

APPENDIX B

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: 08 August 2023
Subject:	Representations	
Act:	The Licensing Act 2003 (the Act)	
Premises:	Various – see the table below	
Ref’:	Various – see the table below	

We object to the grant of various applications for ‘shadow’ premises licences, submitted by Mark Bermondsey (Guernsey) Limited under The Licensing Act 2003 (the Act), in respect of various premises.

1. The applications

The applications are set out in the following table -

Application ref’ no.	Type of application	Ward	Name	Address
880693	Premise Licence Application	BBW - Borough and Bankside	Mondo Beer and Pizza - Shadow Licence	Arch 232, Bank End, London, SE1
880694	Premise Licence Application	BBW - Borough and Bankside	Unit 230 - Shadow Licence	Arch 230, Bank End, London, SE1
880695	Premise Licence Application	BBW - Borough and Bankside	Cafe Francois - Shadow licence	14-16 Stoney Street, London, SE1
880696	Premise Licence Application	BBW - Borough and Bankside	UNIT 219 - Shadow Licence	Railway Arch 219-221, 18 Stoney Street, London, SE1
880697	Premise Licence Application	BBW - Borough and Bankside	Unit 213 - Shadow Licence	Arch 213, Stoney Street, London, SE1
880698	Premise Licence Application	BBW - Borough and Bankside	Burger Beyond - Shadow licence	Arch 231, Bank End, London, SE1
880699	Premise Licence Application	BBW - Borough and Bankside	Vinoteca - Shadow Licence	Arch 207, 18 Stoney Street, London, SE1

880700	Premise Licence Application	BBW - Borough and Bankside	Unit 229 - Shadow licence	Arch 229, Bank End, London, SE1
880701	Premise Licence Application	BBW - Borough and Bankside	UNIT 193 - Shadow Licence	4, Dirty Lane, London, SE1
880702	Premise Licence Application	BBW - Borough and Bankside	Unit 192a - Shadow Licence	10 Park Street, London, SE1
880703	Premise Licence Application	BBW - Borough and Bankside	UNIT 215 - Shadow licence	Arch 215, Stoney Street, London, SE1
880704	Premise Licence Application	BBW - Borough and Bankside	Brother Marcus - Shadow Licence	1, Dirty Lane, London, SE1
880705	Premise Licence Application	BBW - Borough and Bankside	UNIT 208 - Shadow licence	Arch 208, Stoney Street, London, SE1
880707	Premise Licence Application	BBW - Borough and Bankside	Unit 205 - Shadow licence	Arch 205, 18 Stoney Street, London, SE1
880708	Premise Licence Application	BBW - Borough and Bankside	Unit 192 - Shadow licence	2, Dirty Lane, London, SE1

The application seeks to allow the same terms and conditions as per existing premises licences issued in respect of each of the premises.

2. This council's Statement of Licensing Policy

Paragraphs 122 – 129 of this council's Statement of Licensing Policy (hereafter referred to as the SoLP) explains how we address shadow licences. These paragraphs state (verbatim) –

"Shadow licences

122. The Licensing Authority has received enquiries and applications for premises licences where a licence is already in force. Typically the Applicant is the landlord of the premises where the licence holder of the licence already operating is their tenant. The landlord in many cases is seeking what they term a "shadow licence" on the same or similar terms to the licence already existing.

123. The Authority recognises that there is no restriction in the Licensing Act 2003 for there to be more than one licence to be in effect at any one time at the same 33 premises.

124. *The Licensing Authority has concerns however that the holding of additional licences has the potential to undermine the decisions made as a result of determining applications to review a premises licence whereby if one licence was modified, suspended or revoked the premises could effectively continue to operate under the second licence.*

125. *Similarly Responsible Authorities, including the Police, Trading Standards and the Licensing Team, have expressed concerns regarding the enforcement of the terms and conditions of the premises licences if it is unclear under the authorisation of which premises licence the licensable activities are taking place and who is the relevant premises licence holder and DPS.*

126. *This Authority also recognises that landlords have powers over their tenants outside of the licensing regime and would expect responsible landlords to exert that control to promote the licensing objectives. Where the landlord is also a licence holder of a premises licence in effect at the premises the Council considers that the landlord has further responsibilities in respect of the operation of the premises to promote the licensing objectives.*

127. *In order to promote the licensing objectives and provide clarity as to which premises licence is being used to provide licensable activities conditions can be added to the an additional premises licence application, these may include:*

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

128. *To promote the licensing objectives this Authority will take a holistic view of the licensing circumstances at the premises. The Licensing Authority will encourage Responsible Authorities and other persons when submitting an application to review a premises licence, to also consider whether it is appropriate to review all the licences in effect at the premises in order to promote the licensing objectives.*

129. *In determining applications for a review of a more than one premises licence relating to the same premises each application will be considered individually on its own merits.”*

A copy of the SoLP is available via:

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

3. Our objection

Our objection relates to the promotion of the all of the licensing objectives.

