



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/21/885/24

**Date:** 02/08/2024

Dear Sir/Madam

Re:- The Arch Companies Properties Limited Arch 36 America Street SE1 0NJ

Police are in possession of an application from the above for a new premises licence to provide late night refreshment, supply of alcohol and regulated entertainment.

The applicant describes the premises as follows:

**Background Purposes Only.**

The Arch Company is the UK's largest small business landlord, serving thousands of business owners who make a unique and vital contribution to the UK economy. With a property portfolio of approximately 5,200 railway arches, business estates, former station buildings and other properties, The Arch Company is proud to be the landlord to a diverse, passionate group of small business owners, entrepreneurs and community organisations across England and Wales.

The Arches at 36 – 39 America Street are newly refurbished commercial units in the heart of Southwark.

**Southwark Policy.**

The premises do sit within the Southwark Cumulative Impact Policy (CIP). However, these premises are small in size and the application seeks hours similar to the framework hours suggested within the policy. The locations are not residential and provide an opportunity to develop sites which are currently vacant.

Conditions have been offered within the application which we believe to be proportionate and adequate for the style and size of the operations.

Due to the reasons listed above we believe the application promotes the Licensing Objectives.

**Application.**

The applicant is the landlord who will not operate the premises but will transfer to a suitable tenant when identified.

We are making the application because, in challenging economic times, it is more attractive to an independent operator to take a premises with a premises licence thus avoiding the time and costs involved in making the application.

The premises forms one of four arches 36,37,38 and 39. The intention is to operate all four arches as individual licensed premises, the applicant has submitted four separate but identical applications.

The venue is located in the Borough & Bankside cumulative impact areas and as such requires special consideration with regard to the possible impact it will have. Taking into consideration the Southwark Statement of Licensing Policy, the latest hour for any licensed premises in this area would be 0100. This is in line with the latest hour as per these applications.

At this early stage in the application process it is not yet known what type of licensed premises is going to operating, it is therefore difficult to risk asses each premises and recommend suitable control measures. The latest opening times for premises in this location as per SSLP as previously stated is 0100 and this is for restaurant style operations.

The applicant has offered a number of control measures within the operating schedule, however there is nothing included that would restrict the use of this premises to that of a restaurant. Four new licensed premises potentially operating as vertical drinking establishments in this area would in my opinion have a significant cumulative impact on an area already saturated with licensed premises. The applicant has stated that these are small premises but as yet no accommodation limit has been suggested and or plans for the premises that show seating plans.

I therefore object to these application on the grounds that will have a negative impact on the licensing objectives, in particular the prevention of crime and disorder.

If accommodation limits and style of operation can be confirmed along with suitable conditions for each premises there could be an opportunity to conciliate these applications.

Submitted for your consideration.  
Yours Sincerely

PC Ian Clements 2362AS

Licensing Officer  
Southwark Police Licensing

**From:** Jerrom, Charlie <Charlie.Jerrom@southwark.gov.uk>  
**Sent:** Monday, July 29, 2024 11:52 AM  
**To:** [REDACTED]@popall.co.uk  
**Cc:** Moore, Ray <Ray.Moore@southwark.gov.uk>; Regen, Licensing <Licensing.Regen@southwark.gov.uk>; Forrest, Yemisi <Yemisi.Forrest@Southwark.gov.uk>; Franklin, David <David.Franklin@SOUTHWARK.GOV.UK>  
**Subject:** FW: New Premises Licence, The Arch Company Properties Limited, Arch 38 America Street, London, SE1 0NJ Ref:883673

Trading Standards as a responsible authority are in receipt of a new premises license application from The Arch Company Properties Limited, Arch 38 America Street, London, SE1 0NJ. 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:-

“Background Purposes Only.

The Arch Company is the UK’s largest small business landlord, serving thousands of business owners who make a unique and vital contribution to the UK economy. With a property portfolio of approximately 5,200 railway arches, business estates, former station buildings and other properties, The Arch Company is proud to be the landlord to a diverse, passionate group of small business owners, entrepreneurs and community organisations across England and Wales. The Arches at 36 – 39 America Street are newly refurbished commercial units in the heart of Southwark.

