

Licensing Act 2003 Premises Licence



Regulatory Services
Licensing Unit
Hub 1, 3rd Floor
PO Box 64529
London. SE1P 5LX

Premises licence number

874308

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Unit 229 1 Bank End London SE1 9BU	
Ordnance survey map reference (if applicable), 532465180395	
Post town London	Post code SE1 9BU
Telephone number [REDACTED]	

Where the licence is time limited the dates

Licensable activities authorised by the licence
Films - Indoors Recorded Music - Indoors Late Night Refreshment - Indoors and outdoors Sale by retail of alcohol to be consumed on premises Sale by retail of alcohol to be consumed off premises

The opening hours of the premises	
For any non standard timings see Annex 2	
Monday	08:00 - 00:00
Tuesday	08:00 - 00:00
Wednesday	08:00 - 00:00
Thursday	08:00 - 00:00
Friday	08:00 - 00:00
Saturday	08:00 - 00:00
Sunday	10:00 - 23:00

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies

Sale by retail of alcohol to be consumed on premises

Sale by retail of alcohol to be consumed off premises

The times the licence authorises the carrying out of licensable activities

For any non standard timings see Annex 2 of the full premises licence

Films - Indoors

Monday	10:00 - 00:00
Tuesday	10:00 - 00:00
Wednesday	10:00 - 00:00
Thursday	10:00 - 00:00
Friday	10:00 - 00:00
Saturday	10:00 - 00:00
Sunday	10:00 - 23:00

Recorded Music - Indoors

Monday	10:00 - 00:00
Tuesday	10:00 - 00:00
Wednesday	10:00 - 00:00
Thursday	10:00 - 00:00
Friday	10:00 - 00:00
Saturday	10:00 - 00:00
Sunday	10:00 - 23:00

Late Night Refreshment - Indoors and outdoors

Monday	23:00 - 00:00
Tuesday	23:00 - 00:00
Wednesday	23:00 - 00:00
Thursday	23:00 - 00:00
Friday	23:00 - 00:00
Saturday	23:00 - 00:00

Sale by retail of alcohol to be consumed on premises

Monday	10:00 - 00:00
Tuesday	10:00 - 00:00
Wednesday	10:00 - 00:00
Thursday	10:00 - 00:00
Friday	10:00 - 00:00
Saturday	10:00 - 00:00
Sunday	10:00 - 23:00

Sale by retail of alcohol to be consumed off premises

Monday	10:00 - 00:00
Tuesday	10:00 - 00:00
Wednesday	10:00 - 00:00
Thursday	10:00 - 00:00
Friday	10:00 - 00:00
Saturday	10:00 - 00:00
Sunday	10:00 - 23:00

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Mark Bermondsey (Guernsey) Limited
30 Broadwick Street,
London,
W1F 8JB

Registered number of holder, for example company number, charity number (where applicable)

BR022032

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Renee Moran

[REDACTED]

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Licence No. TBC

Authority

The sale of alcohol is not permitted until a suitable DPS has been specified

Licence Issue date 24/06/2021

[REDACTED]

Head of Regulatory Services
Hub 1, 3rd Floor
PO Box 64529
London, SE1P 5LX
020 7525 5748
licensing@southwark.gov.uk

Annex 1 - Mandatory conditions

100 No supply of alcohol may be made under the Premises Licence -

- (a). At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or
- (b). At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.

101 Every supply of alcohol under the Premises Licence must be made, or authorised by, a person who holds a Personal Licence.

102 The admission of children to films given under this licence must be restricted in accordance with the recommendations of the British Board of Film Classification or of the licensing authority itself.

485 (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises –

(a) games or other activities which require or encourage, or are designed to require, encourage, individuals to -

- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional poster or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner; and

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

487 The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

488 (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either

- (a) a holographic mark; or
- (b) an ultraviolet feature.

489 The responsible person shall ensure that -

(a) Where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -

- (i) Beer or cider: 1/2 pint;
- (ii) Gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) Still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available,

491 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purpose of the condition set out in paragraph (1):

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula

$$P = D + (D \times V),$$

where-

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of

the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence –

(i) the holder of the premises licence:

(ii) the designated premises supervisor (if any) in respect of such a licence; or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(iv) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(v) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day")

as a result of a change to the rate of duty or value added tax;

(2) the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 - Conditions consistent with the operating Schedule

340 The supply of alcohol at the premises shall only be to a person taking a table meal there and for consumption by such a person as ancillary to their meal save for 20 persons in area hatched black on the Licence Plan.

