



The Licensing Unit
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London
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Metropolitan Police Service
Licensing Office
Southwark Police Station,
323 Borough High Street,
LONDON,
SE1 1JL

Tel: 020 7232 6756

Email: SouthwarkLicensing@met.police.uk

Our Reference: 326/24
Date: 11/04/2024

Re: These Days Aperitivo Bar, 100 Druid Street, SE1 2HQ

Dear Sir/Madam,

Police are in possession of an application from the above for a Premises Variation application. The venue is a small Aperitivo Bar and Kitchen. The application is for the extension of the current opening hours, and for an extension if the current hours for the supply of alcohol. The hours requested are as follows;

Open to the Public

Sun-Tues – 1000hrs – 2300hrs

Wed-Sat – 1000hrs – 0000hrs

Supply of alcohol off sales

Sun-Tues – 1000hrs – 2230hrs

Wed-Sat – 1000hrs – 2330hrs

The application does attempt to cover the licensing objectives and show a willingness to work towards having a safe premises. The application however doesn't effectively cover every aspect of the licensing objectives and the application requires further alterations before it can be accepted by Police. The applicant has offered numerous conditions to cover the licensing objectives, however the wording of some of them are quite vague and are not enforceable.

The Home office guidance issued under Sec 182 of the licensing Act 2003 'General principles' state that it is important in setting the parameters within which the premises may operate. Conditions precise and enforceable.

The Police object to this application as it is believed that if the license is to be granted in its current form it would have a negative impact on the licensing objectives, in particular, that of the Prevention of Crime and Disorder.

Submitted for your consideration.

Yours Sincerely

PC Walter MINKA AGYEMAN 1264AS
Licensing Officer
Southwark Police Licensing
SouthwarkLicensing@met.police.uk

To: Licensing Unit	From: Wesley McArthur wesley.mcarthur@southwark.gov.uk 020 7525 5779 (on behalf of the Licensing Unit in its role as a responsible authority)	Date: 23 April 2024
Subject:	Representation	
Act:	The Licensing Act 2003 (the Act)	
Premises:	These Days Aperitivo Bar, 100 Druid Street, London, SE1 2HQ	
Ref':	882261	

We object to the grant of an application to vary a premises licence, submitted by Oliver Manunder The Licensing Act 2003 (the Act), in respect of the premises known as These Days Aperitivo Bar, 100 Druid Street, London, SE1 2HQ.

1. The extant licence

The extant premises licence (licence number 879415) allows for licensable activities and opening hours as follows –

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

Monday - Sunday: 10:00 – 22:30

The opening hours of the premises:

Monday - Sunday: 10:00 – 23:00

The premises are a bar.

A copy of licence 879415 is attached as appendix 1.

It is important to note that the application for the extant licence was subject to representations from various responsible authorities and an 'other person'. The applicant conciliated the responsible authorities by agreeing to the inclusion of various conditions on any licence to be issued subsequent to the application for the extant licence. The other person maintained their representation and the application for the extant licence was determined at a licensing sub-committee hearing on 23 March 2023.

At the hearing of 23 March 2023, the licensing sub-committee imposed the following licence condition:

- That the premises shall not exceed a capacity of 60 people.

A copy of the Notice of Decision pertaining to the licensing sub-committee hearing of 23 March 2023 to determine the application for the extant premises licence is attached as appendix 2

2. The variation application –

The purpose of the variation is described in the application as follows (verbatim) –

- *“Our current hours dictate we close at 23:00 when we're open. We hope to extend this to 00:00 on Wednesdays, Thursdays, Fridays and Saturdays. This also applies to the sale of alcohol.”*

The application seeks to remove the following licence conditions:

- 365 - All external doors and windows shall be kept closed after 21.00 on any day, except for access and egress.
- 369 - The outside drinking area may only be used by customers on Thursdays 17:00 to 21:00hrs, Fridays 16:00hrs and 21:00hrs, Saturdays between 11:00hrs and 21:00hrs, Sunday 12:00hrs to 18:00hrs
- 840 - That the premises shall not exceed a capacity of 60 people.

The application seeks to extend the hours permitted for the sale of alcohol for consumption on the premises as follows:

Wednesday - Thursday: extended until 23:30

The application seeks to extend the hours permitted for the sale of alcohol for consumption on the premises as follows:

Wednesday - Thursday: extended until 00:00 (midnight)

NB – No extension of hours has been sought regarding the provision of live music

3. The Locale

The premises are located approximately half way along Druid Street. Druid Street has low level, but consistent, traffic during the day, but minimal traffic at night. A viaduct running from London Bridge Station runs along Druid Street. London Bridge Station is a major UK rail terminus and trains run throughout the day and night.

During the evening the locale is quiet.

The premises itself forms what is colloquially known as 'The Bermondsey Beer Mile'. The Bermondsey Beer Mile comprises local brewers, bars and distilleries. Druid Street forms the major part of the beer mile, although there are other licensed premises in the locale that might be considered part of the 'beer mile'.

There are many residential dwellings in the area, and the premises are located directly opposite the Arnold Estate, which houses 100s of families. Photographs of the local area are below:

Figure 1: View of the premises entrance looking southwest across Druid Street



Figure 2: View looking north west up Druid Street showing the Arnold Estate



Figure 3: from directly outside the premises' entrance looking north west across druid street into the Arnold Estate



Figure 4: View looking south west down Druid Street showing the Arnold Estate



There are 12 licensed premises on Druid Street that form part of the Bermondsey Beer Mile.

Photos of these premises are attached as appendix 3.

4. Statement of Licensing Policy (SoLP)

According to section 7 of this council's statement of licensing policy 2021 – 2026 (hereafter referred to as '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 in residential areas as follows –

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

Monday – Sunday: 23:00

5. Our objection

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

We say that extending the operating hours at the premises is likely to have a negative effect on the promotion the crime and disorder and the prevention of public nuisance licensing objectives.

We do not think it is appropriate to allow premises to sell alcohol later than 23:00 hours in an area with so many residential properties (often housing young families and many people of working age) in close proximity. We say that granting extended operating hours is likely to

have a detrimental effect on the quality of life for local residents.

Premises selling alcohol often become hubs for crime and disorder, anti-social behavior and nuisance. Confrontations can often arise between customers who are intoxicated. The Bermondsey Beer Mile itself has become a hub for drinkers from all over London and has become somewhat of a tourist destination.

The council has received many complaints relating to the operation of licensed premises along the Beer Mile, and although the area is not part of a current cumulative impact area it is under consideration to become a cumulative impact area, and Druid Street itself has one of the highest concentrations of bars in any one road in the Borough.

As per the Notice of Decision pertaining to the licensing sub-committee hearing of 23 March 2023 to determine the application for the extant premises licence, we draw your attention to Paragraph 14.42 of the s.182 Guidance under the Licensing Act 2003, which states:

- “The absence of a [cumulative impact assessment/policy] does not prevent any responsible authority or other person making representations on an application for the grant or variation of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives....”

The operational hours suggested in the SoLP exist to protect residents in the borough.

The operational hours suggested in the SoLP were ratified by councillors at full licensing committee and we suggest that the licensing sub-committee adheres to this council's own policies, which we say have been applied for good reason.

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.

The premises already operates to the latest recommended closing times in the SoLP. We object to **any** extension of the premises' operating hours on **any day of the week**.

We also object to the removal of any current licence conditions in particular condition 840 which was imposed by this very licensing sub-committee.

