



The Licensing Unit  
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**Metropolitan Police Service**  
**Licensing Office**  
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Tel: 020 7232 6756

Email: SouthwarkLicensing@met.police.uk

Ref ;176/24

**Date: 05/03/2024**

**Re: The Empire Lounge Unit 1-2 777Old kent SE15 1NZ**

Dear Sir/Madam,

Police are in possession of an application from the above for a New Premises licence for the above venue for recorded music, Late Night Refreshment, supply alcohol on/off sales. The venue is described by the applicant as a licensed restaurant and the hours requested are outside those recommended in the Southwark Statement of licensing policy for such a venue. The hours of operation requested are as follows

Open to the Public

Sun-Thurs-1100hrs-0030hrs

Fri-Sat-1100hrs-0230hrs

Recorded Music

Sun-Thurs-1100hrs-0000hrs

Fri-Sat-1100hrs-0200hrs

Late Night Refreshment

Sun-Thurs-2300hrs-0000hrs

Fri-Sat-2300hrs-0200hrs

Supply of Alcohol on/off

Sun-Thurs-1100hrs-0000hrs

Fri-Sat-1100hrs-0200hrs

The venue is situated in a residential area and the hours requested far exceed those recommended for restaurants in such an area and nightclubs are not considered appropriate.

The application does provide a number of control measures to address the licensing objectives and Police welcome these however in view of such late hours we would expect to see more robust conditions to address the licensing objectives in particular that of prevention of crime and disorder. In view of this we would ask the applicant to consider the following conditions and wording

1. That 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 in all lighting conditions. 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. That all CCTV footage shall be kept for a period of thirty one (31) days and shall be made immediately available to Police and responsible authority officers on request.

2. That 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 Police and responsible authority officers.

3. That clearly legible signage shall be prominently displayed where it can easily be seen and read by customers advising to the effect that CCTV is in operation at the premises. The signage shall be kept free from obstructions at all times.

4. That 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), 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. That all Digital records of training and/or logs shall be made immediately available to Police and responsible authority officers on request.

5. Clearly legible signs shall be prominently displayed where they can easily be seen and read by customers at all exits from the premises, requesting that  
(A) Customers leave the premises and area in a quiet and orderly manner.  
(B) Entry will not be permitted to patrons who use Sylvan Road to either park, drop off or collect by private or hackney carriage vehicles.  
(C) Customers do not consume alcoholic drinks bought at the premises in the vicinity of the premises. Such signs shall be maintained free from obstruction when the premises are in use in accordance with this licence.

6. Relevant members of staff shall receive first aid training and an appropriate number of persons trained in first aid shall be on the premises at all times the premises are in Operation.

7. On each day of the week members of staff shall clear away any litter arising from the operation of the premises, left in the immediate vicinity of the premises, when the

premises closes.

8. The sound level of music played at the premises shall be monitored regularly to prevent music played at the premises from causing noise nuisance.

9. The sound level of music played at the premises shall be controlled at all times solely by the manager, DPS, or other person nominated by the manager or DPS.

10. All exterior doors at the premises shall be kept closed during the provision of any regulated entertainment except for immediate/emergency access and egress to and from the premises.

11. All windows at the premises shall be kept closed during the provision of any regulated entertainment.

12. When taxis are ordered for customers for the collection of customers from the premises staff members shall instruct the taxi service to instruct the taxi services drivers not to sound the driver's car horns outside the premises, but to approach the premises in person and verbally (without raised voices) alert staff that the drivers are at the premises to collect customers.

13. The details of local taxi firms will be displayed and kept at the premises and provided to customers on request.

14. That a minimum of two (2) SIA registered door supervisors will be employed at the premises at all times after 22:00 hours on Friday, Saturday . They will be employed to control entry to the premises, to deal with the searching / scanning of customers, to deal with any anti-social or disorderly behaviour at the premises, to de-escalate confrontations, to assist with emergency escape from the premises, to deal with the ejection of people from the premises, to assist management in liaising with the police regarding instances of crime and to assist with ensuring that the premises' dispersal policy is adhered to. When deployed, they shall remain at the premises until all patrons have vacated the premises and until at least 30 minutes after the premises close. The door supervisors shall be easily identifiable by hi-visibility garment.

15. That a minimum of one (1) SIA registered door supervisor will be employed at the premises at all times after 22:00 hours on a Sunday to Thursday when the terminal hours are beyond midnight. They will be employed to control entry to the premises, to deal with the searching / scanning of customers, to deal with any anti-social or disorderly behaviour at the premises, to de-escalate confrontations, to assist with emergency escape from the premises, to deal with the ejection of people from the premises, to assist management in liaising with the police regarding instances of crime and to assist with ensuring that the premises' dispersal policy is adhered to. When deployed, they shall remain at the premises until all patrons have vacated the premises and its immediate vicinity. The door supervisors shall be easily identifiable by hi-visibility garment.

16. The security personnel shall be equipped with mechanical counting devices to ensure that the maximum accommodation limit of the premises is not exceeded.

17. That a minimum of 1 SIA registered door supervisor shall wear a body worn video camera and all footage is to be made available to police or responsible authority officers upon request.

18. Any individual carrying out security activities at the premises must be;

- a. authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
- b. entitled to carry out that activity by virtue of section 4 of that Act.

19. The SIA registered door supervisors shall at the time of the venue closing, encourage the patrols to disperse from the local area of the venue quietly and prevent any anti-social behaviour.

20. That an entry policy will be devised and maintained at the premises. A copy of the entry policy shall be kept at the premises with the premises licence and shall be made immediately available for inspection to all responsible authority officers on request. That all Digital records of training and/or logs shall be made immediately available to responsible authority officers on request. The entry policy shall cover (but not necessarily be limited to):

- I. Safe customer entry to the premises,
- II. If / when applicable searching / scanning of attendees,
- III. The barring of customer entry to the premises for any reason,
- IV. Restricted items (e.g. weapons / drugs or any other items restricted by the licensee),
- V. Pre-opening safety checks of the premises,
- VI. Dealing with overcrowding and / or crowd surges
- VII. Dealing with suspect packages.

