

**Tear, Jayne**

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**From:** Jerrom, Charlie  
**Sent:** 05 April 2024 14:29  
**To:** [REDACTED]  
**Cc:** Regen, Licensing; Tear, Jayne; Moore, Ray  
**Subject:** New Premises Licence, 229 Old Kent Road, London, SE1 5LU Ref: 882730  
**Attachments:** Best practice guide 2022.pdf; Age verification policy 2022.pdf; Saying no 2023.pdf; Proof of age cards 2022.pdf; Alcohol 2023.pdf; Southwark Refusals Register 2023.pdf; FINAL\_c25-poster-enga-1\_WSTA.pdf

Trading Standards as a responsible authority are in receipt of a new premises license application from Jose Rafael Ferreira Minaya, in respect of 229 Old Kent Road, London, SE1 5LU. Trading Standards as a responsible authority are making representation in respect of this application under all the licensing objectives, but primarily the protection of children from harm.

In the general description this is:-

“Spanish Restaurant and Tapas Bar”

The opening hours are to be:-

Sunday to Thursday 08:00hrs to 00:00hrs  
 Friday to Saturday 08:00hrs to 01:00hrs

The hours for alcohol sales are to be (on sales)

Sunday to Thursday 11:00hrs to 23:30hrs  
 Friday to Saturday 11:00hrs to 00:30hrs

Live music (indoors)  
 Sunday to Thursday 11:00hrs to 23:00hrs  
 Friday to Saturday 11:00hrs to 00:00hrs

Recorded Music (indoors)  
 Sunday to Thursday 10:00hrs to 23:30hrs  
 Friday to Saturday 10:00hrs to 00:30hrs

Late night refreshments (indoors)  
 Sunday to Thursday 23:00hrs to 23:30hrs  
 Friday to Saturday 23:00hrs to 00:30hrs

Under the licensing objectives the application does mention a refusals log and challenge 21/25 which is very good, however it does not mention staff training or signage.

Trading Standards therefore simply asks that the following conditions be agreed by way of tidying up these matters.

4AA - The premises shall operate an age check 'Challenge 25' policy whereby customers purchasing alcohol who look or appear to be under 25 years of age will be asked for an approved form of proof of age to verify their age. Approved forms shall include a driving licence, passport or a PASS approved proof of age card such as the Southwark Proof of Age (SPA) card.

4AB - All staff involved in the sale of alcohol shall be trained in the age check 'Challenge 25' policy. A record of their training, including the dates that each member of staff is trained, shall be available for inspection at the premises on request by the Council's authorised officers or the Police.

4AC - Age check or 'Challenge 25' signage shall be displayed at entrances to the premises, areas where alcohol is displayed for sale and at points of sale to inform customers that an age check 'Challenge 25' policy applies and proof of age may be required.

4AI - A register of refused sales of alcohol shall be maintained in order to demonstrate effective operation of the policy. The register shall be available for inspection at the premises on request by Council authorised officers or the Police.

I attach electronic documents of training materials and a refusals register which can be used to meet the above conditions in terms of staff training and use of a refusal register. This effectively saves the business the cost of paying a consultant to undertake such activities. There is no reason why a person in the business who holds a personal license cannot undertake such training for staff and this can form part of a defence for the business should a member of staff supply alcohol to a minor.

If you are happy to accept these conditions then trading standards, as a responsible authority, will be happy to lift the representations made in respect of the application.

Hard copies of the above documents can be provided on request.

**Charlie Jerrom** – Enforcement Officer (Trading Standards)  
Southwark Council | Environment, Neighbourhoods and Growth | Regulatory Services  
Direct line 020 7525 7529 | Fax 020 7525 5735 | Call Centre 020 7525 2000

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[www.direct.gov.uk/consumer](http://www.direct.gov.uk/consumer)

Postal Address:  
Trading Standards Unit | 3rd Floor, Hub 1 | PO Box 64529 | London | SE1P 5LX