341 A CCTV system shall be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV System must be capable of capturing a clear facial image of every person who enters the premises.

342 All CCTV footage to be kept for a period of 31 days and shall on request be made immediately available to officers of the police and the council.

343 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 on request of Police or council officer.

344 That all staff are trained in their responsibilities under the Licensing Act 2003 and training records to be kept and updated every 6 months and shall, upon request, be made immediately available to Officers of the Police and the Council.

345 The Licence Holder shall ensure that the details of all complaints are recorded in an occurrence book and such book shall be available for police inspection.

346 The Licence Holder shall ensure that the details of all complaints are recorded in an occurrence book.

347 No music or amplified sound shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance at the nearest noise sensitive premises.

348 Clearly legible notices shall be displayed at all exits from the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.

349 A dedicated telephone number for the Designated Premises Supervisor or the duty manager shall be maintained for use by any person who may wish to make a complaint.

350 The premises shall be adequately mechanically ventilated and comfort cooled to allow doors and windows to remain closed during licensed entertainment.

351 The Premises shall be operated in accordance with the Borough Yards Operational Management Plan. This shall include a Dispersal Policy. A copy of the Operational Management Plan, and all later revisions, shall be provided to the Police, Licensing Authority and Environmental Health Department. A hard-copy of the Operational Management Plan shall be kept at the Premises and made available for inspection on request of the Police or an Authorised Officer of the Council. Relevant staff shall be trained on the Dispersal Policy and a copy shall be kept on the premises.

352 All sales of alcohol for consumption off the premises shall be in sealed containers only save to persons who are seated at tables lawfully placed in the external area shaded pink on the plan, by waiter/waitress service.

353 Patrons shall not be permitted to use the external area (shaded pink on the plan) of the premises after 22:00hrs, apart for access & egress and for smoking in the designated smoking area.

354 There shall be no drinks permitted in the external area, shaded pink on the plan, after 22:00hrs.

355 Clearly legible signage will be prominently displayed at all patron exits, where it can easily be seen and read, requesting to the effect that patrons do not take drinks outside after 22:00.

356 Other than for consumption in the external area shaded pink on the plan, any off-sales of alcohol shall be provided in sealed containers and taken away from the premises.

357 Clear, legible signage shall be prominently displayed where it can be easily seen and read requesting that alcohol sold as off-sales should not be opened and consumed in the vicinity of the premises.

358 All online sales of alcohol are subject to a real time age verification check via an external third party.

359 Drivers (whether employed directly, as self-employed or via third parties) have to undertake training on age restricted policies to ensure that the following checks are conducted at the point of delivery when the person appears to be under the age of 25.

360 All online age verification checks should only be made by a company which is a member of the following organisation: <https://www.avpassociation.com>

361 The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.

362 A documented staff training programme shall be provided to key members of staff at the premises in respect of the:

- a. Age verification policy
- b. The licensing objectives and
- c. Opening times for the venue
- d. Safeguarding of children and other vulnerable persons

With such records being kept for a minimum of six months (For the avoidance of doubt, the six month period relates to each respective entry in the log book and runs from the date of that particular entry).

363 Before the premises open to the public, the final internal layout plans will be deposited with the Licensing Authority to ensure they are an accurate reflection of the premises constructed and a Variation or Minor Variation will be applied for by the Premises Licence Holder to detail same on this Licence.

364 The maximum number of customers to be allowed on the Premises at any one time, shall be 33.

4AA A challenge 25 scheme shall be maintained, requiring that staff selling alcohol request that any customer who looks under 25 years old, and who is attempting to purchase alcohol, provides valid photographic identification proving that the customer is at least 18 years old. (Valid photographic identification is composed of a driving licence, passport, UK armed services ID card and any Proof of Age Standards Scheme (PASS) accredited card such as the Proof of Age London (PAL) card.

4AB All staff involved in the sale of alcohol shall be trained in the prevention of sales of alcohol to underage persons, and the challenge 25 scheme in operation. A record of such training shall be kept / be accessible at the stall at all times and be made immediately available for inspection at the premises, to council or police officers on request. The training record shall include:

- a. the trainee's name (in block capitals),
- b. the trainer's name (in block capitals),
- c. the signature of the trainee,
- d. the signature of the trainer,
- e. the date(s) of training, and
- f. a declaration that the training has been received.