21. An incident book/incident recording system 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 or Violence
- (ii) Calls to the police or fire brigade
- (iii) Abuse of staff and/or customers
- (iv) Ejections of people from the premises
- (v) Visits to the premises by the local authority, police or fire brigade
- (vi) Refused sales of alcohol
- (vii) Any malfunction in respect of the CCTV system
- (viii) Any other relevant incidents

The incident book/incident recording system shall record the time, date, location, and description of each incident as well as the printed name of the person reporting the incident and any action taken in respect of the incident. The incident book/incident recording system shall be available and accessible at the premises at all times that the premises are in use in accordance with this licence and shall be made available immediately to Police and responsible authority officers upon request. A record of the preceding 12 months' incidents shall be available at the premises at any time. That all Digital records of training and/or logs shall be made immediately available to Police and responsible authority officers on request.

22. That if a Pubwatch scheme exists in respect of the local area, then the licensee / management will join and participate in the Pubwatch scheme. (details can be obtained from Southwark Police Licensing and Night Time Economy team)

22. Premises must have a welfare and vulnerability policy and all staff must receive this training. All new staff must receive this training before starting their role and all staff must have refresher training every 12 months. All training must be recorded and these records must be available on immediate request by responsible authority officers. That all Digital records of training and/or logs shall be made immediately available to Police and responsible authority officers on request.

23. The venue shall support "Ask for Angela" or another similar safety initiative and posters shall be displayed on the premises. All staff shall be trained in "Ask Angela" or a similar safety initiative and a record of this training shall be kept on the premises and made available for inspection immediately to responsible authority officers upon request. That all Digital records of training and/or logs shall be made immediately available to Police and responsible authority officers on request.

24. That customers shall use no outside area other than those who temporarily leave the premises to smoke with no more than eight(8) people permitted to smoke at one any time. The area should be clearly marked by rope/post barrier system so as not obstruct the highway. The Staff and/or SIA registered door supervisors shall instruct customers to stay within the designated area and the area will be controlled by Staff and/or SIA registered door supervisors to prevent any disturbance to their neighbours.

25. A zero-tolerance drugs and weapons policy shall be undertaken at the premises.

- (a) Anybody found with / using drugs and / or weapons will be ejected from the premises and shall not be admitted to the premises again.
- (b) The details of any person found dealing drugs or using weapons will be taken (if possible) and given to the police.
- (c) Any person who is suspected of having drugs on their person will be asked to consent to a search, and should they refuse the search that person shall be ejected from the premises.

26. That clearly legible signage shall be prominently displayed where it can easily be seen and read by customers in the toilets advising to the effect that the taking of illegal drugs will not be tolerated at the premises.

27. That staff shall regularly monitor the premises' toilets to ensure that they are in a clean and sanitary condition, that no prohibited and / or illegal activities are taking place in the toilets and to check customer safety.

28. That a challenge 25 scheme shall be maintained requiring that staff selling or delivering alcohol request that any customer who looks under 25 years old, and who is attempting to purchase or 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.

29. That all staff involved in the sale of alcohol shall be trained in the prevention of sales of alcohol to underage persons (including the prevention of 'proxy sales') and the challenge 25 scheme in operation at the premises. 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 and be made immediately available for inspection at the premises to council and / or police officers on request.

29. That 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.

30. That 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 used to record details of all refused sales of alcohol. The register shall be kept / be accessible at the premises at all times. If the refusals register is a paper document then it shall be clearly and legibly marked on the front cover as a register of refused alcohol sales, with the address of the premises and the name of the licence holder. The register shall be made immediately available for inspection at the premises to council or police officers on request.

31. 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.

32. That all alcohol supplied for consumption after 01:00hrs shall be decanted into either polycarbonate, recyclable plastic, or recyclable paper-based material.

33. Alcohol shall not be sold or supplied for consumption on the premises otherwise than to persons taking substantial table meals and for consumption by such persons as ancillary to their meal.

34. That a dispersal policy to assist with patrons leaving the premises in an orderly and safe manner shall be devised and maintained regarding the premises. A copy of the dispersal policy shall be accessible at the premises at all times that the premises are in operation. The policy should include (but not necessarily be limited to) the following:

- i. Details as to how customer / staff egress at the premises shall be managed to minimise causing nuisance.
- ii. Details of public transport in the vicinity and how customers will be advised in respect of it.
- iii. Details of the management of taxis to and from the premises.
- iv. Details of the management of any 'winding down' period at the premises.
- v. Details of the use of security and stewarding in respect of managing customer dispersal from the premises.
- vi. Details of any cloakroom facility at the premises and how it is managed.
- vii. Details of road safety in respect of customers leaving the premises.

- viii. Details of the management of ejections from the premises.
- VIII. Details as to how any physical altercations at the premises are to be managed
- IX. Details of how refuse / waste in the local vicinity arising through the operation of the premises will be cleared up (e.g. flyer clean up, post event clean up).

All relevant staff employed at the premises shall be trained in the latest version of the dispersal policy. 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 the dispersal policy is a paper document then the signature of the trainees shall also be included. The dispersal policy shall be made immediately available to responsible authority officers on request. That all Digital records of training and/or logs shall be made immediately available to responsible authority officers on request.

35. There shall be no entry or re-entry permitted after 00:00 on Sunday to Thursday and 01:00 on Friday and Saturday save for those temporarily leaving the premises to smoke.

36. There shall be no sales of alcohol or food for consumption off the premises after 23:00 Sunday to Thursday or after 00:00 on Friday and Saturday.

37. There will be no externally promoted events, including DJ's.

38. Any 'off sales' of alcohol shall be provided in sealed containers to be taken away from the premises.

The Police object to this application as the control measures offered are not sufficiently robust for such late opening hours in a residential area. It is highly likely that if granted in its current format this will have a negative effect on local residents ,by means of an increase in anti-social behaviour in particular at closing when they leave to collect their cars and transport which are parked in residential streets. Police believe that if the license is granted in its current form it would have a negative impact on all of the licensing objectives in particular that of the Prevention of crime and disorder.

Submitted for your consideration.