Visitor Address:  
160 Tooley Street | London | SE1 2QH





The Licensing Unit  
Floor 3  
160 Tooley Street  
London  
SE1 2QH

**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:** MD/24/330

**Date:** 07 11/04/2024

Dear Sir/Madam

**Re:Malibu 229 Old kent Road SE1 5LU**

Police are in possession of an application from the above for a New Premises Licence for the supply of alcohol on sales, live music, recorded music, late night refreshment. The operating schedule describes it as Spanish restaurant and tapas bar will operate as a genuine restaurant. The hours requested are outside those recommended in the Southwark council Statement of Licensing policy for a restaurant in a residential area and are as follows

Open to the public

Sun-Thurs-0800hrs-0000hrs

Fri-Sat-0800hrs-0100hrs

Late Night Refreshment

Sun-Thurs-2300hrs-2330hrs

Fri-Sat-2300hrs-0030hrs

Supply of Alcohol on sales

Sun-Thurs-1100hrs-2330hrs

Fri-Sat-1100hrs-0030hrs

Recorded music

Sun-Thurs-1000hrs-2330hrs

Fri-Sat-1000hrs-0030hrs

Live Music

Sun-Thurs-1000hrs-2330hrs

Fri-Sat-1000hrs-0030hrs

The hours the applicant has requested exceed those within the Southwark council Licensing Policy and Police ask the applicant to consider reducing the requested hours so that they are in line with the policy.

The applicant has provided some control measures in the operating schedule and we welcome these however some are either not clear or not easily enforced in their current format

In regards to the control measures offered 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 must be precise and enforceable.

Police would ask the applicant to consider the following wording of conditions

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) 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. That the supply of alcohol on the premises shall be to a person seated taking a substantial hot table meal there and for consumption by such a person as ancillary to their meal.

7. All off Sales of alcohol shall only be sold in sealed containers to persons purchasing substantial a takeaway meal for consumption away from the premises.

8. 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.

9. 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)

10. 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.

11. 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.

12. That customers shall use no outside area other than those who temporarily leave the premises to smoke with no more than five (5) people permitted to smoke at one any time. The Staff shall monitor the area and ensure patrons do not obstruct the highway or cause any disturbance to their neighbours.
  
13. 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 road safety in respect of customers leaving the premises.
  - vii. 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).
  
14. There shall be no removal of glassware by patrons from the premises at anytime.
  
15. There shall be no dj led events held at the venue.

The Metropolitan Police object to the granting of this licence in its current format as the conditions offered by the applicant do not fully address the licensing objectives in particular that of prevention of crime and disorder. There are also concerns that the hours requested will have a detrimental effect on the local residents in the form of alcohol led anti-social behaviour. Police welcome the opportunity to communicate with the applicant to progress this application

Submitted for your consideration.  
Yours Sincerely

**PC Mark Lynch 2246AS**  
Southwark Police Licensing Unit  
Tel: 0207 232 6756/6639

**From:** Earis, Richard <[Richard.Earis@southwark.gov.uk](mailto:Richard.Earis@southwark.gov.uk)>  
**Sent:** Wednesday, May 1, 2024 9:39 AM  
**To:** Regen, Licensing <[Licensing.Regen@southwark.gov.uk](mailto:Licensing.Regen@southwark.gov.uk)>  
**Cc:** [REDACTED]  
**Subject:** RE: New premises licence consultation 229 Old Kent Road

**RE: New premises licence consultation 229 Old Kent Road**

I have considered the application on behalf of EPT (Prevention of Public Nuisance Responsible Authority).

EPT object to the application on the basis that the proposed hours of operation significantly exceed the recommended hours in the Council's Statement of Licensing Policy, that the premises has a history of non-compliance, and that the controls included within the application are considered insufficient to ensure the Licensing Objective.

Records show we received a complaint of noise nuisance on 11/11/2023 at 23:45. A Noise Officer attended at 01:50 on 12/11/2023. He made the following notes:

*'visit made at 01:50 assessed in front bedroom of flat located above shops and restaurants of old kent road, busy mixed use road, window closed, carpeted, muffled amplified music clearly audible in bedroom, latin american style music, instrumental and bass beats prevalent, predominant noise source in the bedroom, drowned out all the background noise such as traffic noise, vibrations felt through the floor, continuous and ongoing, at a level which would prevent sleep and a statutory nuisance, located source as the malibu restaurant bar, 229 old kent road, had phone number on facade as 07949 200974, same style music at the entrance to the bar...spoke to manager who gave his name as Wilmar, and showed me temporary event notice on phone...music stopped and patrons leaving. advice given, s80 to be served.'*

An Abatement Notice was served under S.80 of the Environmental Protection Act 1990 on 26/11/2023.