Southwark Policy. The premises do sit within the Southwark Cumulative Impact Policy (CIP). However, these premises are small in size and the application seeks hours similar to the framework hours suggested within the policy. The locations are not residential and provide an opportunity to develop sites which are currently vacant. Conditions have been offered within the application which we believe to be proportionate and adequate for the style and size of the operations. Due to the reasons listed above we believe the application promotes the Licensing Objectives. Application.

The applicant is the landlord who will not operate the premises but will transfer to a suitable tenant when identified. We are making the application because, in challenging economic times, it is more attractive to an independent operator to take a premises with a premises licence thus avoiding the time and costs involved in making the application.”

**The opening hours are to be:-**

Sunday to Thursday 08:00 – 00:00

Friday to Saturday 08:00 – 01:00

**The hours for alcohol sales are to be (on/off the premises)**

Sunday to Thursday 08:00 – 23:30

Friday to Saturday 08:00 – 00:30

**Recorded Music & Recorded Music (Indoors)**

Sunday to Thursday 08:00 – 23:30

Friday to Saturday 08:00 – 00:30

### **Late Night Refreshments (Indoors/Outdoors)**

Sunday to Thursday 23:00 – 23:30

Friday to Saturday 23:00 – 00:30

The application does mention conditions relating to protection of children from harm however, Trading Standards would like to see further conditions around these matters, 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.

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.

Charlie Jerrom  
Enforcement Officer  
Trading Standards  
T: 020 7525 7529  
W: southwark.gov.uk

From: Prickett, Mark <Mark.Prickett@southwark.gov.uk>  
Sent: Monday, August 19, 2024 3:27 PM  
To: Regen, Licensing <Licensing.Regen@southwark.gov.uk>  
Cc: [REDACTED]@popall.co.uk  
Subject: EPT representation - premises licence Arch 36 America Street

Dear Licensing,

Southwark's Environmental Protection Team (EPT) have reviewed the premises licence application for Arch 36, America Street, SE1 0NJ.

The application states "The applicant is the landlord who will not operate the premises but will transfer to a suitable tenant when identified. We are making the application because, in challenging economic times, it is more attractive to an independent operator to take a premises with a premises licence thus avoiding the time and costs involved in making the application".

The application seeks the following licensable activities:

Live music (indoors): 08:00 – 23:30 Sunday to Thursday, 08:00 – 00:30 Friday and Saturdays

Recorded music (indoors): 08:00 – 23:30 Sunday to Thursday, 08:00 – 00:30 Friday and Saturdays

Late night refreshment (both indoors and outdoors): 23:00 – 23:30 Sunday to Thursday, 08:00 – 23:30 Friday and Saturdays

Supply of alcohol (both on and off the premises): 08:00 – 23:30 Sunday to Thursday, 08:00 – 00:30 Friday and Saturdays

Opening hours: 08:00 – 00:00 Sunday to Thursday, 08:00 – 01:00 Friday and Saturdays.

#### PLANNING HISTORY

Planning permission for "Change of use of Arch 36 (Car Wash Use Class E(g) and Arch 37 (Production studio Use Class E(c)), Arch 38 and Arch 39 (Car park Sui Generis) to flexible uses under Use Class E (a), (b), (c), (d),(g) (ii) and (g) (iii) and/or Drinking Establishment (Sui Generis); installation of shopfronts, creation of cycle and bin storage, demolition of external lean to structures to front, side and rear and the installation of substation" was granted under application number 23/AP/0561.

The application can be found here for reference:

<https://planning.southwark.gov.uk/online-applications/applicationDetails.do?keyVal=RQUMMSKBLV600&activeTab=summary>

The decision notice is attached for reference.

Condition 15 of the permission restricts opening hours to the following:

15. The use hereby permitted for the development hereby approved; purposes shall not be carried on outside of the hours of:

- 8:00 - 23:00 on Monday to Fridays;
- 8:00 - 23:00 on Saturdays and;
- 8:00 - 23:00 on Sundays and Bank Holidays.

Reason:

To safeguard the amenities of neighbouring residential properties in accordance with Chapter 8 (Promoting healthy and safe communities) of the National Planning Policy Framework (2021); Policy D4 (Delivering good design) of the London Plan (2021); and Policy P56 (Protection of amenity) of the Southwark Plan (2022).