Yours Sincerely

PC Mark Lynch 2246AS

Licensing Officer  
Southwark Police Licensing  
SouthwarkLicensing@met.police.uk

**From:** Earis, Richard <[Richard.Earis@southwark.gov.uk](mailto:Richard.Earis@southwark.gov.uk)>

**Sent:** Wednesday, March 27, 2024 11:53 AM

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

**Subject:** RE: Consultation, new premises licence application - "Unit 1 And 2", 777 Old Kent Road

**RE: Consultation, new premises licence application - "Unit 1 And 2", 777 Old Kent Road**

I have considered the application on behalf of the Environmental Protection Team (Prevention of Public Nuisance Responsible Authority). EPT object to the application.

The proposed hours of operation fall outside of the recommended hours for this location in the Council's Statement of Licensing Policy. This recommends that drinking establishments in this area should close at 23:00 daily.

Furthermore the premises has been the source of significant levels of complaint relating to its existing operations. Complaints relate primarily to loud amplified music from the premises but also mention impacts of dispersal. Complaints have come from a variety of occupiers in close proximity, both within the residential element of the mixed use building itself, and from residents on the adjacent road, Sylvan Grove.

A S.80 notice was served on the premises after a Statutory Nuisance was witnessed by a Noise Officer from loud bass and amplified music on 12<sup>th</sup> November 2022. The notice was appealed by the premises operator however the appeal was dismissed. I understand leave to appeal the dismissed appeal was also refused and this decision itself is now subject to legal argument. The S.80 notice is currently considered current valid, live and enforceable.

Another Statutory Nuisance was witnessed the week before on 6<sup>th</sup> November 2022 however the operator was asked to turn down music at the time and a warning letter was sent without a notice being served in this instance.

Case records indicate other allegations of non-compliance with the existing License. For example our records show on 6<sup>th</sup> November 2022 Mr Nwachukwu advised the Noise Officer that speakers causing nuisance were not routed through the premises noise limiter, in contravention of License condition 366.

On 16<sup>th</sup> November 2023 Mr Nwachukwu advised the Noise Officer he was operating without working CCTV (in contravention of License condition 340). On the same date the premises was witnessed by Council Officers operating at 01:50, 50 minutes outside of the Licensed hours and without a TEN in place. According to our record, Mr Nwachukwu advised the Noise Officer at the time he did not have a TEN but he *'couldn't shut down because the people don't want to leave'*.

We will circulate a record of complaints and actions prior to a Hearing.

The application to open later into the night risks increasing the impact from the premises in an area the Council has deemed usually inappropriate for late night Licensed Premises. The



application would take operation and playing of recorded music into a more sensitive time of the night when the health and amenity impacts of disturbance are greater.

In light of the history of complaint from existing operations, including two verified Statutory Nuisances and verified instances of failure to comply with License conditions, we believe granting additional hours of opening and playing of recorded music is likely to fail to meet the Licensing Objective of 'Prevention of Public Nuisance'. We have limited confidence in the current management of the premises to ensure compliance with Licensing conditions and Licensed hours designed to ensure the Licensing Objective.

For the above reasons, EPT object to the application and recommend to the Committee that it is refused.

Kind Regards,

Richard

**Richard Earis** BSc MSc MCIEH CEnvH MIOA  
Principal Environmental Protection Officer  
**Environmental Protection Team**

**020 7525 0328**

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Southwark Website - information on what you can do to improve air quality.  
See: <http://www.southwark.gov.uk/environment/air-quality>



<b>To:</b> Licensing Unit	<b>From:</b> Wesley McArthur <a href="mailto:wesley.mcarthur@southwark.gov.uk">wesley.mcarthur@southwark.gov.uk</a> 020 7525 5779 (on behalf of the Licensing Unit in its role as a responsible authority)	<b>Date:</b> 10 March 2024
<b>Subject:</b>	Representation	
<b>Act:</b>	The Licensing Act 2003 (the Act)	
<b>Premises:</b>	The Empire Lounge, Units 1 & 2, 777 Old Kent Road, London, SE15 1NZ	
<b>Ref:</b>	<b>882544</b>	

We object to the grant of an application for a premises licence, submitted by Speedlink Services Ltd under The Licensing Act 2003 (the Act), in respect of the premises known as The Empire Lounge, Units 1 & 2, 777 Old Kent Road, London, SE15 1NZ.

### 1. Application history –

On 08 July 2016 Mr George Nwachukwu applied for a premises licence in respect of Unit 2, 777 Old Kent Road, London, SE15 1NZ. The application sought the following operating hours:

#### Recorded music:

Friday & Saturday: 11:00 – 02:00

#### The sale of alcohol to be consumed on and off the premises:

Sunday – Thursday: 11:00 – 23:30

Friday & Saturday: 11:00 – 01:30

#### Late night refreshment:

Sunday – Thursday: 23:00 – 00:00 (midnight)

Friday & Saturday: 11:00 – 02:00

#### Opening hours:

Sunday – Thursday: 11:00 – 00:00

Friday & Saturday: 11:00 – 02:00

In the application the premises was described as follows (verbatim):

- “Mainly restaurant with some takeaway.”

The application was subject to representations from various responsible authorities and was determined by this council’s licensing sub-committee on 05 September 2016. The application was granted with reduced operating hours as follows:

#### The sale of alcohol to be consumed on and off the premises:

Sunday – Friday: 11:00 – 23:00

Saturday: 11:00 – 00:00 (midnight)

Late night refreshment:

Saturday: 23:00 – 00:00 (midnight)

Opening hours:

Sunday – Friday: 11:00 – 23:30

Saturday: 11:00 – 00:30

A copy of the licensing sub committee's Notice of Decision regarding the above application is attached as appendix 1.