Records show the premises was found with alcohol displayed for sale without a valid License or TEN on 1/12/2023 (a closure notice was issued on 8/12/2023).

Following the notice and Licensing Act breach, EPT objected to a late TEN application on 12/12/2023 which resulted in a counter notice being served.

On 14/12/2023 EPT afforded the applicant an opportunity to apply for further TENs without objection on a trial basis if certain controls were agreed and implemented during the events. The email record of this is attached to this email as evidence. Since this time several further TENs have taken place without objection or complaint and no further noise visits have been necessary.

We consider that as the proposal is significantly outside the Statement of Licensing Policy recommended hours and the premises has a history of non-compliance and an abatement notice, it is appropriate that a decision on the application is made by Committee.

If the Committee is minded to grant the License we would recommend that the following conditions are applied as worded below:

1. Patrons shall not be permitted to use any external area of the premises after 22:00hrs on any day until the premises reopens the following day, apart from for access & egress and for smoking (no more than 5 persons shall be allowed to use the external area to smoke at any one time after 22:00)
2. Amplified music, song or speech shall not be broadcast in external areas at any time.
3. All external doors and doors to noise lobbies used by patrons to enter the premises shall be kept closed except for access and egress and shall have acoustic seals, brushes and self-closers (in accordance with BS 6459 Pt. 1 1984) fitted to those doors
4. Clearly legible signage will be prominently displayed at all patron exits, where it can easily be seen and read, requesting that patrons leave the premises in a quiet and orderly manner that is respectful to neighbours.
5. A comprehensive Dispersal Policy shall be produced and implemented at the premises, with all staff trained on the most recent iteration of the policy. A record of staff training on the Dispersal Policy shall be kept at the premises and a copy of the policy and training records be made available to the council or police on request
6. Suitably qualified or experienced persons shall be employed at all times whilst licensable activity is being provided, and shall take all reasonable steps to ensure that patrons do not cause a nuisance in the vicinity of the premises
7. Any background music played shall remain at a volume that permits normal conversation and the volume control of any music shall be behind the bar/counter and in the full control of staff at all times
8. A sound limiting device shall be installed, set and maintained, to control maximum levels of amplified sound inside the premises so as to ensure entertainment noise from the premises does not cause a public nuisance in the vicinity of the premises, and in particular is not audible inside any nearby noise sensitive premises.
9. All audio and musical equipment used in the premises, permitted under the Licensing Act 2003 or the Live Music Act 2012, shall be played through the installed sound limiting device.
10. All speakers for the broadcast of sound within the premises shall be isolated from the structure of the premises by anti-vibration mountings or mats.
11. Premises management shall regularly monitor outside the premises to ensure that the volume and bass levels of any licensed entertainment is kept at a level that does



not cause disturbance at the closest or most exposed noise-sensitive facade to ensure the prevention of public nuisance.

Kind Regards,

Richard

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

**020 7525 0328**

Postal address: Southwark Council | Environmental Protection Team | Regulatory Services | 3rd Floor Hub 1 | PO Box 64529 | London | SE1P 5LX.

Office address (By appointment only): Southwark Council | Environmental Protection Team | Regulatory Services | 3rd Floor Hub 1 | 160 Tooley Street | London | SE1 2QH

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See: <http://www.southwark.gov.uk/environment/air-quality>



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

**Sent:** Thursday, December 14, 2023 2:01 PM

**To:** [REDACTED]

**Subject:** RE: 229 Old Kent Road

Afternoon Raul,

Thank you for your email.

I would suggest that you include the following conditions in your TEN application. If there is no further issue or non-compliance between now and the TEN consultation deadline we will not object if the below are included. We will then monitor how the event goes in terms of nuisance and compliance with conditions to inform decisions on future events and applications.