This planning application was reviewed in detail by EPT and in correspondence with Arch Co over numerous matters. With regards to the opening hours, these were agreed to by Arch Co.

This licensing application therefore seeks extension to the opening hours only months after they were agreed to by Arch Co via the planning application process.

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

#### EPT STANCE

The application site is within the Borough & Bankside CIP area. Further details on the CIP areas can be found in section 6 of Southwark's Licensing Policy.

At present the licensing authority is being asked to grant a licence in the CIP area for a currently unknown tenant. As such EPT make representation against this application and would request the hours of opening are brought back to be in line with the planning permission.

Section M part a) of the application has also been reviewed. EPT note there are further discrepancies with the licensing policy and also with the existing planning permission.

As per section 271 of the licensing policy, outdoor / external areas are recommended to be shut by 22:00. Furthermore no drinks should be permitted to be taken outside after 22:00.

The hours of deliveries recommended do not reflect condition 16 from the planning permission.

Where '23:00' is stated in proposed conditions 4, 5 & 8, it is requested this be amended to '22:00'.

With the terminal hour requested to be brought back to 23:00, the request for late night refreshment can be removed.

A condition requesting the following is also requested: 'Amplified music, song or speech shall not be broadcast in external areas at any time.'

Alcohol sold for off sales should also be in a sealed container.

If the amended hours are agreed to and conditions drafted to reflect the above then EPT would be in a position to conciliate the representation.

Kind regards,

Mark Prickett  
Principal Environmental Protection Officer  
Environmental Protection Team  
Tel: 020 7525 0023

Postal address: Southwark Council, Environmental Protection Team, Regulatory Services, 3rd Floor Hub 1, PO Box 64529, London, SE1P 5LX  
Office address (By appointment only): Southwark Council, 160 Tooley Street, London, SE1 2QH

# SOUTHWARK COUNCIL

Town and Country Planning Act 1990 (as amended)

Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)



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## DECISION NOTICE

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**LBS Reg. No.:** 23/AP/0561

**Date of Issue of Decision:** 08/11/2023

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Applicant Arch Company Properties Limited

### **Planning Permission was GRANTED WITH LEGAL AGREEMENT for the following development:**

Change of use of Arch 36 (Car Wash Use Class E(g) and Arch 37 (Production studio Use Class E(c)), Arch 38 and Arch 39 (Car park Sui Generis) to flexible uses under Use Class E (a), (b), (c), (d),(g) (ii) and (g) (iii) and/or Drinking Establishment (Sui Generis); installation of shopfronts, creation of cycle and bin storage, demolition of external lean to structures to front, side and rear and the installation of substation.

At

Arches 36-39 America Street London SE1 0NJ

In accordance with the valid application received on 1 March 2023 and supporting documents submitted which can be viewed on our Planning Register.

For the reasons outlined in the case officer's report, which is also available on the Planning Register.

The Planning Register can be viewed at: <https://planning.southwark.gov.uk/online-applications/>

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### **Conditions**

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#### **Permission is subject to the following Approved Plans Condition:**

1. The development shall be carried out in accordance with the following approved plans:

Reference no./Plan or document name/Rev.

Received on:



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259-021-SGP-ZZ-00-DR-A- 021001 PROPOSED GROUND FLOOR PLAN (Rev: P08)	01/03/2023
259-021-SGP-ZZ-00-DR-A- 021003 PROPOSED SUB STATION AREA (Rev: P05)	01/03/2023
259-021- SGP-ZZ- 00-DR-A- 010003 THE LOCATION PLAN (Rev: P06)	01/03/2023
259-021-SGP-ZZ-ZZ-DR-A- 021010 TYPICAL SECTION (Rev: P04)	01/03/2023
259-021-SGP-ZZ-01-DR-A- 021005 Front Elevation Design Principles (Rev: P03)	01/03/2023
259-021-SGP-ZZ-01-DR-A- 021006 FRONTAGE & VIADUCT SIGNAGE (Rev: P01)	01/03/2023
259-021-SGP-ZZ-00-DR-A- 010004 BLOCK PLAN (Rev: P04)	03/03/2023
259-021-SGP-ZZ-00-DR-A- 010005 PROPOSED SITE PLAN (Rev: P04)	03/03/2023
259-021-SGP-ZZ-ZZ-DR-A- 021007 PROPOSED ELEVATIONS- AMERICA STREET AND UNION STREET (Rev: P03)	21/07/2023
259-021-SGP-ZZ-ZZ-DR-A-021011 PLANNING FRONTAGE REVEAL - SECTION AND PLAN (Rev: P02)	21/07/2023
259-021-SGP-ZZ-01-DR-A- 021008 PROPOSED ELEVATIONS- GREAT GUILDFORD STREET AND SOUTHWARK BRIDGE ROAD (Rev: P04)	26/07/2023
259-021-SGP-ZZ-ZZ-DR-A- 021012 REAR ELEVATION DESIGN PRINCIPLES (Rev: P01)	26/07/2023

