

Appendix D

From: Prickett, Mark <Mark.Prickett@southwark.gov.uk>
Sent: Tuesday, February 20, 2024 1:27 PM
To: Reba Danson | The Licensing Guys <Reba@thelicensingguys.com>; Mannix, Joseph <Joseph.Mannix@southwark.gov.uk>
Subject: RE: EPT rep - premises licence consultation 163 Camberwell New Road

Dear Reba,

Please be advised that the Environmental Protection Team (EPT) have now reviewed the further information sent over and the additional conditions proposed.

In short EPT still have concerns regarding the application proposals and maintain the objection. It is expected this application will go to a Licensing sub-committee.

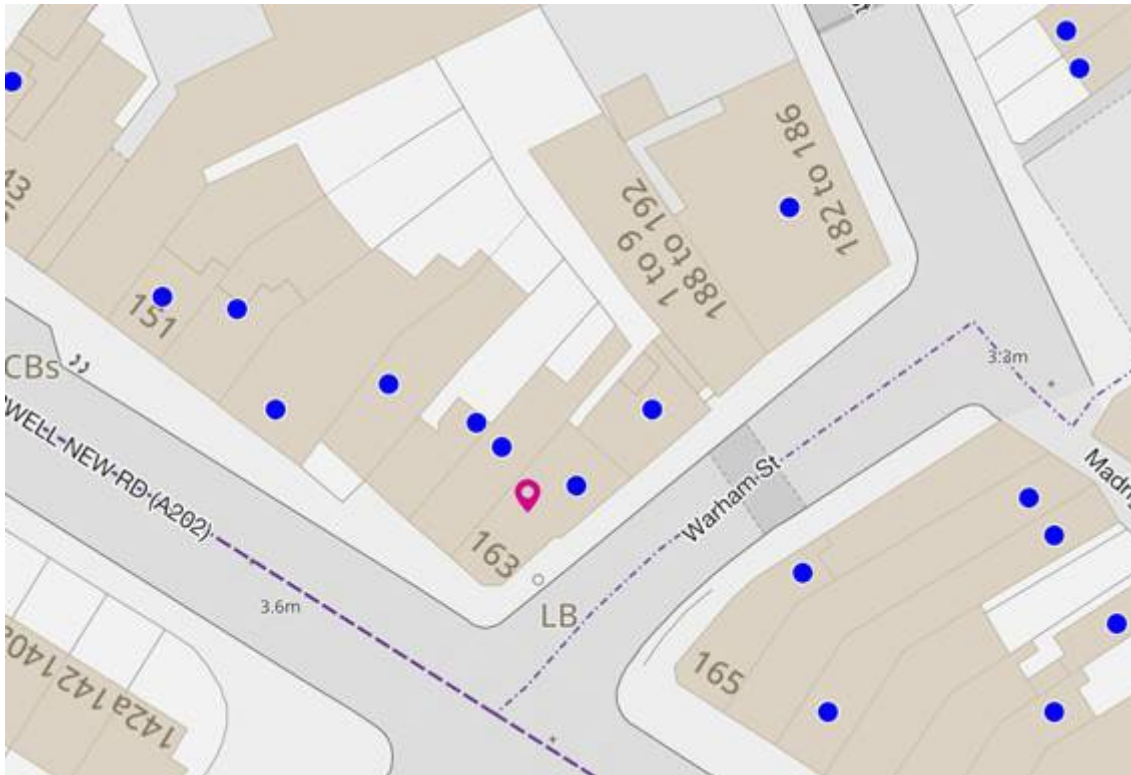
Complaint history

A search of noise complaints from the last 5 years (from 1st Jan 2019) at the premises is as follows:

995147	163 Camberwell New Road	06/03/2023	"On 5/3/2023 from 22:00-23:30 there was heavy drilling into an adjoining wall. Then the morning of 5/3/23- heavy drilling started again at 7 AM"
A07158	163 Camberwell New Road	13/09/2023	"Ongoing drilling into joining wall and hammering before 8 am."
A13479	163 Camberwell New Road	07/01/2024	"loud construction noise and power tools."
A15090	163 Camberwell New Road	06/02/2024	"noise from machinery from 163 earlier today"

The last complaint appears to be the most relevant in terms of referring to plant noise, however this was not investigated any further after a noise officer left a voicemail for the complainant and no further action is recorded under the complaint.