We say that the licensing sub-committee should be gatekeeper of the Statement of Licensing Policy that was in part ratified by councillors who form part of the licensing sub-committee itself.

We will present further submissions in support of this representation prior to, and at, the hearing to determine this application.

Yours sincerely,

Wesley McArthur
Principal Enforcement Officer

Appendix 3

Southwark Brewing Company, 46 Druid Street



Kanpai, 48 Druid Street



Forever Good, 54 Druid Street



Doodle Bar, 60 Druid Street



The Barrel Project, 80 Druid Street



Hawkes, 90 Druid Street



These Days Aperitivo Bar, 100 Druid Street



Billy Frank's, 104 Druid Street



Marquis of Wellington, 21 Druid Street



Anspach & Hobday, 118 Druid Street

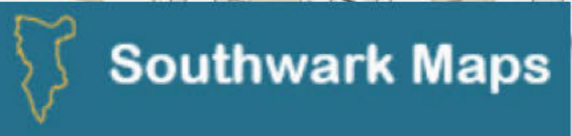
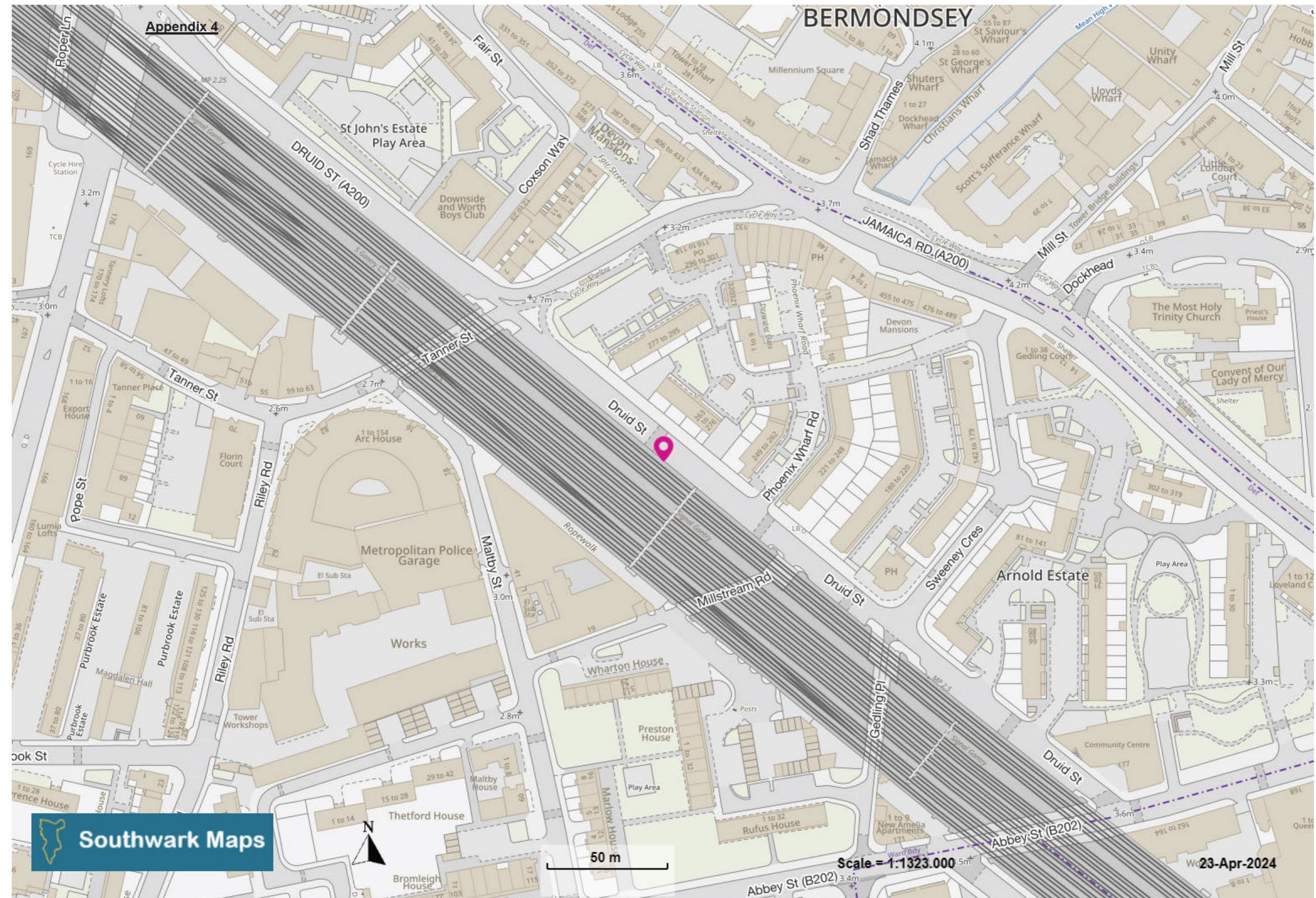


Pedro's, 128 Druid Street



Rinneroon, 130 Druid Street





Scale = 1:1323.000

23-Apr-2024

To: Licensing Unit	From: Wesley McArthur wesley.mcarthur@southwark.gov.uk 020 7525 5779 (on behalf of the Licensing Unit in its role as a responsible authority)	Date: 03 May 2024
Subject:	FURTHER COMMENTS	
Act:	The Licensing Act 2003 (the Act)	
Premises:	These Days Aperitivo Bar, 100 Druid Street, London, SE1 2HQ	
Ref:	882261	

We have the following further comments in support of our objection to the grant of an application to vary a premises licence, submitted by Oliver Man under The Licensing Act 2003 (the Act), in respect of the premises known as These Days Aperitivo Bar, 100 Druid Street, London, SE1 2HQ.

1. Cumulative Impact

Paragraph 14.42 of the s.182 Guidance under the Licensing Act 2003, which states:

- “The absence of a [cumulative impact assessment/policy] does not prevent any responsible authority or other person making representations on an application for the grant or variation of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives....”

We do note that all applications must be considered on their own merit, however, we contend that, although the premises are not in a cumulative impact area, the area is over saturated with licensed premises (particularly those selling alcohol and providing entertainment), and that the cumulative impact of these premises has a negative effect on the quality of life and amenity for local residents.

The late operation of premises in the area, and of people leaving the locale late at night, has a deleterious impact upon local residents living nearby and in the surrounding streets.

We say that granting extended operating hours to the premises will exacerbate the negative effect that licensed premises have in the locale.

We further say, that aside from adding to the collective negative effect that licensed premises have in the area, extending the operating hours of the premises increases the individual risk from the premises with regard to addressing the licensing objectives.

Paragraph 117 of this council’s Statement of Licensing Policy (SoLP) states the following:

“Location and other relevant considerations

117. In considering applications for new licences, variations of existing licences and licence reviews, this Authority will take the following matters into account:

- *Whether the premises is located within a current Cumulative Impact Area;*
- *The type and mix of premises and their cumulative impact upon the local area;*
- *The location of the premises and their character;*
- *The views of the Responsible Authorities and other persons;*
- *The past compliance history of the current management;*
- *The proposed hours of operation;*
- *The type and numbers of customers likely to attend the premises;*

- *Whether the Applicant is able to demonstrate commitment to a high standard of management for example through the level of consideration given to the promotion of the licensing objectives; by active participation in PubWatch; and adopting the Council's Women's Safety Charter;*
- *The physical suitability of the premises for the proposed licensable activities i.e. in terms of safety, access, noise control etc."*

We say that, taking the above factors into account, the premises should not operate past 23:00 hours.