4AC Clearly legible signs shall be prominently displayed where they can easily be seen and read by customers stating to the effect that a challenge 25 policy is in operation at the premises, that customers may be asked to provide proof of age and stating what the acceptable forms of proof of age are. Such signage shall be displayed at all entrances, points of sale and in all areas where alcohol is displayed for sale. The signage shall be kept free from obstructions at all times.

4AI A register of refused sales of alcohol shall be maintained in order to demonstrate effective operation of the challenge 25 policy. The register shall be clearly and legibly marked on the front cover as a register of refused sales, with the address of the premises and with the name and address of the licence holder. The register shall be kept / be accessible at the premises at all times. The register shall be made immediately available for inspection at the premises to council or police officers on request.

Annex 3 - Conditions attached after a hearing by the licensing authority

840 That customers shall not be permitted to drink alcohol in Stoney Street, Clink Street, Bank End or Park Street or to remove open vessels of alcohol from the premises (save for designated external areas shaded pink on the overall plan where a unit has access to that area).

841 That there shall be no off-sales of alcohol save for

- (a) any alcohol to be delivered ancillary to a food order or
- (b) sealed bottles of wine or sparkling wine with a minimum price of £15 per bottle
- (c) alcohol to be consumed at tables in the designated external areas.

842 That external tables and chairs are to be rendered unusable by 22:30, until the start of trading hours the following day.

843 That there shall be no vertical drinking permitted in the designated external areas shaded pink or external smoking areas shaded yellow on the overall plan.

844 That customers and staff are not permitted to smoke outside a unit at anytime (save for in the designated external areas shaded pink or external smoking areas shaded yellow on the overall plan). (Amended plan attached with 2nd smoking area near Park Street entrance).

845 That no loudspeakers shall be positioned externally, or in a place/direction that causes a noise nuisance to residents.

846 That after 22:00 there shall be no collections for delivery of take- away food or drink.

847 That takeaway delivery drivers/riders shall be given clear, written instructions to use their vehicles in a responsible manner so as not to cause a nuisance to any residents or generally outside the licensed premises, not to obstruct the highway and not to raise their voices in a manner that disturbs residents.

848 That no customers shall be permitted to queue on the public highway.

849 That there be no live sports events shall be screened at the premises.

850 That the operational management plan includes: Borough Yards shall employ a taxi marshal or marshals in accordance with a written risk assessment.

851 That the operational management plan includes: There shall be a designated taxi drop off point at Soap Yard for customers of the units in Stoney Street and Park Street.

852 That the operational management plan includes: Borough Yards shall liaise with the residents' forum on appropriate taxi drop off and collection points.

853 That the operational management plan includes: Clink Yard shall be referred to as "Soap Yard" in publicly available documents (including websites). All references to Clink Yard in the licence conditions are to be read as referring to Soap Yard.

854 That the opening hours and licensable activities on Sundays are restricted to 10:00 to 23:00.

855 That no licensable activities shall take place at the premises until premises licences #866700 and #874328 have been surrendered and are incapable of resurrection.

856 That toilets within the premises must remain open until the last customer has left the premises.

857 That wherever possible, single use plastics (both receptacles and straws) should not be used, unless there is no alternative.

858 That the operational management plan includes: Quarterly meetings with residents and resident representatives shall be facilitated by the Borough Yards' Estate Managers unless and until all parties agree that they are not required or required to the same frequency.

859 That the operational management plan includes: Security shall assist in encouraging buskers creating a nuisance on the immediate periphery to move on.

860 That the operational management plans includes: Borough Yards must deploy sufficient SIA's and/or street marshals, in accordance with a risk assessment, to ensure that customers using the licensed premises do not create a nuisance to nearby residents.

Annex 4 - Plans - Attached

Licence No. 874308

Plan No. GIA UNIT 229 - Ground Floor
Plan
GIA UNIT 229 - Mezzanine
Floor Plan

Plan Date Date: 28.05.2019

NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 24 JUNE 2021

SECTION 17 LICENSING ACT 2003: UNIT 229, 1 BANK END, LONDON SE1 9BU

RESTAURANTS

1. Decision

That the application made by Mark Bermondsey (Guernsey) Limited for premises licence under Section 17 of the Licensing Act 2003 in respect of the premises known as Unit 229, 1 Bank End London SE1 9BU be granted:

- Films (indoors):
Monday to Saturday: 10:00 to 00:00
Sunday: 10:00 to 23:00
- Late night refreshment: Monday to Saturday: 23:00 to 00:00
- Recorded music (indoors): Monday to Saturday: 10:00 to 00:00
Sunday: 10:00 to 23:00
- Alcohol (on and off-sales): Monday to Saturday: 10:00 to 00:00
Sunday: 10:00 to 23:00
- Opening hours
Monday to Saturday: 08:00 to 00:00
Sunday: 10:00 to 23:00

2. Conditions

The operation of the premises under the licence shall be subject to relevant mandatory conditions, conditions derived from the operation schedule highlighted in Section M of the application form, the conditions agreed with the licensing authority and environmental protection team during conciliation and the following conditions agreed by the licensing sub-committee:

1. That customers shall not be permitted to drink alcohol in Stoney Street, Clink Street, Bank End or Park Street or to remove open vessels of alcohol from the premises (save for designated external areas shaded pink on the overall plan where a unit has access to that area).
2. That there shall be no off-sales of alcohol save for (a) any alcohol to be delivered ancillary to a food order or (b) sealed bottles of wine or sparkling wine with a minimum price of £15 per bottle (c) alcohol to be consumed at tables in the designated external areas.

3. That external tables and chairs are to be rendered unusable by 22:30, until the start of trading hours the following day.
4. That there shall be no vertical drinking permitted in the designated external areas shaded pink or external smoking areas shaded yellow on the overall plan.
5. That customers and staff are not permitted to smoke outside a unit at anytime (save for in the designated external areas shaded pink or external smoking areas shaded yellow on the overall plan). (*Amended plan attached with 2nd smoking area near Park Street entrance*)
6. That no loudspeakers shall be positioned externally, or in a place/direction that causes a noise nuisance to residents.
7. That after 22:00 there shall be no collections for delivery of take-away food or drink.
8. That takeaway delivery drivers/riders shall be given clear, written instructions to use their vehicles in a responsible manner so as not to cause a nuisance to any residents or generally outside the licensed premises, not to obstruct the highway and not to raise their voices in a manner that disturbs residents.
9. That no customers shall be permitted to queue on the public highway.
10. That there be no live sports events shall be screened at the premises.
11. That the operational management plan includes: Borough Yards shall employ a taxi marshal or marshals in accordance with a written risk assessment.
12. That the operational management plan includes: There shall be a designated taxi drop off point at Soap Yard for customers of the units in Stoney Street and Park Street.
13. That the operational management plan includes: Borough Yards shall liaise with the residents' forum on appropriate taxi drop off and collection points.
14. That the operational management plan includes: Clink Yard shall be referred to as "Soap Yard" in publicly available documents (including websites). All references to Clink Yard in the licence conditions are to be read as referring to Soap Yard.
15. That the opening hours and licensable activities on Sundays are restricted to 10:00 to 23:00.
16. That no licensable activities shall take place at the premises until premises licences #866700 and #874328 have been surrendered and are incapable of resurrection.

17. That toilets within the premises must remain open until the last customer has left the premises.
18. That wherever possible, single use plastics (both receptacles and straws) should not be used, unless there is no alternative.
19. That the operational management plan includes: Quarterly meetings with residents and resident representatives shall be facilitated by the Borough Yards' Estate Managers unless and until all parties agree that they are not required or required to the same frequency.
20. That the operational management plan includes: Security shall assist in encouraging buskers creating a nuisance on the immediate periphery to move on.
21. That the operational management plans includes: Borough Yards must deploy sufficient SIA's and/or street marshals, in accordance with a risk assessment, to ensure that customers using the licensed premises do not create a nuisance to nearby residents.

3. Reasons

This was an application made by Mark Bermondsey (Guernsey) Limited for a premises licences to be granted under the Licensing Act 2003 in respect of Unit 229, 1 Bank End, London SE1 9BU.

The licensing sub-committee heard from the applicant's legal representative who advised that they sought permission to carry on licensable activities at 14 units within a major multi-use regeneration project known as "Borough Yards". The scheme was to create a unique social, cultural and shopping hub that would be sustainably linked to business and enterprise workspaces. The development reflected an investment of approximately £300 million and would consist of 39 retail units, substantial work and office space, a gallery space, 11 restaurants, two bars, and one hybrid restaurant/bar. A licence had already been granted for the Everyman boutique cinema that formed part of the scheme.

The units had been constructed within reinvented spaces, opening up the railway arches close to Borough Market. Much of the footprint of the new development previously housed Vinopolis City of Wine, a large wine-themed vertical-drinking event space which closed in 2015. The applicant held the shadow premises licence for Vinopolis and would be surrendered should premises licences be granted; 14 small individual licences will replace the existing more extensive licence.