Suggested conditions:

- All speakers for the broadcast of sound within the premises shall be isolated from the structure of the premises by anti-vibration mountings or mats.
- The volume and bass levels of any music shall be kept at a level that does not cause disturbance at the closest or most exposed noise-sensitive façade
- Premises management shall regularly monitor outside the premises to ensure that the volume and bass levels of any licensed entertainment is kept at a level that does not cause disturbance at the closest or most exposed noise-sensitive facade to ensure the prevention of public nuisance.
- Any background music played shall remain at a volume that permits normal conversation and the volume control of any music shall be behind the bar/counter and in the full control of staff at all times.
- All doors and windows shall remain closed (except for access or egress).
- There shall be no drinks permitted outside after 22:00 hours
- There shall be no more than 2 persons permitted outside at any one time, to smoke only, after 22:00
- Any queue [in a designated queuing area] to enter the premises must be supervised at all times by door supervisors.
- Suitably qualified or experienced persons shall be employed at all times, whilst licensable activity is being provided, and shall take all reasonable steps to ensure that patrons do not cause a nuisance in the vicinity of the premises.
- Announcements shall be made and notices provided to all exits used by patrons to request that patrons leave in a quiet and orderly manner that is respectful to neighbours.
- Clearly legible signage will be prominently displayed at all patron exits, where it can easily be seen and read, requesting that patrons leave the premises in a quiet and orderly manner that is respectful to neighbours.

We would also recommend you write a dispersal policy to ensure that dispersal does not impact on your neighbours.

If you would like to discuss this please feel free to contact me.

Kind Regards,

Richard

**Richard Earis**

Principal Environmental Protection Officer

**Environmental Protection Team**

**020 7525 0328**

Postal address: Southwark Council | Environmental Protection Team | Regulatory Services | 3rd Floor Hub 1 | PO Box 64529 | London | SE1P 5LX.

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See: <http://www.southwark.gov.uk/environment/air-quality>

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**From:** [REDACTED]  
**Sent:** Thursday, December 14, 2023 11:53 AM  
**To:** Earis, Richard <[Richard.Earis@southwark.gov.uk](mailto:Richard.Earis@southwark.gov.uk)>  
**Subject:** 229 Old Kent Road

Good morning Mr Richard.

I'm writing regarding our conversation yesterday about the conditions for us to apply for a temporary event on the dates of 29th, 30th, and 31st of December 2023.

We are looking to celebrate the New Year weekend with our customers, friends, and families

We are planning to open on the 29th and 30th from 12:00 am until 02:00 am with music played by the speakers and then after 01:00 am background music and food also will be available until 23:00.

Sunday from 12:00 am till 03:00 will be played some music until 02:00 am and background music until 03:00 am. Food will also be available until 23:30.

No more than 2 people will be allowed to be in the smoking area so neighbors will not be disturbed.

We look forward to hearing from you so we can proceed with the application for the event.

<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> 2 May 2024
<b>Subject:</b>	Representation	
<b>Act:</b>	The Licensing Act 2003 (the Act)	
<b>Premises:</b>	Malibu Restaurant Bar, 229 Old Kent Road, SE1 5LU	
<b>Application number:</b>	<b>882730</b>	
<b>Location ID:</b>	201059	<b>Ward:</b> South Bermondsey

We object to the grant of an application for a premises licence, submitted by Jose Rafael Ferreira Minaya Under The Licensing Act 2003 (the Act), in respect of the premises known as Rincon Costeno, Arch 146, Eagle Yard, Hampton Street, SE1 6SP.

### 1. The application

The application is to allow for the provision of the following licensable activities and opening hours:

#### Live (indoors) –

- **Sunday - Thursday: 10:00 – 23:00**
- **Friday & Saturday: 10:00 – 00:30**

#### Recorded music (indoors) –

- **Sunday - Thursday: 10:00 – 23:30**
- **Friday & Saturday: 10:00 – 00:30**

#### Late night refreshment (indoors) –

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

#### The sale of alcohol for consumption on the premises as follows –

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

#### The proposed opening hours of the premises are –

- **Sunday - Thursday: 08:00 – 00:00**
- **Friday & Saturday: 08:00 – 01:00**

The premises are described in the application as (verbatim):

- *“Spanish restaurant and tapas bar.”*

## 2. The Locale

The premises are located to the north of 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 premises are in a parade of shops. The area has many high-density residential housing estates / blocks in the immediate and wider vicinity of the premises, in all directions. New residential blocks are being built along the Old Kent Road corridor as part of an extensive regeneration plan for the area. A new residential block is being built a few doors away from the premises to which this application relates. There are also many commercial premises (including other licensed premises) in the vicinity. A map of the local area is attached as appendix 1.