Paragraph 118 of the SoLP states the following:

*"118. Applicants should refer to section 6 of this policy for detail of the current local Cumulative Impact Areas **and also consider the general operating hours in section 7 of this policy. Applicants should not try to replicate later operating hours even if there are other premises nearby that currently operate for longer.** This Authority will need to carefully balance the conflicting needs of residents, patrons and businesses in relation to the introduction of premises and flexible opening hours for the sale and supply of alcohol and late night refreshment."* (Emphasis added)

Although there are two premises that operate past 23:00 on Druid Street it should be noted that one of the premises (The Marquis of Wellington) is a pub where the operating hours for the premises predate the Licensing Act 2003 and have been in place for at least 20 years.

Operating hours past 23:00 were granted to another premises (El Pastor) prior to an application to extend operating hours past 23:00 in regards to Southwark Brewing Company was refused at an LSC hearing, and an appeal against that decision dismissed at Magistrates' Court.

We are of the view that the operating hours of the two premises referred to above should not be viewed as setting a precedent regarding potential operating hours for other licensed premises on Druid Street, and that section 118 (bold text) is taken onto account in the LSC's determination of this application.

2. Complaints

Paragraphs 165 – 167 of the SoLP state the following:

"Cumulative impact outside local CIAs

165. Where an application for a grant a new premises licence, or to vary an existing, premises licence is made in an area that is not part of a cumulative impact policy area there is a presumption to grant.

166. The Authority will accept representations that include evidence of cumulative impact issues that relate, or could relate, to the operation of the premises and the licensing objectives as a relevant consideration in determining an application.

167. While a rebuttable presumption not to grant in a cumulative impact area does not apply to applications to review a premises licence, cumulative impact can form part of a representation with supporting evidence."

In the past 3 years we have 61 complaints regarding licensed premises in Druid Street. Some of these complaints relate to specific premises and some of the complaints are in general about the negative effect of licensed premises in the locale.

Although the complaints submitted above are unsubstantiated, **we contend that the complaints are indicative of the operation of licensed premises causing problems in the locale**, and that the licensing sub-committee take them into consideration in determining this application.

Please note that ‘unsubstantiated’ simply means that we were not able to investigate the complaints at the time we received them. We received the complaints after the alleged problems had occurred. It means that we cannot verify whether the alleged incidents detailed in the complaints occurred, **not that they did not occur**.

We say that the amount of recent complaints regarding licensed premises in Druid Street is evidence of cumulative impact issues that relating to licensed premises in Druid Street.

We say that given the history of complaints regarding the operation of licensed premises in the locale, extending the operating hours of the premises could lead to the alleged noise nuisance and anti-social behaviour related to the operation of the premises being carried on, and affecting local residents, later into the night.

Table 1: Recent complaints relating to licensed premises in Druid Street

Number	Date of complaint	Complaint reference	Complaint category	Unit
1	17/05/2021	951459	L72 Public nuisance	Southwark Licensing
2	01/06/2021	952517	L72 Public nuisance	Southwark Licensing
3	19/06/2021	954320	L72 Public nuisance	Southwark Licensing
4	19/06/2021	954319	NR1 Loud Music - RR	Noise Rapid Response
5	09/07/2021	955975	NR1 Loud Music - RR	Noise Rapid Response
6	25/07/2021	957459	NR1 Loud Music - RR	Noise Rapid Response
7	25/07/2021	957466	NR1 Loud Music - RR	Noise Rapid Response
8	06/08/2021	958501	N01 Loud Music	Noise Team
9	12/08/2021	959055	L72 Public nuisance	Southwark Licensing
10	23/08/2021	959898	NR1 Loud Music - RR	Noise Rapid Response
11	11/09/2021	961585	NR4 People Noise - Inadequate Sound Insulation - RR	Noise Rapid Response
12	27/10/2021	965171	L72 Public nuisance	Southwark Licensing
13	29/10/2021	965284	N04 People Noise - Banging, shouting, unreasonable behaviour etc	Noise Team

14	17/12/2021	968192	L72 Public nuisance	Southwark Licensing
15	17/12/2021	968173	N01 Loud Music	Noise Team
16	16/01/2022	969523	L72 Public nuisance	Southwark Licensing
17	17/01/2022	969582	N71 Other / Unidentified - music	Noise Team
18	31/01/2022	970364	L72 Public nuisance	Southwark Licensing
19	08/02/2022	970884	L72 Public nuisance	Southwark Licensing
20	08/02/2022	970928	L72 Public nuisance	Southwark Licensing
21	30/04/2022	975759	NR4 People Noise - Inadequate Sound Insulation - RR	Noise Rapid Response
22	02/05/2022	975830	L72 Public nuisance	Southwark Licensing
23	09/05/2022	976295	L72 Public nuisance	Southwark Licensing
24	10/05/2022	976392	N71 Other / Unidentified - shouting	Noise Team
25	31/05/2022	977708	L72 Public nuisance	Southwark Licensing
26	13/06/2022	978544	L72 Public nuisance	Southwark Licensing
27	17/06/2022	978851	L72 Public nuisance	Southwark Licensing
28	02/07/2022	979939	N71 Other / Unidentified - music	Noise Rapid Response
29	07/07/2022	980315	N71 Other / Unidentified - music	Noise Rapid Response
30	12/07/2022	980666	N71 Other / Unidentified - shouting	Noise Rapid Response
31	20/07/2022	981216	L72 Public nuisance	Southwark Licensing
32	22/07/2022	981348	L72 Public nuisance	Southwark Licensing
33	22/07/2022	981349	L72 Public nuisance	Southwark Licensing
34	22/07/2022	981350	L72 Public nuisance	Southwark Licensing
35	22/07/2022	981353	L72 Public nuisance	Southwark Licensing
36	24/09/2022	985900	N71 Other / Unidentified	Noise Rapid Response
37	16/10/2022	987144	NR1 Loud Music - RR	Noise Rapid Response
38	17/10/2022	987208	N01 Loud Music	Noise Team
39	29/10/2022	987929	N71 Other / Unidentified	Noise Team
40	24/01/2023	992792	CS7 Councillor/MP	Southwark Licensing

			Enquiry	
41	30/05/2023	A00135	L72 Public nuisance	Southwark Licensing
42	11/07/2023	A02939	NR1 Loud Music - RR	Noise Rapid Response
43	12/07/2023	A02980	N01 Loud Music	Noise Team
44	15/07/2023	A03203	NR1 Loud Music - RR	Noise Rapid Response
45	18/07/2023	A03472	N05 People Noise - Adjacent to Licensed Premises	Noise Team
46	19/07/2023	A03445	L72 Public nuisance	Southwark Licensing
47	21/07/2023	A03544	N05 People Noise - Adjacent to Licensed Premises	Noise Team
48	24/07/2023	A03804	L72 Public nuisance	Southwark Licensing
49	31/07/2023	A04203	NR1 Loud Music - RR	Noise Rapid Response
50	22/08/2023	A05646	L72 Public nuisance	Southwark Licensing
51	29/08/2023	A06015	N04 People Noise - Banging, shouting, unreasonable behaviour etc	Noise Team
52	02/09/2023	A06294	NR1 Loud Music - RR	Noise Rapid Response
53	02/09/2023	A06297	NR1 Loud Music - RR	Noise Rapid Response
54	12/09/2023	A07109	L72 Public nuisance	Southwark Licensing
55	29/09/2023	A08201	NR1 Loud Music - RR	Noise Rapid Response
56	29/09/2023	A08216	NR1 Loud Music - RR	Noise Rapid Response
57	07/10/2023	A08727	NR1 Loud Music - RR	Noise Rapid Response
58	26/10/2023	A09770	L72 Public nuisance	Southwark Licensing
59	06/11/2023	A10379	L72 Public nuisance	Southwark Licensing
60	19/11/2023	A11065	NR1 Loud Music - RR	Noise Rapid Response
61	21/11/2023	A11183	N04 People Noise - Banging, shouting, unreasonable behaviour etc.	Noise Team