In principal, we do not object to the issuing of the shadow licences, however to ensure that it can be ascertained what premises licence any one of the premises are being operated under at any time, and to ensure that proper enforcement action can be taken if and when required regarding the operation of any of the premises under the Licensing Act 2003, we recommend that the following conditions are included in any premises licences issued subsequent to the above applications:

- The Licensing Authority and Police are informed at least 14 days prior to the provision of licensable activities under this licence. A record of this (such as an email trail) shall be kept at the premises.
- When this licence is used to provide licensable activities and the licence summary is displayed on the premises, the licence summary of any other premises licence will not be displayed at the same time.
- That at any time, the management / supervisory staff on duty at the premises, and any other staff involved in the provision of licensable activities at the premises, shall know which premises licence the premises are being operated under and shall be able to express this immediately to responsible authority officers on request.

We welcome discussion with the applicant on any of the matters above; however should the applicant agree to all of our proposed conditions then we will withdraw this representation.

We recommend the applicant contacts us directly on this matter as soon as possible.

Yours sincerely,

Wesley McArthur
Principal Enforcement Officer

From: McArthur, Wesley <Wesley.McArthur@southwark.gov.uk>
Sent: Tuesday, August 15, 2023 12:00 PM
To: Marcus Lavell [REDACTED] >
Cc: Regen, Licensing <Licensing.Regen@southwark.gov.uk>; Franklin, David <David.Franklin@SOUTHWARK.GOV.UK>
Subject: RE: Applications for shadow licences: Various addresses - Borough and Bankside ward

Hi Marcus,

Thanks for your speedy reply.

My representation regarding all of the applications is now withdrawn.

Regards,

Wesley McArthur

Principal Enforcement Officer - Licensing Unit
London Borough of Southwark

E-mail: wesley.mcarthur@southwark.gov.uk

General: licensing@southwark.gov.uk

Phone: 020 7525 5779

Switchboard: 020 7525 5000

Website: www.southwark.gov.uk

Address: Licensing, Health & Safety, Hub 1, 3rd Floor, 160 Tooley Street, SE1 2QH

From: Marcus Lavell <[REDACTED]>
Sent: Tuesday, August 15, 2023 11:57 AM
To: McArthur, Wesley <Wesley.McArthur@southwark.gov.uk>
Cc: Regen, Licensing <Licensing.Regen@southwark.gov.uk>; Franklin, David <David.Franklin@SOUTHWARK.GOV.UK>
Subject: Re: Applications for shadow licences: Various addresses - Borough and Bankside ward

Hi Wesley

Thanks for your response below. I'm happy to accept those conditions on behalf of the Applicant.

I hope that addresses the Licensing Authority's concerns. Please let me know if you have any further issues.

Sent from my iPhone

Marcus Lavell | Barrister

Recognised by Chambers and Partners and The Legal 500 2023 for Licensing

t: [REDACTED] | m: +[REDACTED]
48 Chancery Lane, London WC2A 1JF, United Kingdom



KEYSTONE LAW



On 15 Aug 2023, at 11:03, McArthur, Wesley <Wesley.McArthur@southwark.gov.uk> wrote:

Hi Marcus,

I'm well thanks and hope that you are too.

Some of the conditions suggested in my representation are similar to those offered in your email below. I had suggested the following –

1. The Licensing Authority and Police are informed at least 14 days prior to the provision of licensable activities under this licence. A record of this (such as an email trail) shall be kept at the premises.
2. When this licence is used to provide licensable activities and the licence summary is displayed on the premises, the licence summary of any other premises licence will not be displayed at the same time.
3. That at any time, the management / supervisory staff on duty at the premises, and any other staff involved in the provision of licensable activities at the premises, shall know which premises licence the premises are being operated under and shall be able to express this immediately to responsible authority officers on request.

Would your client be agreeable to the above conditions, and the last two conditions suggested in your email below, so that the final set of conditions would be as follows?

4. The Licensing Authority and Police are informed at least 14 days prior to the provision of licensable activities under this licence. A record of this (such as an email trail) shall be kept at the premises.
5. When this licence is used to provide licensable activities and the licence summary is displayed on the premises, the licence summary of any other premises licence will not be displayed at the same time.
6. That at any time, the management / supervisory staff on duty at the premises, and any other staff involved in the provision of licensable activities at the premises, shall know which premises licence the premises are being operated under and shall be able to express this immediately to responsible authority officers on request.
7. In an event that the current licence () is revoked through a review, the Premises Licence Holder of this Shadow Premises Licence, shall allow a cooling off period of 30 days before allowing Licensable Activities to be permitted by this Shadow Premises Licence.
8. In an event that the current licence () is revoked through a review, the management (DPS, Premises Licence Holder and Management Team), of that licence, will have no involvement directly or indirectly in running the venue, thereafter.

Please let me know your client's response.