The applications were important for the applicant, important for the local residents and important for the area and had been under scrutiny for 5 to 6 years. The development would support approximately 1,100 jobs, a substantial number of which will be reserved for local people and will include apprenticeships and training opportunities as conditioned into the planning permission and accompanying section 106 agreement. 60% of the retail floor-space would be reserved for small independent enterprises. The developer would also contribute over £400,000 to the London Borough of Southwark's Community Infrastructure Levy, over £1 million to assist the implementation of the Crossrail scheme, and £100,000 to TfL towards the cycle docking station at Park Street

and Southwark Street. The development was set to achieve a BREEAM “excellent” sustainability.

The applicant’s legal representative advised that all of the applications had been amended and the operating hours had been substantially reduced in response to representations and was now in line with planning permission. A midnight closing hour was now proposed for all the licensed units. The applications each had a revised suite of conditions proposed for the different style of units in light of the representations made by the responsible authorities and other persons. Each of the 14 applications seek the same licensable activities: films (indoors only), late night refreshment, recorded music (indoors only), and the sale of alcohol (for on and off-consumption).

The restaurant applications each contained a full restaurant condition limiting the supply of alcohol to persons taking a table meal there which must be consumed ancillary to their meals. Each restaurant unit is permitted a small holding bar with a capacity of no more than 20 persons.

The internal footprint of the 14 licensed units would amount to 3,594m², compared to 6,367m² for Vinopolis. From 3,594m² of the 14 licensed units, 389.5m² would be for pure bar use and 211m² for the hybrid restaurant/bar unit. This was a 90% reduction of the pure bar use permitted under the Vinopolis licence and 83% of the internal floor space of all the new licensed units would be dedicated to food-led restaurant use.

In terms of capacity, the total capacity of all 14 units would be 1,574 persons, although it was unlikely all units would ever operate at maximum capacity at any one time. The capacity at its highest, for the 2 bar units and Unit 207 (hybrid unit) combined, would amount to just 359 persons or 23% of the total, whereas under the Vinopolis licence 1,250 vertical drinkers would be permitted.

Customers of certain units would have access to dedicated external areas where they can sit at tables. The idea would be to permit a civilised café experience for visitors to Borough Yards. No vertical drinking would be permitted in these areas these dedicated external areas must be cleared of customers by no later than 22:00 hours

All of the applications contain a smoking condition requiring any customer who wishes to smoke after 22:00 to use the designated external areas if the particular unit has access to such an area or, alternatively, to be directed to the designated smoking area in Soap Yard.

In addition to specific licence conditions, each unit would be required (by condition) to comply with the Borough Yards’ operational management plan and tenant’s handbook which deal with (but not limited to): transport strategy and travel management plan; service standards; crime prevention and security (including a 24 hour security presence); dispersal policy (including the positioning of security personnel to assist with the quiet and safe dispersal of customers); taxi collections; noise management strategy; cleaning and waste collection; CCTV (to assist with security and monitor footfall that will inform security provision risk assessments); cycling spaces; health and safety; banning notices for disruptive visitors and sustainability.

Each unit would be obliged to comply with a tenant’s handbook setting out their duties (designed to promote the licensing objectives) and avoid disturbance to residents and local workers.

The applications had been subject to extensive engagement with the responsible authorities and their advice and suggestions was reflected in the 14 amended applications. All of the responsible authorities conciliated, being satisfied that the applications would not adversely impact on cumulative impact and would promote the licensing objectives.

The applicant had commissioned three independent expert reports: a former Metropolitan Police Borough Commander, and Assistant Director for Safer Communities for a London Borough and considered the likely impact of the grant of these licence applications on the licensing objectives generally, and the crime and disorder objective in particular. The experts concluded that, given the amended operating hours, amended conditions proposed, and the further measures within the operational management plan, the grant of these licence applications is unlikely to undermine the licensing objectives or add to cumulative impact in Borough and Bankside.

The licensing sub-committee then heard from the ward councillor, Councillor Morris and other persons 34 and 13. Other person 34 (a local resident) was representing the other local residents who had objected to the applications.

The sub-committee was informed that the Borough Yard development was fully embedded in a residential community of 932 people including many young children, the vulnerable and the elderly. Figures from the 2018/19 cumulative impact area (CIA) alcohol licensing review showed the Borough and Bankside CIA had the highest rowdy behaviour and street drinking calls of anti-social behavior. It had 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.