On 20 June 2017 an application to vary the premises licence was submitted seeking the following operating hours:

The sale of alcohol to be consumed on and off the premises:

Sunday – Thursday: 11:00 – 00:30

Friday & Saturday: 11:00 – 03:00

Late night refreshment:

Sunday – Thursday: 23:00 – 00:00

Friday & Saturday: 23:00 – 02:30

Opening hours:

Sunday – Thursday: 11:00 – 01:00

Friday & Saturday: 11:00 – 03:30

The application was subject to representations from various responsible authorities and 'other persons' (all being local residents). The application was determined by this council's licensing sub-committee on 06 September 2017. The application was granted with reduced operating hours as follows:

The sale of alcohol to be consumed on and off the premises:

Sunday – Thursday: 11:00 – 23:30

Friday & Saturday: 11:00 – 00:30

Late night refreshment:

Sunday – Thursday: 23:00 – 23:30

Friday & Saturday: 23:00 – 00:30

Opening hours:

Sunday – Thursday: 11:00 – 00:00

Friday & Saturday: 11:00 – 01:00

A copy of the licensing sub committee's Notice of Decision regarding the above application is attached as appendix 2.

## **2. The extant premises licence**

On 28 March 2022 an application for a new premises licence was applied for in respect of Units 1 & 2, 777 Old Kent Road, London, SE15 1NZ. The purpose of this application was effectively to include Unit 1 as part of the licensable area of the premises.

The application was made by Speedlink Services Ltd. Mr George Nwachukwu is the sole director of Speedlink Services Ltd.

The extant premises licence (licence number 877124) allows for operating hours as follows:

### **The sale of alcohol to be consumed on and off the premises:**

Sunday – Thursday: 11:00 – 23:30  
Friday & Saturday: 11:00 – 00:30

### **Late night refreshment:**

Sunday – Thursday: 23:00 – 23:30  
Friday & Saturday: 23:00 – 00:30

### **Recorded music:**

Sunday – Thursday: 11:00 – 23:30  
Friday & Saturday: 11:00 – 00:30

### **Opening hours:**

Sunday – Thursday: 11:00 – 00:00  
Friday & Saturday: 11:00 – 01:00

A copy of licence 877124 is attached as appendix 3.

## **3. The application –**

Although the application is for a new premises licence, this application is being made by the current licence holder in respect of the premises and essentially amounts to a variation of the existing premises licence with the aim of extending the hours permitted for licensable activities.

The application seeks to extend the premises' operation hours as follows:

### **The sale of alcohol to be consumed on and off the premises:**

Sunday – Thursday: 11:00 – 00:00  
Friday & Saturday: 11:00 – 02:00

### **Late night refreshment:**

Sunday – Thursday: 23:00 – 20:00  
Friday & Saturday: 23:00 – 02:00

### **Recorded music:**

Sunday – Thursday: 11:00 – 00:00

Friday & Saturday: 11:00 – 02:00

On the following days, the permitted opening hours and hours permitted for licensable activities may be extended for an additional hour:

- (a) Thursday, Friday, Saturday and Sunday of the Easter weekend.
- (b) Friday, Saturday and Sunday of both May Bank Holidays and the August Bank Holiday, Christmas Eve and Boxing Day.
- (c) On the trading day on which the clocks go forward (i.e. the start of British Summer Time) From the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

Opening hours:

Sunday – Thursday: 11:00 – 00:30

Friday & Saturday: 11:00 – 02:30

On the following days, the permitted opening hours and hours permitted for licensable activities may be extended for an additional hour:

- (a) Thursday, Friday, Saturday and Sunday of the Easter weekend.
- (b) Friday, Saturday and Sunday of both May Bank Holidays and the August Bank Holiday, Christmas Eve and Boxing Day.
- (c) On the trading day on which the clocks go forward (i.e. the start of British Summer Time) From the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

#### **4. The Locale**

The premises are located on Old Kent Road. The Old Kent Road is an extremely busy arterial road with constant traffic 24 hours a day. It also hosts many bus routes. The area has many high-density residential housing estates / blocks in the immediate and wider vicinity of the premises, in all directions. There are also many commercial premises (including other licensed premises) in the vicinity.

#### **5. Statement of Licensing Policy (SoLP)**

According to section 7 of this council's statement of licensing policy 2021 – 2026 (the SoLP), the premises fall within a residential area.

A copy of the SoLP is available via:

[Licensing and Gambling Act policy - Southwark Council](#)

The following closing times are recommended in our SoLP in respect of the type of licensed premises located residential areas as follows –

#### **Restaurants and cafes:**

Monday – Sunday: 23:00

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

Monday – Sunday: 23:00

## **Nightclubs (with 'sui generis' planning permission):**

No considered appropriate for residential areas.

### **6. Our objection**

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

We say that the late night / early morning sale of alcohol and provision of entertainment is likely to have a negative effect on the promotion the crime and disorder, public safety and the prevention of public nuisance licensing objectives, and be detrimental to the quality of life for local residents.

Premises selling alcohol and providing entertainment late at night, or into the early morning, have increased risk factors. We do not think it is appropriate to allow premises to sell alcohol and provide entertainment in the early morning in an area with so many residential housing blocks in close proximity. We say that granting extended operating hours is likely to have a negative effect on the amenity of local residents.

Although described as a restaurant in the application, it seems that the style of operation proposed regarding the premises will be more akin to that of a late night bar / nightclub, than a restaurant, which was what the premises originally operated as. We contend that it is entirely inappropriate to situate a late night bar / nightclub in the locale.

We have received numerous, and continual allegations from local residents that the premises do, in fact operate as a late night bar / night club on the weekends causing considerable disturbance in the locale. We have also received numerous allegations of the premises customers engaging in anti-social behavior and crime and disorder in the locale, and also that noise escape from the premises cause significant noise nuisance in the locale.

We note that premises now already benefits from a premises licence that allows closing times later than those suggested in the SoLP.

We say that allowing operating hours further extended past those recommended in the SoLP is likely to give rise to nuisance, crime and disorder and anti-social behavior in the locale, in an area that has residential housing in the immediate vicinity. We also note that new residential blocks are being built close by as part of the regeneration of the Old Kent Road corridor.

Allowing customers to consume alcohol, or be on the premises after having already consumed alcohol, for extended hours **every day of the week** will allow for a high level of intoxication and more chance of confrontations between customers, as often happens in late night venues.