3. Licensing hours

Section 171 of the SoLP states the following:

“Licensing hours

*171. This Authority recognises the increase in the numbers of premises licensed for the sale or supply of alcohol since the introduction of the 2003 Act and, particularly, the increase in the numbers and density of such premises within the night time economy. In such a densely populated borough such as Southwark where there is often little demarcation between residential and commercial areas the potential for late operating venues and businesses to cause nuisance and disturbance to local residents is considerable. **Therefore, there will be no presumption in favour of lengthening licensing hours.** The four licensing objectives should be paramount considerations at all times.”* (Emphasis added).

Because of the concentration of licensed premises in the locale, we do not think that there are any further, or more robust, conditions that could be offered that would mitigate the negative effect on the quality of life for local residents should this application be granted. We seek that the LSC takes note of the section of paragraph 171 of the SoLP in bold text above.

Table 2: Operating hours of premises in Druid Street

Number	Name	Address	Alcohol	Entertainment	Late night refreshment	Opening hours
1	Marquis of Wellington (Year of premises licence issue with current operating hours: 2005)	21 Druid Street	<u>Monday – Wednesday</u> 11:00 – 23:00 <u>Thursday</u> 11:00 – 00:00 <u>Friday & Saturday</u> 11:00 – 01:00 <u>Sunday</u> 11:00 – 00:00	<u>Monday – Wednesday</u> 11:00 – 23:00 <u>Thursday</u> 11:00 – 00:00 <u>Friday & Saturday</u> 11:00 – 01:00 <u>Sunday</u> 11:00 – 00:00	<u>Monday – Saturday</u> 23:00 – 23:30	<u>Monday – Wednesday</u> 11:00 – 23:00 <u>Thursday</u> 11:00 – 00:00 <u>Friday & Saturday</u> 11:00 – 01:00 <u>Sunday</u> 11:00 – 00:00
2	Southwark Brewing Company (2014) (2018 – variation to extend hours past 23:00 refused by LSC on	46 Druid Street	<u>Monday – Friday</u> 11:00 – 23:00 <u>Saturday</u> 09:00 – 23:00 <u>Sunday</u> 10:00 – 23:00			<u>Monday – Friday</u> 11:00 – 23:00 <u>Saturday</u> 09:00 – 23:00 <u>Sunday</u> 10:00 – 23:00

	22/10/2018. Appeal dismissed at Mag's court on 12/04/2019)					
3	Forever Good (2021)	54 Druid Street	On sales: Monday – <u>Sunday</u> 09:00 – 22:30 Off sales: Monday – Sunday 09:00 – 20:00			<u>Monday – Sunday</u> 09:00 – 23:00
4	Doodle Bar (2016)	60 Druid Street	<u>Sunday – Thursday</u> 10:00 – 23:30 <u>Friday & Saturday</u> 10:00 – 00:30	<u>Sunday – Thursday</u> 10:00 – 23:30 <u>Friday & Saturday</u> 10:00 – 00:30		<u>Sunday – Thursday</u> 10:00 – 00:00 <u>Friday & Saturday</u> 10:00 – 01:00
5	St.John Bakery (2011)	72 Druid Street	<u>Monday – Saturday</u> 11:00 – 23:00 <u>Sunday</u> 12:00 – 23:00			<u>Monday – Saturday</u> 11:00 – 23:00 <u>Sunday</u> 12:00 – 23:00
6	The Barrel Project (2017)	80 Druid Street	On sales: Monday – <u>Sunday</u> 11:00 – 22:30 Off sales: Monday – <u>Sunday</u> 11:00 – 23:00			<u>Monday – Sunday</u> 11:00 – 23:00
7	Hawkes (2019)	90 Druid Street	On sales: Monday – <u>Sunday</u> 10:00 – 22:30			<u>Monday – Sunday</u> 07:00 – 23:00

			Off sales: Monday – <u>Sunday</u> 10:00 – 23:00			
8	Comptoir Gourmand (2016)	98 Druid Street	<u>Monday – Saturday</u> 08:00 – <u>22:30</u> <u>Sunday</u> 09:00 – <u>22:30</u>			<u>Monday – Saturday</u> 08:00 – <u>23:00</u> <u>Sunday</u> 09:00 – <u>23:00</u>
9	Billy Franks (2020)	104 Druid Street	<u>Monday – Sunday</u> 10:00 – 22:30			<u>Monday – Sunday</u> 07:00 – 23:00
10	El Pastor (24/04/2018)	106 Druid Street	<u>Monday – Sunday</u> 11:00 – 23:00			<u>Monday – Sunday</u> 09:00 – 23:30
11	Ops Wines (2020)	108 Druid Street	<u>Monday – Sunday</u> 10:00 – 22:30			<u>Monday – Sunday</u> 10:00 – 23:00
12	Anspach & Hobday (2013)	116 Druid Street	<u>Monday – Sunday</u> 08:00 – 23:00			<u>Monday – Sunday</u> 08:00 – 23:00
13	Pedro's Wine Bar (2021)	128 Druid Street	On sales: Monday – <u>Sunday</u> 10:00 – 22:30 Off sales: Monday – <u>Sunday</u> 10:00 – 23:00			<u>Monday – Sunday</u> 10:00 – 23:00
14	Rinneroon (2018)	130 Druid Street	<u>Monday – Saturday</u> 12:00 – 22:30 <u>Sunday</u>			<u>Monday – Saturday</u> 12:00 – 23:00 <u>Sunday</u>

			12:00 – 17:30			12:00 – 18:00
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4. Council’s decision regarding Southwark Brewing Company and subsequent appeal at magistrates court.

In 2018 Southwark Brewing Company applied to vary the operating hours relating to 46 Druid Street. The application sought to extend the operating hours of the premises past 23:00.

The licensing sub-committee refused the application at a hearing on 22 October 2018, taking into account the negative cumulative impact of licensed premises in Druid Street.

Southwark Brewing Company appealed the decision at Magistrates Court. The appeal was dismissed by District Court Judge Susan Holdham on 12 April 2019.

Although the application being considered is for an entirely separate premises, and premises management, we say that the council’s decision of 22 October 2018 regarding Southwark Brewing Company, and the subsequently dismissed appeal should be taken into account by the LSC in their determination of this application.

Although the dismissed appeal *does not* set a precedent, in our opinion, it should be seen as *persuasive* in the LSC’s determination of this application.

Copies of the Notice of Decision relating to the LSC’s decision of 22 October 2018 and the District Court Judge Susan Holdham’s decision of 12 April 2019 are attached as appendix 1.

A copy of text from an Institute of Licensing article summing up the appeal decision concisely is attached as appendix 2.

Since the decisions referred to above no premises licences with operating hours past 23:00 have been granted in respect of Druid Street.