**Figure 1: View of the premises' entrance looking north across Old Kent Road. Residential properties are shown directly above the premises, and adjacent to the premises at first floor level and above. A new residential block being built is also shown**



**Figure 2: View from outside the premises shop front looking north-west up Old Kent Road showing commercial premises at ground floor level, residential properties at first floor level and above and a hotel**



**Figure 3: View looking south-east down Old Kent Road showing residential properties at first floor level and above**



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

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

A copy of the SoLP is available via:

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

The following closing times are recommended in our SoLP in respect of various types of licensed premises located in residential areas as stated -

Public houses, wine bars or other drinking establishments and bars in other types of premises, restaurants, cafes and 'event premises / spaces' where the sale of alcohol is included in, and ancillary to, a range of activities including meals and takeaway establishments –

Monday - Sunday:            23:00

### **3. Our objection**

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

We say that the late night / early morning sale of alcohol is likely to have a negative effect on the promotion the crime and disorder and the prevention of public nuisance licensing objectives. Late night venues also pose more of a risk regarding public safety and the prevention of children from harm.

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 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 and amenity of 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 operational hours suggested in the SoLP exist to protect residents in the borough.

The operational hours suggested in the SoLP were ratified by councilors 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.

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 this very licensing sub-committee itself.

**We therefore recommend that live and recorded music cease, and the premises close, at 23:00 daily and that the sale of alcohol to be consumed on the premises ceases at 22:30 (which would allow for 30 minutes 'drinking up' time).**

#### **4. Conditions**

We note that in part 'M' of the application, the applicant has proposed various measures to address the licensing objectives. We welcome these measures, but do not feel that they sufficiently address the licensing objectives and say that further conditions are required.

The conditions proposed need clarification to ensure that they are precise, practicable, enforceable and unambiguous.

Paragraph 1.16 (Licence conditions – general principles) of the Guidance to the Licensing Act 2003 issued by the Secretary of State under section 182 of the Licensing Act 2003 states that conditions –

- *“must be precise and enforceable;”*
- *“must be unambiguous and clear in what they intend to achieve;”*

If the licensing sub-committee is minded to grant the application we recommend that the following conditions be included in any premises licence issued subsequent to this application, and replace the measures proposed in part 'M' of the application ***in their entirety***.

#### **A. General – all four licensing objectives:**

1. That a written record of all staff authorised to sell alcohol at the premises shall be kept at the premises and will be made available to responsible authority officers immediately on request. The authorisation record shall include the name and address of the premises, the name of the licensee, the name of the DPS and the names of all staff authorised to sell alcohol at the premises.

#### **B. The prevention of crime and disorder:**

2. That any 3<sup>rd</sup> parties / members of the public using the premises for a promoted or private event must complete a venue hire agreement with the premises licence holder. The venue hire agreement shall include the full name and address of the hirer, copy of valid photo identification of the hirer (kept on file in accordance with data protection requirements), the hirer's signature and the date that the venue hire agreement has

been signed. The venue hire agreement shall include all of the licensee's terms of hire. Such agreements shall be kept on file for 6 months from the date of the event and be made immediately available to responsible authority officers on request.

### **C. Public Safety**

3. That spirits (alcohol within an alcohol by volume (ABV) of 15% or more) shall not be sold by the bottle at the premises. Spirits shall only be sold in standard measures or multiples thereof.
4. That the maximum number of people permitted on the premises at any one time (the 'accommodation limit') is **X** people (excluding staff). The accommodation limit shall be known by all staff and shall not be exceeded at any time.