We say that the extant licence is already generous enough, and that the licensing sub-committee should not allow for hours **so much further past** those recommended in a policy that was ratified by local ward councilors. We suggest that the licensing sub-committee adheres to this council's own policies, which have been applied for good reason. The operational hours suggested in the SoLP exist to protect residents in the borough, and other people travelling through the borough.

We further add that, full council assembly approved the current version of the SoLP, and have maintained the suggested operating hours four times in a row. This shows that there is still a

need for the recommended hours to be given **considerable** weight in the determination of premises licence applications.

## **7. Temporary Event Notices (TENs)**

We note that the applicant has stated that the premises has operated with extended operating hours under TENs frequently over the past 12 months without incident or complaint.

The TENs mechanism allows premises to be used for licensable activities for up to 21 days a year. This would mean that currently the applicant could only have extended operating hours under TENs on 21 days a year via TENs.

This application to allow for extended operating hours on 365 days a year.

This is an increase of 1638% on the number of days that TENs would allow extended operating hours at the premises. We say this is a huge difference, which would lead to a high increase in the likelihood of problems being caused by the later operation of the premises.

In addition to the above, it is very important to note that the TENs mechanism **is not** intended to be used as a precursor to premises licence, or premises licence variation, applications. It is not intended in the act that an applicant should use the fact that they have operated a premises without complaint under TENs to support a permanent premises licence application or application for a permanent variation to an existing premises licence.

It is not stated or implied in the Licensing Act 2003 itself, the guidance to the act issued by the Secretary of State under section 182 of the act, or suggested in Southwark Council's own SoLP that the prior satisfactory operation of premises under TENs should, or could, be used to support a permanent premises licence application, or an application for a permanent variation to an existing premises licence.

One of the important facets of the TEN mechanism is that it limits the risk posed by the provision of licensable activities at premises compared to the grant of a permanent premises licence in respect of the same premises.

We say that the prior operation of the premises under TENs should be given **minimal** weight in the licensing sub-committee's determination of this application.

**Taking into account all of the above, we recommend that this application is refused by the licensing sub-committee.**

**We will be providing further evidence to support this representation.**

Yours sincerely,

**Wesley McArthur**  
Principal Enforcement Officer

**NOTICE OF DECISION**

**LICENSING SUB-COMMITTEE – 5 SEPTEMBER 2016**

**LICENSING ACT 2003: UNIT 2, 777 OLD KENT ROAD, LONDON SE15 1NZ**

**1. Decision**

That the application made by George Nwachukwu for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Unit 2, 777 Old Kent Road, London SE15 1NZ is granted/refused as follows:

<b>Licensable activity</b>	<b>Hours</b>
<b>Late night refreshment</b>	Saturday – between 23:00 and 00:00 (Midnight)
<b>The supply of alcohol</b>	Sunday to Friday between 11:00 and 23:00 Saturday between 11:00 and 00:00
<b>Opening hours</b>	Sunday to Friday – between 11:00 and 23:30 Saturday between 11:00 and 00:30 the following day

**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 and the following additional conditions agreed by the sub-committee:

1. That alcohol shall not be sold or supplied for consumption on the premises otherwise than to persons taking substantial table meals and for consumption by such persons as ancillary to their meal.
2. That a dispersal policy will be implemented and maintained to assist with patrons leaving the premises in an orderly and safe manner and all staff will be trained in the contents of this policy and made aware of any changes. A copy of the dispersal policy shall be made available to the licensing officer and the police on request.
3. That 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 at the premises. A record of such training shall be kept / be accessible at the premises 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 the trainee's name (in block capitals), the trainer's name (in block capitals), the signature of the trainee, the signature of the trainer, the date(s) of training and a declaration that the training has been received and updated every four months.



4. There shall be a maximum capacity of 80-seated or waiting customers at any one time.
5. There shall be a maximum of 5 smokers outside the front of the premises at any one time.
6. That there shall be a designated personal supervisor or personal licence holder on the premises at all times alcohol is available for supply for the purpose of supervising such sales.
7. The rear exit shall be closed at all times with the exception of emergencies

### **3. Reasons**

The reasons for the decision are as follows:

The licensing sub-committee heard from the applicant who advised that the application had been amended to read that the Saturday sales of alcohol would be between 11:00 and 01:30 hours the following day. Furthermore, the applicant no longer sought off sales or recorded music. There would also be a capacity of 80 seated covers and training would be provided every four months.

The applicant also produced a dispersal policy in addition to an acoustic report and four photographs. Contrary to Southwark's statement of licensing policy, the applicant stated that the premises was not in a residential area, but a largely commercial area. Any issues relating to parking, would be addressed by the arrangement the applicant had with Toys R Us who would provide additional parking to patrons of the premises, beyond the normal two hours.

Licensing as a responsible authority objected to the premises licence application based on the prevention of crime and disorder and the prevention of public nuisance licensing objectives. They referred the licensing sub-committee to the council's Statement of Licensing Policy 2015-2020 in that the operating hours applied for were not consistent with the council's licensing policy; the licence should reflect those specified in the in the licensing policy. The representative from licensing also requested that the applicant provide an accommodation limit and a dispersal policy.

The Environmental Protection Team informed the licensing sub-committee that their representation was based on the prevention of public nuisance licensing objective and suggested an earlier closing time on Saturday and Sunday. Furthermore, they advised that more specific plans should be made to prevent noise escape from the premises to avoid the operation causing a statutory nuisance to nearby residents.

The licensing sub-committee heard from the planning service who objected to the application based on the prevention of the public nuisance licensing objective and advised that the proposed operation of the premises could have a detrimental impact on the residential properties to the rear of the site through associated noise, disturbance through parking and congregation of people in the vicinity of the premises. Furthermore, the premises had planning consent for hot food/take away between the hours of 07:00 to 23:00 Monday to Saturday and 08:00 to 22:00 on Sundays and Bank holidays. Two planning applications had previously been made to extending the hours to 05:30 and 04:30, both of which had failed. There were also proposed developments in the area that would be affected by the premises.

The licensing sub-committee noted the written representation from the public health directorate.