Yours sincerely,

Wesley McArthur
Principal Enforcement Officer

NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 22 OCTOBER 2018

SECTION 34 LICENSING ACT 2003: SOUTHWARK BREWING COMPANY, 46 DRUID STREET, LONDON SE1 2EZ

1. Decision

That the application made by Southwark Brewing Company Limited to vary a premises licence granted under the Licensing Act 2003 in respect of the premises known as Southwark Brewing Company, 46 Druid Street, London SE1 2EZ be refused.

2. Reasons

The licensing sub-committee heard from the representative for the applicant who advised that the premises was a micro-brewery and taproom. The variation application sought to extend the permitted hours on Friday and Saturday to cater for private functions. The written application originally sought to extend the operating hours to 01:00 hours on Friday and Saturdays. This was subsequently amended and reduced to 00:00 hours on Friday and Saturdays. The applicant did not seek to open every Friday and Saturday until 00:00 hours. This would be limited to just booked functions which were currently being held under temporary event notices (TENs). None of the past TENs had been objected to, nor had any issues arisen during them. Complaints referred to by the responsible authorities were scaremongering and related to a different section of Druid Street, and were completely unconnected to the premises. On questioning from members the applicant admitted that despite proposing to reduce the terminal hour until midnight, they would in fact be looking to close the premises at around 00.20 hours, allowing for drinking up time.

The licensing sub-committee heard from the Metropolitan Police Service who stated that there was a very high concentration of micro-breweries/taprooms in a small geographical area. The area was now at saturation. The increase in hours would have an impact on crime and disorder and public nuisance. A considerable amount of complaints had been received from local residents regarding the overall increase of breweries opening in the Druid Street area and as a result, the variation application should be refused.

The licensing sub-committee then heard from the representative for the environmental protection team (EPT) who advised that the proposed opening hours exceeded those provided in Southwark's Statement of Licensing Policy 2016-2020 and that they were inappropriate in such a densely residential area. Granting an increase of hours outside the policy would attract applications from other similar premises requesting the same which would have a detrimental impact on local residents. It would also set a precedent for micro-breweries/taprooms being granted later hours beyond those set in the licensing policy.

The licensing sub-committee then heard from the officer for licensing as a responsible authority who referred to Southwark's Statement of Licensing Policy 2016-2020 and to the appropriate closing times for restaurants, cafes, public houses, wine bars or other drinking establishments within a residential area being 23:00 hours daily. The application exceeded the recommended hours and in addition to this, the application did not provide any control measures within the operating schedule to address the licensing objectives, in particular the impact of patrons leaving the area later at night. The late operation of the premises and of people leaving the

premises late at night would impact upon local residents living nearby and in the surrounding streets.

The licensing sub-committee heard from the officer for public health who informed the committee that the premises was located in the former Riverside ward which accounted for the fourth highest number of ambulance call-outs in Southwark between 2016–2018 and as such, alcohol-fuelled activities were having a negative impact on the area. Furthermore, studies had shown that each additional one-hour extension to the opening times of premises selling alcohol was associated with a 16% increase in violent crime (Rossow & Norstrom 2012) and a 34% increase in alcohol-related injuries (de Goeij, Veldhuizen, Buster & Kunst, 2015). The officer recommended the sub-committee refuse the application.

A local ward councillor spoke to the licensing sub-committee and whilst the councillor was positive about the brewing industry creating new businesses and tourism in the area, he said they collectively increased the complaints of noise nuisance along the whole of Druid Street, having a negative impact on the local residents, who were unable to live in peace. Some of the residents were elderly or people with disabilities. An increase in noise could also lead to frustration, anger and total disorder. The granting of a licence with hours beyond those recommended would worsen the situation. A report on whether a cumulative impact policy should be introduced in the Druid Street area was due to be presented to the full licensing committee on 7 November 2018. The ward councillor requested that the application be refused until the outcome of the 7 November meeting and a separate meeting with councillors, officers and businesses to discuss the impact of their operations on the local residential community had taken place.

The licensing sub-committee noted the representations from the two other persons.

The licensing sub-committee considered all the facts before it:

The Druid Street area is a hotspot for micro-breweries within the borough of Southwark and is known as a hotspot for craft breweries and their taprooms situated along roughly a mile of railway line in SE1. The licensing sub-committee has seen a significant increase in licensing applications for the Druid Street area, which is also known as the “Bermondsey Beer Mile”. Concerns have been raised about the number of micro-breweries in the area. In a notice of decision dated 3 July 2018 it was noted that “the sub-committee are acutely conscious that the area is predominantly a residential area, with a housing estate opposite these licensed premises. It is for this reason this licensing sub-committee recommends that the licensing team investigate and report to the licensing committee on 2 October 2018 on the viability of going to public consultation of the Druid Street area becoming a cumulative impact area in Southwark’s Statement of Licensing Policy 2020-2024.” Whilst creating business and tourism, the area has also become known for noise and revelers that frequent the breweries’ taprooms.

The premises falls within an area identified as residential and Southwark’s Statement of Licensing Policy recommends that the closing time is no later than 23:00 hours. Paragraph 109 of the policy provides:

“109. In considering applications for new licences, variations of existing licences and licence reviews, this Authority will take the following matters into account:

- *The type and mix of premises and their cumulative impact upon the local area*
- *The location of the premises and their character*
- *The views of the responsible authorities and other persons*
- *The proposed hours of operation*
- *The type and numbers of customers likely to attend the premises”*

In considering this variation application this licensing sub-committee further noted that:

- i. The Druid Street area is “saturated” by micro-breweries (Police). There has been an increase in complaints from the local residents (Police, EPT, licensing and ward councillors)
- ii. The premises is located on Druid Street, which is classed as a residential area.
- iii. Four responsible authorities and three other persons objected to this application. Each of the responsible authorities invited the sub-committee to refuse this application.
- iv. The proposed hours exceed those in the Southwark’s Statement of Licensing Policy.
- v. The applicant advised the sub-committee that they could accommodate 65 patrons in the premises.

Paragraph 150 of the Statement of Licensing Policy makes it clear that if applying for hours that fall outside the recommended policy hours, applicants are expected to explain fully within their application the arrangements intended to be put in place to ensure that the premises does not add to cumulative impact. This the applicant failed to do. The applicant also failed to provide any details of measures that they put in place to ensure that the premises does not add to cumulative impact or any measures to mitigate against crime, disorder and public nuisance.

It is therefore this licensing sub-committee’s decision to refuse this application.

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.

3. 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: 22 October 2018

IN THE CAMBERWELL GREEN MAGISTRATES' COURT
AN APPEAL UNDER THE LICENSING ACT 2003

Date: 12th April 2019

Before :

DISTRICT JUDGE HOLDHAM

Between :

████████████████████
SOUTHWARK BREWING COMPANY LTD
(at 46 Druid Street Southwark SE1 2EZ)

Appellants

- and -

THE LONDON BOROUGH OF SOUTHWARK
LICENSING AUTHORITY

Respondent

1. This is an appeal by the Southwark Brewing Company against a decision of Southwark Council's Licensing Sub-Committee to refuse a variation of a premises licence in respect of the Southwark Brewing Company at 46, Druid Street, London SE1 2EZ.
2. The premises licence is held by ██████████ and the Southwark Brewing Company Limited. On 28th August 2018 the appellants applied to vary the premises licence by

extending the hours for the sale of alcohol and the opening times from 23.00 to 01.00 on Fridays and Saturdays. At the hearing of the Licensing Sub-Committee, the appellants amended their application to seek a variation of the times for the sale of alcohol from 23.00 to 00.00 on Fridays and Saturdays and to extend the opening time on Fridays and Saturdays from 23.00 to 00.20. For the purposes of this appeal, the appellants seek a variation in the licence to sell alcohol until 00.00 on Fridays and Saturdays and to close on these days at 00.20.