For reference, the map below shows the application site with the red pin. The closest residential neighbours are with blue dots. The site the rear labelled '1 to 9, 188 to 192' Warham Street is also residential. This is to confirm that there are existing residential neighbours above and adjoining the application site.



Takeaway premises in locality

For information there are 2 takeaway premises licences in close proximity to the application site. Opening hours have been taken from Google as Southwark's Licensing register is currently down.

- Royal Kebab Fish & Chips, 171 Camberwell New Road – open to 23:00 Sun to Thurs, 23:30 Fri & Sat.
- Pappadom, 219 Camberwell New Road – open to midnight Sun to Thurs, 00:30 Fri & Sat.

Planning matters

You have stated *“the Licensing Act 2003 Section 182 Guidance precludes any/all planning matters from being considered by a Licensing Authority in relation to a premises licence application”*. EPT disagree with your interpretation of the s182 guidance sections 14.65 – 14.67.

Please also see sections 100-104 (page 28) of Southwark's Statement of Licensing Policy 2021-2026 which explains Southwark's stance. For instance *“it is strongly recommended that applications for premises licences for permanent commercial premises should normally be from businesses with relevant planning consent for the property concerned. This applies equally to applications seeking a licence intended to facilitate a change of use / type of operation. Where this is not the case, the Council may expect the Applicant to address the reasons why planning permission had not been firstly sought and / or granted and provide reasons as to why licensing consent should be.”*

Further conditions

The additional conditions to address the prevention of public nuisance licensing objective are noted. There are conditions relating to the kitchen extraction system, which confirms that this is a public nuisance issue that needs addressing. It is however EPT's view that there has been no information provided up front to provide any assurance that these conditions can be complied with. Concerns remain over public nuisance from cooking odours as a result of proposed 24hr cooking at the premises.

EPT summary

It is reminded that the licensing objective is the prevention of public nuisance. The proposed intensification of the operations at the premises 24 hours a day, 7 days a week raises strong concerns over public nuisance and as such EPT raise objection with reference to the prevention of public nuisance licensing objective.

The hours of operation applied for far exceed the suggested hours for a take-away premises within table 2 of Southwark's Statement of Licensing Policy 2021-26. EPT would classify the application site as a 'small shopping parade', conscious that there is a lot of residential neighbours in very close proximity. As such opening hours should be to 23:00 Sunday to Thursdays and to 00:00 (midnight) on Fridays and Saturdays. Furthermore other takeaway businesses in the locality operate to hours considered more in line with Southwark's Licensing Policy.

The proposals conflict with several existing planning restrictions at the site, as detailed in EPT's original representation.

There is still no specific mention to noise from the use of delivery vehicles and associated engine noise. This issue will likely cause public nuisance to residents if operating to the hours sought in this application.

There are also concerns with regards to possible noise and odour nuisance from the external kitchen extraction system operating throughout the night in close proximity to many bedroom windows. This has not been adequately addressed.

EPT therefore raise objection to this application over concerns of the likelihood of public nuisance being caused to numerous residential neighbours if this application was granted.

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>

Appendix D

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/>

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

From: Reba Danson | The Licensing Guys <Reba@thelicensingguys.com>
Sent: Wednesday, February 14, 2024 3:03 PM
To: Prickett, Mark <Mark.Prickett@southwark.gov.uk>
Cc: Mannix, Joseph <Joseph.Mannix@southwark.gov.uk>
Subject: EPT rep - premises licence consultation 163 Camberwell New Road
Importance: High

Good afternoon Mark,

I hope this email finds you well.

I write further to my email and FOI request, submitted on 8 February 2024, with an update as there have been some significant and important developments in relation to this application.