The licensing sub-committee considered very carefully both the oral and written representation from all the parties. The primary point in dispute was the proposed operating hours, which exceeded those specified in Southwark's Statement of Licensing Policy. The applicant was of the view that the premises was not located in a residential area and produced photographs as evidence. However, on considering the plan of the area (page 41 of the agenda), the sub-committee were satisfied that this was a residential area given that there were residential premises at Sylvan Terrace, Bowness House and Ullswater House all of whom could be affected by noise and the late night dispersal from the premises. The licensing sub-committee were not satisfied that the issue of parking and parking disturbance was sufficiently addressed, when Sylvan Terrace already have parking problems. The parking at Toys R Us was in fact public parking, offering 2 hours free parking. In the circumstances, the licensing sub-committee felt it could not digress from the licensing policy.

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 desire to contend that:

- a) The licence ought not to be been granted; or
- b) That on granting the licence, the licensing authority ought 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 Democracy.

Date: 5 Sept 2016

**NOTICE OF DECISION**

**LICENSING SUB-COMMITTEE – 6 SEPTEMBER 2017**

**LICENSING ACT 2003: LICENSING ACT 2003: UNIT 2, 777 OLD KENT ROAD, LONDON, SE15 1NZ**

**1. Decision**

That the application by George Nwachukwu for a variation of a premises licence issued under the Licensing Act 2003 in respect of the premises known as **UNIT 2, 777 OLD KENT ROAD, LONDON, SE15 1NZ** is granted as follows:

<b>Licensable Activities</b>	<b>Days</b>	<b>Hours</b>
Sale of alcohol	Sunday to Thursday Friday, Saturday & Bank Holidays	11:00 – 23:30 11:00 - 00:30
Late night refreshment	Sunday to Thursday Friday, Saturday & Bank Holidays	11:00 - 23:30 11:00 - 00:30
Opening	Sunday to Thursday Friday, Saturday & Bank Holidays	11:00 - 00:00 11:00 - 01:00

**2. Conditions**

The operation of the premises under the licence shall be subject to relevant mandatory conditions, any conditions derived from the operating schedule in Section M of the application for and the following conditions imposed by the licensing sub-committee:

1. That the premises licence holder shall visibly display signage stating that entry will not be permitted to patrons who use Sylvan Road to either park, drop off or collect by private or hackney carriage vehicles.
2. That suitably qualified SIA persons shall be employed at all times where the premises is operating beyond 23:00 hours and shall take all reasonable steps to ensure that patrons do not cause a nuisance in the vicinity of the premises.
3. That there shall be no entry or re entry permitted after 00:00 hours.
4. That there shall be no sales for consumption of food off the premises after 23:00 hours.
5. That there shall be no off sales of alcohol after 23:00 hours.
6. That the maximum number of persons permitted to be on the premises is 90.
7. That a sound limiting device shall be installed and be set at an appropriate level by a professionally certified acoustic engineer.

8. That a permanent sound limiting device (or other similar sound limiting equipment) shall be installed at the premises and shall be in use at all times that amplified sound is provided at the premises. The sound limiting device (or other similar sound limiting equipment) shall be calibrated by a professionally certified sound / acoustic engineer so that amplified sound at the premises does not give rise to public or statutory nuisance at any time. Any temporary or permanent amplification system(s), amplified instrument(s) and microphone(s) in use at the premises shall be routed through the sound limiting device (or other similar sound limiting equipment) at all times.”

### **3. Reasons**

The reasons for the decision are as follows:

The licensing sub-committee heard from the applicant's representative who advised that the premises operate as a restaurant. They further stated that the extended hours were required to cater for the clientele who prefer to eat later in the evening than the current hours permit.

The applicant's representative submitted that, although Southwark Council's statement of licensing policy defines the area that the premises are located in as a residential area, in the applicant's opinion the area that the premises are located is a mixed use area.

Reference was made to a previous planning appeal decision which referred to the area as small scale residential.

The applicant's representative stated that they believed at least one of representations from other persons to be vexatious.

The applicant's representative advised the sub committee that the premises has operated 12 TENS and only one complaint appears to be have been made as a direct result of a TEN following the event in December 2016.

The applicant's representative advised that they are prepared to work with residents to minimise risk of nuisance and they would be willing to ensure that the refuse bin remains locked and is emptied on a regular basis. They also advised that customers disperse on a gradual basis reducing the risk of nuisance.

The applicant's representative also stated that they would ensure on SIA doorman monitored the use of Sylvan road by the premises patron's and will inform patrons that they will not be permitted to enter the premises if they choose to use Sylvan road for parking, dropping off or picking up patrons of the premises. Thereby minimising the risk of nuisance to local residents.

With a view to assist in reducing any potential noise nuisance the applicant is also strongly advised by the sub committee to encourage patrons to use public transport where possible.

The applicant's representative agreed to adopt additional conditions in order to reduce the risk on nuisance in the area and stated that they would be submitting a further application to the Planning department addressing the issues raised and believe that this application will be successful.

The licensing sub-committee heard from the council's planning department who submitted a representation in respect of the prevention of public nuisance. They advised that previous events which have taken place at the premises have resulted in complaints of noise nuisance from local residents.

The planning department also stated that a temporary stop notice was served to ensure that the premises adhered to a closing time of 23:00 hours as per planning permission in respect of the premises. They further stated that 2 planning applications to extend the hours of operation in respect of the premises have been refused on the grounds of potential harm to residential amenity by the proposed extended hours of operation and further pointed out that there has been no change of circumstance to lead to a different conclusion in respect of the potential impact of extending the operating hours.

They further stated that they had concerns that the premises operated as a late night drinking venue rather than a restaurant. One of the reasons for this being the fact that the filter in the extraction system had not been changed, indicating that the kitchen was not being used as much as they would expect.

The applicant stated that the kitchen was not being used as often as they would like due to the reduced demand as a result of the restricted hours. In addition the extraction system was new and was not therefore required to be changed yet.

The licensing sub-committee considered the representation from the council's Director of Public Health in respect of the prevention of crime and disorder, the prevention of public nuisance and the protection of public safety licensing objectives. The representation stated that research shows increased hours of alcohol sales are associated with increased alcohol consumption, increased alcohol related injuries and increased alcohol related harm. In addition reference was made to the Southwark's statement of licensing policy which recommends that restaurants in the premises location should close at 23:00.