3. The Licensing Sub-Committee hearing took place on 28th October 2018 and the Sub-Committee heard representations from the responsible authorities, the objectors and the appellants and refused the application to vary the licence.
4. The Licensing Sub-Committee set out the reasons for the refusal in their Notice of Decision dated 22nd October 2018. (DM/14 p C51 of the bundle) Their reasons were that the premises were in a residential area. Southwark's licensing policy recommends no later than 23.00 as a closing time in residential areas. They also took into account the matters listed at paragraph 109 of the policy and observed that paragraph 150 of the licensing policy required applicants to explain fully the arrangements intended to be put in place to ensure that the premises did not add to the cumulative impact. The applicants did not provide details of any such measures nor any measures to mitigate against crime, disorder and public nuisance.
5. I remind myself of how I should approach this appeal as set out in *the Queen on the Application of Hope and Glory Public House Limited v. The City of Westminster Magistrates' Court* [2011] EWCA Civ 31 where Toulson LJ said at paragraph 28:

“It is not in dispute that the appeal is a rehearing at which the affected parties are all entitled to call evidence, and that the court must make its decision on the full material before it.”

And further at para 45:

“It is right in all cases that the magistrates court should pay careful attention to the reasons given by the licensing authority for arriving at the decision under appeal, bearing in mind that Parliament has chosen to place responsibility for making such decisions on local authorities. The weight which the magistrates should ultimately attach to those reasons must be a matter for their judgment in all the circumstances, taking into account the fullness and clarity of the reasons, the nature of the issues and the evidence given on the appeal.”

6. I heard evidence from the following witnesses:
7. The appellant [REDACTED], is the designated premises supervisor who holds a personal licence. He explained that he was applying for a variation in the licence hours to cater for the demand for private parties which wanted late licences. He had applied for Temporary Extension Notices (TENS) in the past, all of which had been granted, but these were limited to 15 year and if he wished to accommodate further functions with late licences he had no option other than to apply for a permanent variation to his licence although he

did not intend to open late every weekend. He would wish to open late maybe 20 weekends a year- it depended on demand. He pointed out that the Southwark Brewing Company was opposite the St. John's estate rather than the Arnold estate, from where most of the complaints originated. The form provided on-line by the licensing authority did not make it easy to set out his proposals although he provided some information in the boxes which related to the licensing objectives. In the form he said that

- i) All staff will be adequately trained in the objectives and the premises adequately staffed.
- ii) Supervisory control will be provided at all times including security staff when appropriate.
- iii) Staff to maintain observation of the environment ensuring safety of the public.
- iv) Staff to be trained not to serve anyone who appears to be under the influence of alcohol Special attention given when the public are leaving the premises to ensure noise levels are kept to acceptable levels.
- v) Under 18s to be accompanied by an adult. Challenge 25 programme to be followed.

8. There had been no complaints specifically about noise at his premises or from patrons who had been to his premises.
9. He referred to the photographs exhibited by Jayne Tear which had been taken from the premises website. He said the photographs had been taken before 2015. Since a visit from a licensing officer in September 2018, their practices had changed and they no longer permitted drinking outside. The doors remained opened until 10pm in the week and until 7pm on Saturdays. The photograph of the shellfish stall was for promotional purposes and had never traded outside, it had only traded inside the premises and no longer did so. The photograph of the Bermondsey Beer Street festival was a completely separate event in a park. The Southwark Brewing Company had been asked to be the official providers of beer. It was an annual event which finished at 6pm in September. He said there was train noise from the trains from London Bridge until well after midnight.
10. The respondent licensing authority called the following evidence:
 11. **Jayne Tear**, a principal licensing officer at Southwark gave evidence that Druid Street was in an area designated as a residential area. This designation was made after a lengthy consultation policy in 2015. She also exhibited the Southwark Statement of Licensing Policy 2016-2020. The policy for closing time for a "public house, wine bars or other drinking establishments" in a residential area was 23.00. She was not aware of anything put forward by the appellants to justify a departure from that policy.
 12. She made representations about the cumulative impact of an extension of the licensing hours. There would be increased footfall, increased noise from patrons calling out walking along Druid Street, more drinking and anti-social behaviour, taxi doors shutting at a later hour.

13. There are 17 licensed premises within a 100-metre radius of the Southwark Brewing Company. Of those 13 have a closing time of 11pm or earlier and four premises have a closing time later than 11pm. The later licences were historic. It was suggested to Ms. Tear that customers started to disperse at 22.30, rather than a large number of customers leaving at 23.00. Ms. Tear's response was that it became continuous and later at night was more of a problem. She said that earlier in the evening residents would be awake watching TV. by 11pm residents were settling down to go to bed, that traffic dies down around this time and in summer residents may wish to have their windows open if the weather was hot.
14. She agreed that she had not seen any conditions which would mean that licence holders could control customers after leaving their premises.
15. She accepted that the photographs she had exhibited were old photographs and did not represent the current situation.
16. She said that there was no pavement in front of the railway arches where the Southwark Brewing Company was situated, thus to walk safely, departing customers had to cross over the road to access the pavement in front of the flats on the St. John estate.
17. She said that the measures that ██████████ had suggested, did not satisfy her in relation to cumulative impact. What she had to consider were the licensing objectives.
18. She was asked about the measures ██████████ had suggested in his application. She observed that security staff could not control people in the street and that it was unlawful to serve patrons who were drunk and that the "Challenge 25" programme was already an existing condition. She had given the application individual consideration.
19. She accepted that there were no complaints specifically against his premises and that Mr. ██████████ operated in a proper manner.
20. She did not accept that the patrons who had left premises which closed at 11pm would have left the street by midnight. She felt it would prolong the period during which customers were leaving. She also thought that taxis could cause problems by using their horn and the slamming off doors.
21. She had no status to object to TENS.
22. **P.C. Clements** works within the licensing office of the Metropolitan Police Force. He objected to an extension in hours. Within a short period of time Druid Street had gone from being a quiet residential street to one with a large number of licensed premises which has led to large number of complaints. His objection was the basis of the general impact on noise, nuisance and disorder. If the extension was allowed to midnight then that may lead to increased intoxication levels with a consequential increase in disorder. He also mentioned that the only footpath was on the residential side of the road. He

supported the Framework guidance of closure at 11pm. The measures put forward by Mr. [REDACTED] were not sufficient.