More recently, the police issued a dispersal order from Tower Bridge to Waterloo for the whole weekend of 1 May 2021 after a racially aggravated grievous bodily harm incident and public order offences and after numerous alcohol-triggered incidents of anti-social behavior. On 8 May 2021 all licensed premises in Borough Market and surrounding streets were "recommended" to cease off-sales until 17 May 2021.

Residents were regularly subjected to intoxicated visitors shouting, swearing, screaming and chanting under their windows. These visitors regularly fight outside residents homes, smash bottles and damage property. The applicant wanted to operate 14 bars and restaurants seven days a week until midnight. The units had mezzanines to increase covers and appeared a more intensive operation than Vinopolis ever was.

It was noted that some units have tall French double doors/ bi-fold doors that would be wide open to the narrow residential streets. The canyon-like topography of the small and narrow streets efficiently transmits noise, music, laughter and smoke up to residents' homes. Standing drinkers would perceive no difference between inside and outside-and behave accordingly. The applications had no provision for noise break-out of human voice. Entrance lobbies were conditioned in the Vinopolis licence, but the Applicant refused to conciliate on this point.

The applicant also sought outdoor drinking licences at all its premises, including those in Stoney Street where the units open straight out onto narrow streets under residents'

windows. The objectors asked that premises with no outdoor space to have outdoor drinking conditioned out of their licenses.

The residents were of the view that there was no way for drinkers, diners or taxis to reach or leave Borough Yards Development except under the windows of the 932 residents. Objectors sought a condition that from 22:00 all departing patrons be directed away from homes to exit through Dirty Lane and Soap Yard. The applicant offered to close four gates at that time. Whilst this was welcomed, it still meant 1574 patrons could be exiting directly from 13 other on street units under residents' homes late at night.

It was advised that around the Borough Yards development, there was no free legal parking places and very few paying ones and all the narrow streets feed out onto a Red Route. It was the view of the other persons that this had not been sufficiently addressed by the applicant.

Due to the known problems with football fans, the other persons also sought a condition prohibiting the screening of sports events.

Additionally, as daytime drinking was a problem in the area, the applicant was also asked not to include off-sales as the damage and distress that daytime drinking was demonstrably causing to the local.

The other persons also requested that SIA security staff on each residential street during both day and night time operation. This would also assist queues colonising on the public realm of footpaths, forcing pedestrians into the road.

The licensing sub-committee noted the representations of 39 other persons, 11 of whom were present at the meeting.

The licensing sub-committee was informed that one other person had withdrawn their representation.

When considering all of the applications, the licensing sub-committee noted the importance of the responsible authorities conciliating. The police did not submit an objection, meaning that they were satisfied that the crime and disorder licensing objective would be promoted by the applicant. The environmental protection team conciliated their objection, satisfied that the grant of these applications would not undermine the public nuisance objective. licensing as a responsible authority was also satisfied that the grant of the applications would not undermine any of the licensing objectives and will not add to the existing cumulative impact in the Borough and Bankside cumulative impact area.

The sub-committee noted that the Borough Yards development had been scrutinised over a number of years and with the additional conditions offered by the applicant during the course of the hearing now strikes the correct balance between the interests of the applicant and those of the wider community, with robust conditions to mitigate the impact of the licensed premises. By replacing the late night alcohol led venue under the Vinopolis licence with a heavily food led family and community friendly scheme the potential cumulative impact is diminished, not added to, and the licensing objectives are promoted.

In view of the further extensive measures proposed by the applicant during the course of the meeting, the licensing sub-committee was satisfied that the licences would be unlikely to add to cumulative impact. The benefits of the Borough Yards development outweighs the outstanding concerns and an exception to Southwark's licensing policy is justified.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives and considered that this decision was appropriate and proportionate.

4. Appeal rights

The applicant may appeal against any decision:

- a) To impose conditions on the licence
- b) To exclude a licensable activity or refuse to specify a person as premises supervisor.

Any person who made relevant representations in relation to the application who desires to contend:

- a) That the licence ought not to have been granted; or
- b) That, on granting the licence, the licensing authority ought not to have imposed different or additional conditions to the licence, or ought to have modified them in a different way

may appeal against the decision.

Any appeal must be made to the Magistrates' Court for the area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the Magistrates' Court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

Issued by the Constitutional Team on behalf of the Director of Law and Governance.

Date: 24 June 2021