The sub committee noted that whilst a representative from the public health authority did not attend the hearing, the sub committee took into account the written representation. It noted that more weight could have been attached had a representative attended the sub-committee but nonetheless the representation carried weight.

The licensing sub-committee heard from the council's licensing responsible authority who submitted representations under the prevention of crime and disorder and the prevention of public nuisance licensing objective. The officer advised that Southwark's statement of licensing policy recommends that in the premises' location restaurants should close at 23:00.

The representation also notes that current planning permission in regards to the premises stipulates that the premises close at 23:00.

The officer also referred to the complaints received by three local residents and whilst stating that there was no issued with the current operation of the premises within the current permitted hours, she expressed concern that later hours as requested could result in increased crime and disorder in the area.

The licensing sub-committee heard from the Metropolitan Police Service who also advised that the current planning permission stipulates that the premises close at 23:00. The police also highlighted that previous events at the premises have resulted in complaints from local residents of public nuisance and noise nuisance caused by customers. The police also stated that the hours applied for exceed those recommended in Southwark's statement of licensing policy.

The police stated that they had concerns the extended hours applied for may lead to an increase in public nuisance and crime and disorder in the area.

The licensing sub-committee heard from the council's environmental protection team who submitted a representation in respect of the prevention of public nuisance licensing objective. The officer advised that previous events at the premises have resulted in complaints of noise nuisance from local residents.

The officer also referred to the current planning permission which requires the premises to close at 23:00 and the fact that applications to extend the premises' hours have been refused.

The licensing sub-committee considered four representations from other persons who stated that the existing operation of the premises causes noise nuisance and anti social behaviour including littering, public urination and fights and sounding their car horns.

The representations from the residents also highlighted that the planning applications to extend the hours have been refused.

The residents stated that the premises operated as a nightclub and not a restaurant and that the residents felt intimidated by the patrons of the premises.

The residents express concern that all of the existing problems would be exacerbated and crime and disorder will increase if the hours of operation are extended.

The sub committee noted that whilst the residents did not attend the hearing, the sub committee took into account the written representations.

It noted that more weight could have been attached had a representative attended the sub-committee but nonetheless the representation carried weight.

The licensing sub-committee considered all of the oral and written representations before it and considered Southwark's Statement of Licensing Policy 2016 which sets out recommended hours of operation and requires the sub committee to give consideration to the premises' location and its likelihood to impact on the licensing objectives.

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

#### **4. Appeal rights**

The applicant may appeal against any decision to modify the conditions of the licence; and

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

- a) That variation ought not to have been made; or
- b) That, when varying the licence, the licensing authority ought not to have modified the conditions of 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 Democracy

Date: 6 September 2017

## Appendix 3

# Licensing Act 2003 Premises Licence



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

Premises licence number

877124

### Part 1 - Premises details

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

The Empire Lounge  
Units 1 And 2  
777 Old Kent Road

Ordnance survey map reference (if applicable): 534957177490

Post town: London

Post code: SE15 1NZ

Telephone number

#### Licensable activities authorised by the licence

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 11:00 - 00:00  
Tuesday 11:00 - 00:00  
Wednesday 11:00 - 00:00  
Thursday 11:00 - 00:00  
Friday 11:00 - 01:00  
Saturday 11:00 - 01:00  
Sunday 11:00 - 00:00

#### 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

##### Recorded Music - Indoors

Monday 11:00 - 23:30  
Tuesday 11:00 - 23:30  
Wednesday 11:00 - 23:30  
Thursday 11:00 - 23:30  
Friday 11:00 - 00:30  
Saturday 11:00 - 00:30  
Sunday 11:00 - 23:30

**Late Night Refreshment - Indoors and outdoors**

Monday	23:00 - 23:30
Tuesday	23:00 - 23:30
Wednesday	23:00 - 23:30
Thursday	23:00 - 23:30
Friday	23:00 - 00:30
Saturday	23:00 - 00:30
Sunday	23:00 - 23:30

**Sale by retail of alcohol to be consumed on premises**

Monday	11:00 - 23:30
Tuesday	11:00 - 23:30
Wednesday	11:00 - 23:30
Thursday	11:00 - 23:30
Friday	11:00 - 00:30
Saturday	11:00 - 00:30
Sunday	11:00 - 23:30

**Sale by retail of alcohol to be consumed off premises**

Monday	11:00 - 23:30
Tuesday	11:00 - 23:30
Wednesday	11:00 - 23:30
Thursday	11:00 - 23:30
Friday	11:00 - 00:30
Saturday	11:00 - 00:30
Sunday	11:00 - 23:30



**Part 2**

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

Speedlink Services Ltd

[REDACTED]  
[REDACTED]  
[REDACTED]

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

06726666

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

Temple Ubazue

**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.:

Authority:

Licence Issue date: 23/05/2022

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Neighbourhood Nuisance Service Manager  
Hub 1, 3rd Floor  
PO Box 64529  
London, SE1P 5LX  
020 7525 5748

## **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.

**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** (a) That a CCTV system shall be installed at the premises and maintained in full working order at all times that the premises are in use. Any recordings made by the CCTV system shall be retained for a minimum of 31 days and shall be made immediately available to officers of the council or police on request. The CCTV system shall record at a minimum of 6 frames per second (FPS). (b) That at all times that the premises are in operation there shall be a member of staff will be on duty who is capable of downloading recordings within a reasonable time should the police or council officers request a copy of any recordings. (c) That should the system break down then the police will be informed immediately and the system shall be repaired within two working days, or sooner if the police request. (d) That the system shall record inside and outside the entrance to the premises and the rear fire exit. (e) That the system shall be able to record clear images in all lighting conditions.

**341** That all staff shall be trained in their responsibilities under the Licensing Act 2003 and in regards to the terms and conditions of this licence. Such training should include the prevention of sales of alcohol to underage persons, and the challenge 25 scheme in operation at the premises. Records pertaining to such training shall be kept / be accessible at the premises at all times, shall be updated every 6 months and shall be made immediately available for inspection at the premises to council and / or police officers on request.

