: Thursday, May 25, 2023 12:03 PM

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

Subject: Licence Objection - Licence number 880146

Licence application.

I do not understand why the captioned application fails to limit the number of covers and feel that we are not being given the full picture of what is intended for the site. There are so many issues that you need to take into account in your due diligence and your consideration for the neighbouring residents. Not least being:-

**LICENSING OBJECTIVES OF PUBLIC SAFETY AND THE SAFETY OF PEDESTRIANS AND RESIDENTS**

This space is constantly used by transportation traffic. It is very dangerous to then have patrons sitting alongside a narrow pathway where the pedestrian traffic and drinkers gives rise to further congestion. It is just irresponsible I feel.

**LICENSING OBJECTIVE OF PUBLIC NUISANCE**

Noise from the terraces and food van would affect residents in Stoney Street where I have a leasehold (flat [REDACTED]). This application directly impacts me and my neighbours.

Adding another 22 square metres of Licensable mezzanine space is in excess of the limit set by Borough Yards and all it means is additional noise, music, laughter and smoke up to residents' homes. Leaving aside for now the additional street furniture which impacts residents.

And litter and street urination is already a major problem as it is.

**LICENSING OBJECTIVE: PREVENTION OF CRIME & DISORDER**

We as residents are exposed to intoxicated visitors swearing, screaming and chanting under our windows. These visitors sometimes fight outside residents' homes, smash bottles and damage property. The area is a hot-spot for bag snatching and drug dealing.

YOU know that Borough Yards complex does not provide public toilets for the people using the food van to have automatic access to them?

**CONDITIONS EXTRA TO THOSE OBTAINED FOR ALL BOROUGH YARDS LICENCE**

If the Committee is minded to grant this Licence, I request that the conditions proposed by [REDACTED] are added to those that already apply to all Premises in the Borough Yards complex.

Further, I understand that the terraces and food van proposed in this Application lack the necessary consents from Planning, Markets, Highways. Licensing is separate from Planning, but I ask that Southwark Licensing makes clear to the applicants that they may not sell alcohol under this Licence, if granted, until the necessary consents are obtained.

Thanks

[REDACTED]

Flat [REDACTED]

[REDACTED]

Stoney ST, SE1