23. Only the police and the environmental health could object to TENS. The police had not objected to a TENS for Southwark Brewing Company in the past because TENS were subject to a "light touch" and there had to be a very good reason for an objection such to be made such as crime and disorder specifically linked to the premises. The concept of cumulative impact cannot be applied to TENS. The current licence has a terminal hour in line with licensing policy which is designed for the promotion of the licensing objectives. A change in closing time from 11pm to 12.20am was not a minor change.
24. **Richard Earis** is the principal Environmental Protection officer for Southwark. He was concerned about the effect an extension to opening hours to 12.20am would have in terms of cumulative impact. He considered it would lead to an extended period when there would be noise from the street. The later time was a more sensitive period when residents were more likely be asleep or trying to sleep. There was increased sensitivity after 11pm which marked the start of night-time in UK and European noise policy. That was why the Southwark policy suggested 11pm for residential areas. A residential area was not appropriate for late opening venues. A dispersal policy did not satisfy his concerns. There was not really any policy or condition which could deal with the problems of noise at night. It was virtually impossible to work out where customers had come from.
25. He had not objected to the TENS because very serious objections were required to object to a TENS. Cumulative impact was not a consideration for TENS because the licence was temporary. It was suggested that when the TENS were granted then the Southwark Brewing Company had successfully managed the late opening. Mr. Earis said that they received complaints about noise on Druid Street but there was no issue about the operation of the premises. A suggestion was made on behalf of the appellants that if an extension was granted then a condition could be made that Mr. [REDACTED] notify the licensing authority when he was holding a function and would use the late licence. Mr. Earis pointed out that once the licence was granted the late licence could be used every weekend upon notice being given.
26. **Cilizia Deidda**, the Public Health Policy officer for Southwark explained that the ward that the Southwark Brewing Company was in, previously was known as the Riverside ward but after boundary changes was the London Bridge and West Bermondsey ward. She referred to research that for each additional hour extension to the opening times of premises selling alcohol there was a 16% increase in violent crime and a 34% increase in alcohol related injuries. These were international studies.
27. She explained the effect that lack of sleep can have especially upon children. She pointed out that a number of organisations including the WHO based on scientific reviews recommend the control of hours of sales of alcohol as a means to reduce alcohol misuse and harm.

28. No measures proposed by Mr. ██████ satisfied her concerns. The Riverside ward accounted for 4th highest number of alcohol related callouts in Southwark.
29. She did consider each case on its own merits but generally they objected when the proposed hours fell outside the hours in the policy document because generally there were concerns about later licensing hours.
30. **Humaira Ali**, Ward Councillor for London Bridge and West Bermondsey was one of three councillors for the ward who together made written representations opposing the application and Damien O'Brien appeared at the Licensing Sub-Committee. The estate opposite the Southwark Brewing Company was St. John's not the Arnold estate.
31. Since she was elected she had heard complaints from many residents about the noise and anti-social behaviour in the whole of Druid Street. The new business had brought the street to life but there was noise from deliveries and anti-social behaviour. Those attending the premises in Druid Street were often boisterous and sometimes aggressive. There was broken glass which was a health and safety issue and food thrown to the floor had led to an infestation of rats.
32. Some residents had young children in the family or elderly parents who needed to go to sleep. Other constituents were shift workers or worked during the weekend so needed to sleep at a reasonable hour. One constituent suffered from post-traumatic stress disorder and was very anxious.
33. The Southwark Brewing Company was not a problem premises. The problem was the cumulative impact of the number of breweries and eateries in a small area. She had spoken to the landlord of the arches about there being too many breweries for a residential area. The area attracted stag and hen parties which sometimes led to drunken behaviour.
34. She said if there was an extension to midnight it may mean more people in the area but primarily it would increase the time that patrons were in the street. It would also mean that customers would move on from the premises that closed at 11pm to those who closed at midnight or beyond. If one set of premises was allowed an extension then it would set a precedent. It was not correct to suggest that patrons leaving the premises that shut at 11pm would have left and those leaving at 12.20am would be going into a quieter area.
35. She accepted that the Southwark Brewing Company had not received complaints but was not surprised that residents did not want to address the brewery directly. They could find it intimidating. Residents have tried to remonstrate with other premises in the past to no effect. Residents are often uncomfortable about confronting those running the premises and are frightened to do so.
36. She did not ask residents what conditions they would wish to have put on an extended hours application. She always asked questions in a very open way such as "do you have any issues in the local area?"

37. [REDACTED] co-chair of the Tenants Residents Association for the Arnold Estate explained that it was the St. John estate that faced the Southwark Brewing Company, the Arnold estate was further down Druid Street. The part of the Arnold estate that was closest to the Southwark Brewing Company was about 60-70 metres away from the premises. She spoke about the cumulative impact of having a large number of licensed premises nearby. She said that she and the residents dreaded weekends. They particularly dreaded when the weather was nice as that attracted more people and the Christmas period when there were parties. The area was being aggressively marketed as the Bermondsey Beer Mile encouraging the ideas of a pub crawl and moving from one establishment to the other.
38. She said that the customers were usually perfectly nice people but when they had been drinking, nuisance and anti-social behaviour occurred. She had seen commercial waste thrown into the cycle lane although she accepted that was lower down Druid Street and not where the Southwark Brewing Company was situated. She had seen patrons play-fighting in the street, urinating in the street, traffic cones move to the street. There was chanting and singing-often from birthday parties and when there were sporting events.
39. At weekends the problems were from 3pm to midnight or 1am. Patrons walked back and forth between establishments and there were often taxi doors slamming.
40. The residents found it very stressful; not only the actual nuisance and behaviour itself but the anticipation of what was going to happen. She dreaded weekends. Thursday, Friday and Saturday were problem days with Saturday as the key day. Residents planned outings and events especially with children to ensure they were not at home. Residents used various strategies to cover the noise: switching up televisions, playing music loudly, doing the washing or hoovering. The onus was also on the residents to record the incidents. If a resident complained to the noise team at the council, they were unlikely to have the resources to come out at the time and sort the problem out. They would attend on another day to record the complaint. Further stress was caused by needing to keep records of noise disturbance.
41. Some premises did not close at the agreed time. Patrons tended to mill around or wait for cabs outside the venues. Having an 11pm closing time was vital because even with an 11pm closing the residents really struggled with the noise. Lots of families had rearranged their sleeping arrangements so that the children did not sleep on the side nearest to Druid Street. There was a prolonged period when people just hung around or walked through to go to a place with a later licence.
42. The security staff at the venues did not intervene. They were not effective, it felt as if the licensed premises were using the presence of security staff as a tick box to look as if they were doing something. They did not minimise the disturbances.

43. Some residents were intimidated about complaining. [REDACTED] complained regularly but other residents could see that she had not achieved anything and would think why bother?
44. She accepted that mismanagement contributed to the problem but said even if premises were well managed then then it was a problem. There were complaints from the Arnold estate but she went to the police panel and the chairs from the other TRAs of all the estates nearby all had complaints.
45. People were outside until about 1am. This was because some premises exceeded their allowed closing time and also people were making their way to London Bridge station and Blue. She did not accept that if the other premises closed at 11pm that their patrons would be out of the area if the Southwark Brewing Company then stopped serving at midnight. The result would not be a staggered departure but extending the time of disruption until much later.
46. **Dorcas Mills**, a principal licensing officer at Southwark had made a statement which exhibited a number of documents from Southwark Licensing Sub-Committee. Her statement was read.
47. The powers I have under S. 181(2) Licensing Act 2003 in respect of this appeal are
- i) To dismiss the appeal
 - ii) To substitute the decision appealed against for any other decision which could have been made by the licensing authority or
 - iii) Remit the case to the licensing authority to dispose of it in accordance with the direction of the Court.
48. I must promote the licensing objectives which are
- i) The prevention of crime and disorder
 - ii) The prevention of public nuisance
 - iii) Public safety
 - iv) The protection of children from harm
49. I have considered the licensing objectives and the April 2018 revised guidance from the Secretary of State for the Home Office and the Statement of Licensing Policy for the London Borough of Southwark for 2016 -2020.
50. The appeal is dismissed. I have considered afresh the evidence and indeed I have heard evidence the Licensing Sub-Committee did not hear. I conclude that the application for the variation in the licence should not be granted and that the Licensing Sub-Committee were correct when they came to the same conclusion. The appellants have not discharged the burden to show that the decision was wrong. The licensing authority's decision is not wrong at the time of this hearing and in the light of the evidence I have heard.