**342** That clearly legible signs shall be prominently displayed where they can easily be seen and read by customers at all exits from the premises, requesting to the effect that customers leave the premises and area in a quiet and orderly manner. Such signs shall be maintained free from obstruction when the premises are in use in accordance with this licence.

**343** That relevant members of staff shall receive first aid training and an appropriate number of persons trained in first aid shall be on the premises at all times the premises are in operation.

**344** That all interior and exterior areas of the premises shall be regularly inspected by staff.

**345** That all staff will be trained to ensure that patrons leave the premises in a quiet and orderly manner.

**346** That on each day of the week members of staff shall clear away any litter arising from the operation of the premises, left in the immediate vicinity of the premises, when the premises closes.

**347** That the sound level of music played at the premises shall be monitored regularly to prevent music played at the premises causing noise nuisance.

**348** That the sound level of music played at the premises shall be controlled at all times solely by the, manager, DPS or other person nominated by the manager or DPS.

**349** That all exterior doors at the premises shall be kept closed during the provision of any regulated entertainment except for the purposes of immediate / emergency access and egress to and from the premises.

**350** That all windows at the premises shall be kept closed during the provision of any regulated entertainment.

**351** That when taxis are ordered for customers for the collection of customers from the premises staff members shall instruct the taxi service to instruct the taxi services driver's not to sound the driver's car horns outside the premises, but to approach the premises in person and verbally (without raised voices) alert staff that the drivers are at the premises to collect customers.

**352** That the details of local taxi firms will be displayed and kept at the premises and provided to customers on request.

**353** That a minimum of 2 SIA registered door supervisors shall be on duty from 22:00 hours until the premises are shut on Friday and Saturday and shall take all reasonable steps to ensure that patrons do not cause a nuisance in the vicinity of the premises.

**354** An incident book / incident recording system 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 or Violence
- (ii) Calls to the police or fire brigade
- (iii) Abuse of staff and / or customers
- (iv) Ejections of people from the premises
- (v) Visits to the premises by the local authority, police or fire brigade
- (vi) Refused sales of alcohol
- (vii) Any malfunction in respect of the CCTV system

(viii) Any other relevant incidents

The incident book / incident recording system shall record the time, date, location and description of each incident as well as the printed name of the person reporting the incident and any action taken in respect of the incident. The incident book / incident recording system shall be available and be accessible at the premises at all times that the premises are in use in accordance with this licence and shall be made available to officers of the council, police or fire brigade on request. A record of the preceding 12 months incidents shall be available at the premises at any time.

**355** There will be a zero tolerance drugs and weapons policy shall be undertaken at the premises.

(a) Anybody found with / using drugs and / or weapons will be ejected from the premises and shall not be admitted to the premises again.

(b) The details of any person found dealing drugs or using weapons will be taken (if possible) and given to the police.

(c) Any person who is suspected of having drugs on their person will be asked to consent to a search, and should they refuse the search that person shall be ejected from the premises.

**356** That the licensee shall sign up to any local licensee radio scheme or pub-watch scheme if such schemes exist in the local area.

**357** That a challenge 25 scheme shall be maintained requiring that staff selling or delivering alcohol request that any customer who looks under 25 years old, and who is attempting to purchase or 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.

**358** That 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 alcohol sales, with the address of the premises and the name of the licence holder. The register shall be used to record details of all refused sales of alcohol. 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.

**359** That alcohol shall not be sold or supplied for consumption on the premises otherwise than to persons taking substantial table meals and for consumption by such persons as ancillary to their meal.

**360** That a dispersal policy will be implemented and maintained to assist with patrons leaving the premises in an orderly and safe manner and all relevant staff will be trained in the contents of this policy and made aware of any changes. A record of this training will be kept including the date and the trainee's name and made available for inspection when requested. A copy of the dispersal policy shall be made available to the licensing officer and the police on request.

**361** That the premises licence holder shall visibly display signage stating that entry will not be permitted to patrons who use Sylvan Road to either park, drop off or collect by private or hackney carriage vehicles.

**362** That there shall be no entry or re-entry permitted after 00:00 hours save for those temporarily leaving the premises to smoke.

**363** That there shall be no sales of food for consumption off the premises after 23:00 hours.

**364** That there shall be no off sales of alcohol after 23:00 hours.

**365** That a sound limiting device shall be installed and be set at an appropriate level by a professionally certified acoustic engineer.

**366** That a permanent sound limiting device (or other similar sound limiting equipment) shall be installed at the premises and shall be in use at all times that amplified sound is provided at the premises. The sound limiting device (or other similar sound limiting equipment) shall be calibrated by a professionally certified sound / acoustic engineer so that amplified sound at the premises does not give rise to public or statutory nuisance at any time. Any temporary or permanent amplification system(s), amplified instrument(s) and microphone(s) in use at the premises shall be routed through the sound limiting device (or other similar sound limiting equipment) at all times.

**367** That the maximum number of people permitted on the premises at any one time (the 'accommodation limit') is 240 people (excluding staff).



**368** That there will be no externally promoted events, including DJ's.

**369** That any 'off sales' of alcohol shall be provided in sealed containers to be taken away from the premises.

**370** That clearly legible signage shall be prominently displayed where it can easily be seen and read by customers at all exits requesting to the effect that customers do not consume alcoholic drinks bought at the premises in the vicinity of the premises. Such signage shall be kept free from obstructions at all times.

**371** On the following days the permitted opening hours and hours permitted for licensable activities may be extended for an additional hour:

(a) Thursday, Friday, Saturday and Sunday of the Easter weekend.

(b) Friday, Saturday and Sunday of both May Bank Holidays and the August Bank Holiday, Christmas Eve and Boxing Day.

(c) From the end of permitted hours on New Year's Eve to the start of permitted hours on the following day;

(d) On the trading day on which the clocks go forward (i.e. the start of British Summer Time) permitted hours may be extended by an additional hour.

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

**Annex 4 - Plans - Attached**

Licence No. 877124

Plan No. n/a

Plan Date n/a