Enhanced Operating Schedule

Negotiations between the Licensing Authority and the applicant have led to the addition of the conditions below being added to the licence operating schedule. As a consequence, the Representation from the Licensing Authority has now been withdrawn.

Clearly, the purpose of many of the requested conditions is to minimise the likelihood of disturbance, therefore I would like to ask you to please consider the agreed conditions – which are in addition to those volunteered in the original application – and, in light of their addition, review your objection to the grant of the licence.

As mentioned previously, the Licensing Act 2003 Section 182 Guidance precludes any/all planning matters from being considered by a Licensing Authority in relation to a premises licence application; however, I can confirm that the premises owner will address the matter of planning permission and seek the necessary authorisation in respect of all planning issues, independently of this application.

Therefore, in relation to your other concerns, I would be grateful if you could please consider the agreed conditions, below and confirm what, if any, further measures you would be seeking to ensure the licensing objectives are not undermined by the grant of this licence.

As demonstrated by this development, the applicant is open to modifying the licence to ensure the business operates to a high standard of compliance and consideration.

A. General – all four licensing objectives:

A digital CCTV system shall be installed at the premises, shall be maintained in full working order and shall be continually recording at all times that the premises are in use. The CCTV system must be capable of capturing a clear facial image of every person who enters the premises. The CCTV system shall be correctly time and date stamped at all times. The CCTV system shall cover all interior and exterior areas of the premises, including the frontage of the premises, and shall collect clearly defined / focused footage.

Appendix D

All CCTV footage shall be kept for a period of thirty one (31) days and shall be made immediately available to responsible authority officers on request.

A member of staff shall be on duty at all times that the premises are in use, who is trained in the use of the CCTV system and who is able to view, and download to a removable storage device, CCTV footage at the immediate request of responsible authority officers.

An incident log shall be kept at the premises to record details of any of the following occurrences at the premises:

- I. Instances of anti-social or disorderly behaviour
- II. Calls to the police or other emergency services
- III. Any complaints received
- IV. Ejections of people from the premises
- V. Visits to the premises by the local authority or emergency services
- VI. Any malfunction in respect of the CCTV system
- VII. All crimes reported by customers, or observed by staff
- VIII. Any other relevant incidents

The incident log shall record the time, date, location in the premises and description of each incident, details of any action taken in respect of the incident and the printed name of the person reporting the incident and. The incident log shall be available / be accessible at the premises at all times that the premises are in use, and shall be made immediately available to responsible authority officers on request. Details of incidents shall be recorded contemporaneously. If the incident log is a paper hardcopy then the signature of the person reporting the incident in the log shall also be included. All relevant staff employed at the premises shall be trained in the use of the incident log. Details of such training, including the printed name(s) of the trainee(s) and the date(s) that the training was given, shall be recorded in the staff training logs at the premises.

After 02:00 hours customers will not be permitted on the premises and customer pick-up of deliveries at the premises shall cease.

Alcohol shall only be provided to customers at the premises as part of an order including the collection of food. Purchases / collections solely of alcohol from the premises shall not be permitted at any time.

All relevant staff shall be trained in their responsibilities under the Licensing Act 2003, the promotion of the licensing objectives and the terms and conditions of this licence.

Records pertaining to such training ('the staff training logs') shall be kept at the premises, shall be updated every 6 months and shall be made immediately available to responsible authority officers on request.

The training logs shall include the trainee's name (in block capitals), the trainer's name (in block capitals) and the date(s) of training and a declaration that the training has been received and understood by the trainee. If the staff training logs are a paper hardcopy then the signature of the trainee, the signature of the trainer shall be included.

D. The prevention of public nuisance

Any kitchen extract and / or ventilation systems (user accessible parts) will be cleaned regularly by staff (at a minimum of once a week) to ensure that the operation of the premises does not give rise to odour, fume or smoke nuisance. Details of such cleaning shall be kept in a log that shall be made immediately available to responsible authority officers on request.