<< The applicant is to provide the accommodation limit – **WM** >>

5. That clearly legible signage shall be displayed where it can easily be seen and read by customers and staff identifying all emergency escape routes and emergency exits at the premises. Such signage shall be kept free from obstructions at all times.
6. That all emergency exits, emergency escape routes and entry / exit doors at the premises shall be kept free from obstructions at all times that the premises are in use.
7. That any spills of liquid onto the floor at the premises' shall be cleared away as soon as possible on a continuous basis whilst the premises are in use. Any wet floors will be clearly demarcated as such to prevent slips being caused by the wet floors. Relevant staff shall be trained in this, and 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.
8. That broken or waste glass / earthenware shall be cleared away as soon as possible on a continuous basis whilst the premises are in use to minimise risk of injury. Relevant staff shall be trained in this, and 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.
9. That appropriate first aid equipment / materials shall be kept at the premises in a dedicated first aid box / boxes. The first aid box(es) shall be kept easily accessible and unobstructed at all times. All staff shall be made aware of where the first aid boxes are located.
10. That an accident book / recording system shall be maintained at the premises and be available and in use at all times that the premises are in operation. The accident book / recording system shall meet all current legislative requirements. Details of any accidents will be recorded in the accident book / recording system contemporaneously. The accident book / recording system shall be made immediately available to responsible authority officers on request. Relevant staff shall be trained in this, and 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.
11. That all public areas of the premises (including any public toilets) shall be kept in a sanitary, clean and tidy state at all times that the premises are in operation so that there is no risk to public health or safety regarding the sanitariness of the premises.



12. That all areas of the premises and all fittings and equipment, door fastenings, notices, lighting, heating, electrical, toilet, washing and other installations, will be maintained in good order and in a safe condition at all times.
13. That 'Ask for Angela' posters (or posters relating to whatever similar scheme may be recommended at any time) shall be displayed in the female toilet facilities and kept free from obstructions at all times. All staff shall be trained in the 'Ask for Angela' scheme (or similar scheme) and shall perform the appropriate course of action in the event of a customer requesting assistance. 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.

#### **D. The prevention of public nuisance**

14. That customers shall not be permitted to enter or leave the premises with open or sealed drinks containers of any kind.
15. That only management staff shall have access to any amplification equipment at the premises, and only management staff shall be permitted to change any control settings on said equipment.
16. That the sound level at which entertainment is provided will be set by the management of the premises so that it does not give rise to nuisance and this level will not be exceeded at any time.
17. That any litter caused by the operation of the premises shall be cleared away from the immediate vicinity of the premises periodically throughout operating hours, and at the end of trade, on each day that the premises are in operation. Relevant staff shall be trained in this, and 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.
18. That suitable external containers for customer's cigarette butts shall be provided at all times that the premises are in use. Such containers shall be emptied regularly to ensure that they can be used at all times that the premises are in use, and so that they do not overflow and cause cigarette butt litter in the vicinity.
19. That external doors at the premises shall be kept closed except for immediate, and emergency, access and egress to and from the premises.
20. That any openable windows at the premises shall be kept closed at all times that licensable activities are taking place at the premises.
21. That staff shall be trained to arrive at, conduct themselves at the premises at all times, and leave the premises in an orderly manner, with particular care taken when staff close the premises at the end of trade on each day. The details of such training, including the printed name(s) of the trainee(s) and the date(s) that the training was given, shall be recorded in the staff training logs at the premises.
22. That clearly legible signage shall be prominently displayed where it can easily be seen and read by customers, at all exits from the premises and in any external areas, requesting to the effect that customers leave the premises and locale in a quiet and orderly manner with respect to local residents. Such signage shall be kept free from obstructions at all times.

23. That external waste handling, collections of goods from the premises, deliveries of goods to the premises and the cleaning of external areas shall only occur between the 07:00 hours and 22:00 hours.
24. That clearly legible signage stating a dedicated contact telephone number for the premises shall be prominently displayed where it can easily be seen and read by passers-by. The signage shall state to the effect that the phone number shown can be used to contact the premises in respect of any complaints regarding the operation of the premises. If the telephone number relates to a mobile phone, then the duty manager / supervisor on duty shall have the mobile phone on their person at all times. Such signage shall be kept free from obstructions at all times.
25. That, if and when required, staff shall interact with customers to ensure that customers behave at the premises in a quiet and orderly manner and also leave the premises and locale in a quiet and orderly manner. Customers deemed by staff to be engaging in anti-social behaviour shall be asked to leave the premises. All relevant staff shall be trained in this, and 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.