51. The appellants submitted that the Licensing Sub-Committee and those who gave evidence at the Licensing Sub-Committee did not consider the case on its merits but simply saw that the variation would have taken the licenced period outside that in the Statement of Licensing Policy and dismissed the application out of hand. I do not accept that the Licensing Sub-Committee did not properly consider the application and that the Licensing Sub-Committee automatically refused the application because it contravened the Statement of Policy. The case was considered on its merits but it was accepted that it was difficult to think of conditions that would overcome the concerns of cumulative impact. However, it was for the appellants to suggest appropriate conditions to deal with the concerns. The conditions and suggestions put forward were inadequate.
52. The appeal is dismissed for the following reasons:
53. The premises are located in Druid Street which is classed as a residential area. The premises are situated in a railway arch which has no footpath in front of it. In order not to walk in the road, pedestrians are obliged to cross over to the other side of the road where the St. John estate is situated.
54. There are a substantial number of licenced premises in Druid Street. There are 17 licensed premises within a 100-metre radius of the Southwark Brewing Company. The Southwark Brewing Company is located towards the top end of Druid Street, nearer to London Bridge station which is about a 10-minute walk away. It is known and has been marketed as Bermondsey Beer Mile.
55. The residents suffer from noise made by patrons outside the various premises in Druid Street usually when leaving. This takes the form of rowdiness, singing or chanting, the slamming of taxi doors. The residents dread the weekends. An increase in hours as suggested would lead to an extension of the period when patrons are leaving or milling about waiting for taxis or moving on to other later licensed premises. Not only would it be an extension of this period, but it would be an extension into a sensitive time when nearby residents would wish to sleep. As Mr. Earis stated "There was increased sensitivity after 11pm which marked the start of night-time in UK and European noise policy. That was why the Southwark policy suggested 11pm for residential areas". The appellants have not suggested measures that would effectively deal with the disruption and noise after 11pm. Because it is not possible for premises to control the behaviour of his patrons once they have left it is difficult to think of measures that would prevent or curtail further noise nuisance and disruption.
56. I dismiss the appeal primarily to prevent further public nuisance by noise and disruption. However, I consider that the prevention of crime and disorder and the protection of children from harm are also secondary reasons to dismiss the appeal.
57. P.C. Clements objected on the general cumulative impact on noise, nuisance and disorder. He said if the extension was allowed to midnight then that was likely to lead to increased intoxication levels with a consequential increase in disorder. I was told that there was international research to show that for each additional hour extension to the opening times

of premises selling alcohol there was a 16% increase in violent crime and a 34% increase in alcohol related injuries. Thus, I dismiss the appeal to prevent crime and disorder.

58. I was told of the children who lived in the estates opposite Druid Street and how some parents had changed the bedrooms round to protect their children from the noise on the street and how many families made sure they were not around at the weekend to avoid the noise. The noise from Druid Street disturbed the resident children's sleep regularly. Southwark's Public Health Policy officer explained the serious effects that lack of sleep can have especially upon children. Thus, I also dismiss the appeal to protect children from harm.
59. The appellants have not suggested any measures which would adequately deal with these concerns. The measures that he has suggested in his application either were conditions of the licence in any event or were vague. For example, "security staff when appropriate" "staff will maintain observation of the environment ensuring public safety" He has also since his application said he will erect prominent signs asking customers to be quiet upon leaving and giving numbers of local cab companies and the post code for Uber drivers and a dispersal policy. However, these measures are inadequate to deal with the issues.
60. It is said on behalf of the Southwark Brewing Company that there have been no complaints made against them either generally or when operating a TENS. Witnesses have that it is not a problem premises. The problem is one of cumulative impact. I also note the evidence that some residents do not make formal complaints either from fear of intimidation (whether rightly or wrongly) or because it is thought that the complaints do not achieve anything. It is also difficult for residents to pinpoint which premises people who are being noisy or rowdy have been drinking in.
61. I accept that [REDACTED] must find it difficult to follow why he has been granted 19 TENS where alcohol was sold until midnight or 1am, since January 2018 without objection. The grounds for objection are different for TENS and a permanent variation to the licence. Cumulative impact cannot be considered when there is an application for a TENS.
62. This decision does not reflect upon [REDACTED] personally and the way he runs his premises.
63. I make an order for costs in the sum requested against the appellants jointly and severally in favour of the respondents.

Susan Holdham
District Judge (Magistrates' Court)

Appendix 2

Court dismisses Bermondsey Beer Mile Appeal

Published Date: 15/04/2019

The “Bermondsey Beer Mile” in the London Borough of Southwark has become famous for the number of micro-breweries and tap-rooms that have set up in recent years under the railway arches in Druid Street close to London Bridge station. It attracts groups who sample their delights one after the other. This has led to varying degrees of sobriety and drunkenness but still impactful on the locality nonetheless.

The residents who live in estates opposite the railway arches are less enamoured. They have experienced the cumulative impact of this activity in the form of public nuisance, anti-social behaviour and general disturbance on a weekly basis.

But the Bermondsey Beer Mile is not within one of Southwark’s Cumulative Impact Policy areas. This case highlights the propriety of Council’s considering an application for extended hours where there is evidence of cumulative impact, albeit not in an area subject to a formal cumulative impact policy. The appeal court subsequently also approved the Council’s approach to applications beyond its framework hours.

The Southwark Brewing Co, has operated from its railway arch in Druid Street since 2014. The premises holds a premises licence with a terminal alcohol hour of 23:00hrs. That hour already matches Southwark’s Framework Hours policy for applications within “residential areas”, such as this one.

The operator sought, by way of variation, an extension of his terminal hour to midnight (plus drinking up time) and offered a number of additional conditions. His application was refused by Southwark’s experienced licensing sub-committee. On appeal to the magistrates’ court the operator submitted that his extension ought to be permitted and the Council had wrongly taken into account cumulative impact as a justification for refusing it and so hadn’t considered the individual merits of his case. The operator also accepted under cross-examination that none of his proposed conditions could

control the behaviour and impact of his customers after they had left the immediate vicinity of his premises. And therein lies the likelihood of extended hours adding to the existing cumulative impact and prolonging the effects even later into the night to the detriment of residents' quality of life.

In dismissing the operators' appeal on 12 April 2019, District Judge Susan Holdham, sitting at Camberwell Magistrates Court, agreed with the Council's argument that it was perfectly proper to take into account evidence of cumulative impact as well as the Southwark's Framework Hours policy, when refusing the variation. The Court was referred to paragraph 14.42 of the s.182 Guidance which states:

14.42 The absence of a [cumulative impact assessment/policy] does not prevent any responsible authority or other person making representations on an application for the grant or variation of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives, However, in each case it would be incumbent on the person making the representation to provide relevant evidence of cumulative impact.

In such applications, representors are required to adduce sufficient evidence of cumulative impact in a particular case. Unlike the position where there the application is subject to a formal cumulative impact policy, there is no rebuttable presumption of refusal.

Further, the Council argued, and the Court accepted, the sub-committee were entitled to be guided by their Framework Hours policy in refusing the application when the applicant had provided no good reasons to depart from it.

Although this first-instance decision has no binding effect, it does highlight the Courts' willingness to approve Council decisions based on cumulative impact in the absence of a cumulative impact policy. The decision may also lead to a curtailing of future applications in the Bermondsey Beer Mile, particularly those that go beyond Policy Framework Hours.

The Council were awarded their costs in full.

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