Appendix D

Any kitchen extract and / or ventilation systems be inspected at least once annually by a person qualified to do so to ensure that they are in full working order.

Details of any such inspections shall be kept at the premises and be made immediately available for inspection on the request of responsible authority officers.

Any maintenance works to the kitchen extract and / or ventilation identified as required, subsequent to such inspections, shall be undertaken as soon as practicably possible.

External waste handling, collections of goods from the premises, deliveries of goods to the premises and the cleaning of external areas shall only occur between 07:00 hours and 20:00 hours.

Delivery drivers will be instructed to turn their engines off when collecting orders for delivery from the premises.

Clearly legible signage shall be prominently displayed both inside and outside the premises where it can easily be seen and read by delivery drivers advising to the effect that:

(a) all vehicle engines are turned off,

(b) that all delivery drivers behave in a quiet and orderly manner with respect to local residents,

(c) that delivery drivers do not use vehicle horns to attract the attention of workers at the premises or otherwise use their vehicle horns unnecessarily when approaching or leaving the premises, and

(d) that delivery drivers do not engage in unnecessary revving of engines on approaching or leaving the premises and locale.

Staff shall be trained in minimising noise nuisance that may arise due to the operation of the premises. The training shall include all the steps that staff are expected to take to minimise the operation of the premises from causing noise nuisance especially after 23:00 hours.

The details of such training, including the printed name(s) of the trainee(s) and the date(s) that the training was given, shall be recorded in the staff training logs at the premises.

Clearly legible signage stating a dedicated contact telephone number for the premises shall be prominently displayed where it can easily be seen read by passers-by on the entrance to the premises. The signage shall state to the effect that the phone number shown can be used to contact the premises in respect of any complaints regarding the operation of the premises. Such signage shall be kept free from obstructions at all times.

All relevant staff shall be instructed to arrive at, leave, and conduct themselves at the premises in a quiet and orderly manner at all times with particular care taken when late at night or in the early hours of the morning. The details of such training/instruction, including the printed name(s) of the trainee(s) and the date(s) that the training was given, shall be recorded in the staff training logs at the premises.

Member of public will not be permitted onto the premises at any time.

E. The protection of children from harm

Whether employed directly or via third party delivery companies, drivers must complete training regarding the prevention of the delivery of age restricted products to underage persons.

Appendix D

Such training shall include (but not necessarily be limited to) the requirement that staff delivering alcohol request that any customer who looks under 18 years old, and who is attempting to take receipt of alcohol, provides valid photographic identification proving that the customer is at least 18 years old. Valid photographic identification is composed of a photo driving licence, passport, UK armed services photo ID card, any Proof of Age Standards Scheme (PASS) accredited card (such as the Proof of Age London (PAL) card) or any age verification card accredited by the Secretary of State.

Where delivery drivers are employed directly by the premises then records pertaining to the prevention of the delivery of age restricted products to underage persons shall be kept / be accessible at the premises at all times and be made immediately available for inspection at the premises to council and / or police officers on request. The details of such training, including the printed name(s) of the trainee(s) and the date(s) that the training was given, shall be recorded in the staff training logs at the premises.

If deliveries are made by a third party company, then that company must have a policy regarding the prevention of the delivery of age restricted products to underage persons and all deliveries must be made in accordance with the policy. A copy of the company's policy regarding the prevention of the delivery of age restricted products to underage persons, and the delivery contract agreement, will be kept / be available at the premises with the premises license, and shall be made immediately available to responsible officers on request.

Details of the age verification policy, and delivery policy regarding age restricted products, shall be made available on any web-site, or other media used, regarding deliveries of age restricted products.

Thank you and I look forward to hearing from you.

Kind regards



Reba Danson
Mobile 07400 014677
reba@thelicensingguys.com



Disclaimer

This message (including any attachments) is confidential and may be legally privileged. If you are not the intended recipient, you should not disclose, copy or use any part of it for any purpose - please delete all copies immediately and notify the sender. Any views or opinions expressed do not necessarily represent those of the Company.

Please consider the environment before printing