**E. The protection of children from harm:**

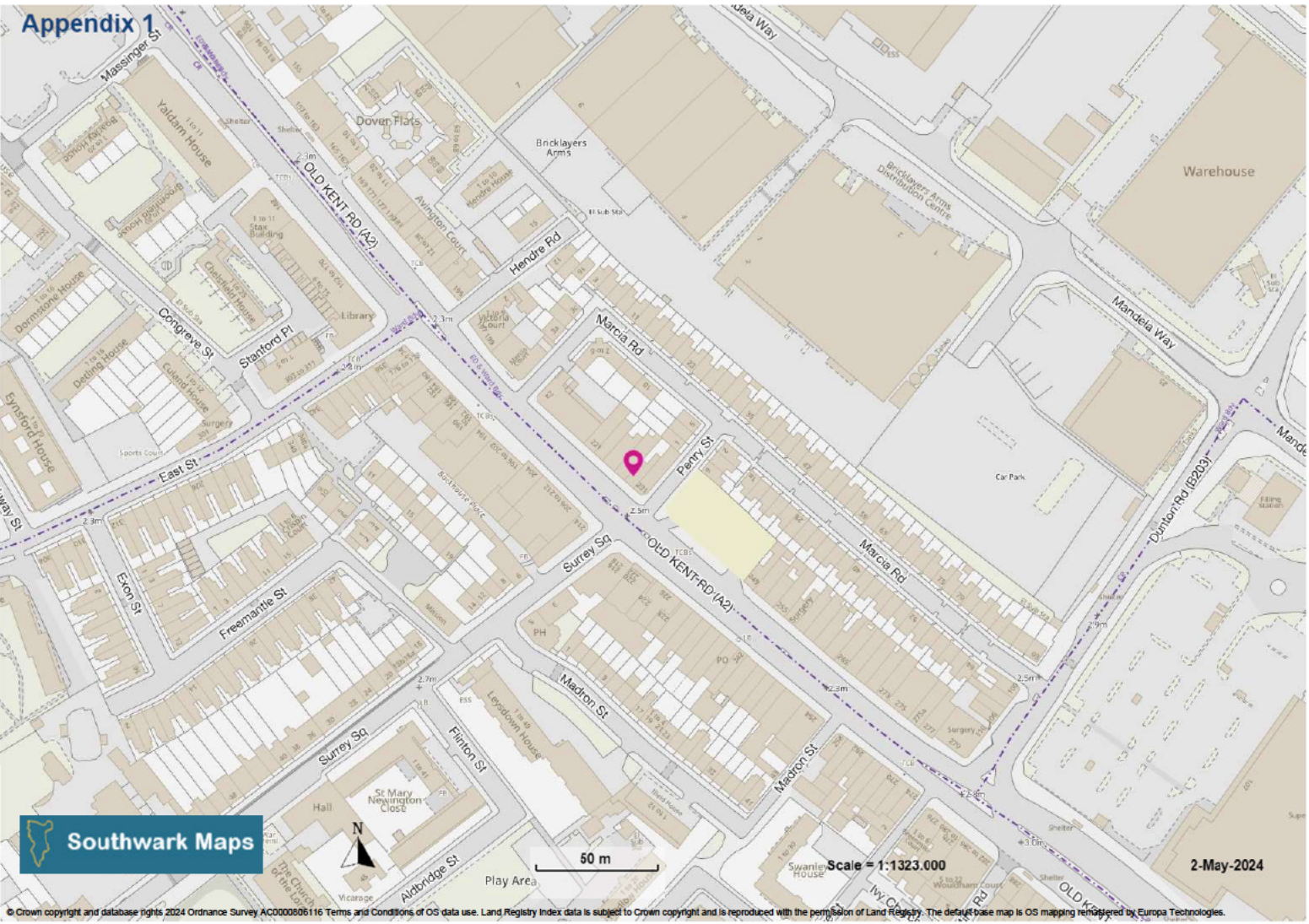
- It is noted that the applicant has already agreed to conditions with this council's trading standards service to address this licensing objective.

We welcome discussion regarding any of the above, however should the applicant agree to our suggested amendments to the application then we will withdraw this application.

Yours sincerely,

**Wesley McArthur**  
Principal Enforcement Officer

Appendix 1



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