Regards,

Wesley McArthur

Principal Enforcement Officer - Licensing Unit
London Borough of Southwark

E-mail: wesley.mcarthur@southwark.gov.uk

General: licensing@southwark.gov.uk

Phone: 020 7525 5779

Switchboard: 020 7525 5000

Website: www.southwark.gov.uk

Address: Licensing, Health & Safety, Hub 1, 3rd Floor, 160 Tooley Street, SE1 2QH

From: Marcus Lavell <[REDACTED]>

Sent: Monday, August 14, 2023 6:26 PM

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

Cc: Franklin, David <David.Franklin@SOUTHWARK.GOV.UK>

Subject: RE: Applications for shadow licences: Various addresses - Borough and Bankside ward

Dear Wesley

I hope this email finds you well.

Apologies for the slow reply, but I've been put behind in my correspondence due to annual leave.

Thank you for sending through the Licensing Authority's Representation. I am afraid it appears some "shadow licence" conditions were missed off from our schedules of proposed draft conditions.

The following are proposed by the Applicant (and I note, requested by the Licensing Authority):

1. The Licensing Authority and Police are informed at least 14 days prior to the provision of licensable activities under this licence.
2. When this licence is used to provide licensable activities and the licence summary is displayed on the premises, the licence summary of any other premises licence will not be displayed at the same time.
3. In an event that the current licence () is revoked through a review, the Premises Licence Holder of this Shadow Premises Licence, shall allow a cooling off period of 30 days before allowing Licensable Activities to be permitted by this Shadow Premises Licence.
4. In an event that the current licence () is revoked through a review, the management (DPS, Premises Licence Holder and Management Team), of that licence, will have no involvement directly or indirectly in running the venue, thereafter.

I hope that the above addresses the Licensing Authority's concerns. Should you have any queries on the above, or would like to discuss the shadow applications in general, please call me on 07921 361387 or email me at this address, at your convenience.

Kind regards

Marcus Lavell | Barrister

Recognised by Chambers and Partners and The Legal 500 2023 for Licensing

t: [REDACTED] | m: [REDACTED]

48 Chancery Lane, London WC2A 1JF, United Kingdom



KEYSTONE LAW



From: McArthur, Wesley <Wesley.McArthur@southwark.gov.uk>

Sent: Tuesday, August 8, 2023 10:21 PM

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

Cc: Franklin, David <David.Franklin@SOUTHWARK.GOV.UK>; amdhub

<[REDACTED]>

Subject: Applications for shadow licences: Various addresses - Borough and Bankside ward

Dear Licensing,

Please find attached a representation which relates to all of the following applications:

Applica tion ref' no.	Type of application	Ward	Name	Addr ess
880693	Premise Licence Application	BBW - Borough and Bankside	Mondo Beer and Pizza - Shadow Licence	Arch 232, Bank End, Lond on, SE1
880694	Premise Licence Application	BBW - Borough and Bankside	Unit 230 - Shadow Licence	Arch 230, Bank End, Lond on, SE1
880695	Premise Licence Application	BBW - Borough and Bankside	Cafe Francois - Shadow licence	14-16 Stone y Stree ,t Lond on, SE1
880696	Premise Licence Application	BBW - Borough and Bankside	UNIT 219 - Shadow Licence	Railw ay Arch 219- 221, 18

				Stone y Stree t, Lond on, SE1
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880699	Premise Licence Application	BBW - Borough and Bankside	Vinoteca - Shadow Licence	Arch 207, 18 Stone y Stree t, Lond on, SE1
880700	Premise Licence Application	BBW - Borough and Bankside	Unit 229 - Shadow licence	Arch 229, Bank End, Lond on, SE1
880701	Premise Licence Application	BBW - Borough and Bankside	UNIT 193 - Shadow Licence	4, Dirty Lane, Lond on, SE1
880702	Premise Licence Application	BBW - Borough and Bankside	Unit 192a - Shadow Licence	10 Park Stree t, Lond on, SE1

880703	Premise Licence Application	BBW - Borough and Bankside	UNIT 215 - Shadow licence	Arch 215, Stone y Street, Lond on, SE1
880704	Premise Licence Application	BBW - Borough and Bankside	Brother Marcus - Shadow Licence	1, Dirty Lane, Lond on, SE1
880705	Premise Licence Application	BBW - Borough and Bankside	UNIT 208 - Shadow licence	Arch 208, Stone y Street, Lond on, SE1
880707	Premise Licence Application	BBW - Borough and Bankside	Unit 205 - Shadow licence	Arch 205, 18 Stone y Street, Lond on, SE1
880708	Premise Licence Application	BBW - Borough and Bankside	Unit 192 - Shadow licence	2, Dirty Lane, Lond on, SE1

Regards,

Wesley McArthur

Principal Enforcement Officer - Licensing Unit
London Borough of Southwark

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Phone: 020 7525 5779

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