Reason:

For the avoidance of doubt and in the interests of proper planning.

### **Permission is subject to the following Time Limit:**

2. The development hereby permitted shall be begun before the end of three years from the date of this permission.

Reason:

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As required by Section 91 of the Town and Country Planning Act 1990 as amended.

### **Permission is subject to the following Grade Condition(s)**

3. Before any work hereby authorised begins, [excluding demolition to slab level and site investigation works] the applicant shall secure the implementation of a programme of archaeological mitigation works, an archaeological watching brief, in accordance with a written scheme of investigation, which shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order that the details of the programme of works for the archaeological mitigation are suitable with regard to the impacts of the proposed development and the nature and extent of archaeological remains on site in accordance with Policy P23 Archaeology of the Southwark Plan (2022) and the National Planning Policy Framework 2021.

### **Permission is subject to the following Pre-Occupation Condition(s)**

4. Before the first occupation of the development hereby permitted begins, details (1:50 scale drawings) of the facilities to be provided for the secure and covered storage of cycles shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the cycle parking facilities provided shall be retained and the space used for no other purpose, and the development shall not be carried out otherwise in accordance with any such approval given.

Reason: In order to ensure that satisfactory safe and secure cycle parking facilities are provided and retained in order to encourage the use of cycling as an alternative means of transport to the development and to reduce

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reliance on the use of the private car in accordance with Chapter 9 (Promoting sustainable transport) of the National Planning Policy Framework (2021); Policy T5 (Cycling) of the London Plan (2021); Policy P53 (Cycling) of the Southwark Plan (2022).

5. Prior to first and subsequent occupation of the development as Use Class E (d), full details of how to book the community facility, the cost to users, operating hours and details of how the facility would be publicised to the wider community, shall be submitted and approved in writing. The development shall be operated and managed in accordance with the approved details.

Reason: To comply with P47 Community uses of the Southwark Plan 2022.

6. Before the first occupation of the development hereby permitted begins, details of the arrangements for the storing of domestic and/or commercial refuse (whichever is applicable) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved refuse storage facilities shall be provided and made available for use by the occupiers of the development and the facilities shall thereafter be retained and shall not be used or the space used for any other purpose.

Reason: To ensure that the refuse will be appropriately stored within the site thereby protecting the amenity of the site and the area in general from litter, odour and potential vermin/pest nuisance in accordance with Chapters 8 (Promoting healthy and safe communities) and 12 (Achieving well-designed places) of the National Planning Policy Framework (2021); Policy D4 (Delivering good design) of the London Plan (2021); Policy P62 (Reducing Waste) and Policy P66 (Reducing Noise Pollution and Enhancing Soundscapes) of the Southwark Plan (2022).

7. A scheme of sound insulation shall be installed to ensure that the LFmax sound from amplified and non-amplified music and speech shall not exceed the lowest L90 5min at 1m from the facade of nearby residential premises at all third octave bands between 63Hz and 8kHz.

Prior to occupation of the commercial premises the proposed scheme of sound insulation shall be submitted to the local planning authority for approval. The scheme of sound insulation shall be constructed and

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installed in accordance with the approval given and shall be permanently maintained thereafter. Following completion of the development and prior to the commencement of use of the commercial premises, a validation test shall be carried out. The results shall be submitted to the LPA for approval in writing.

### Reason

To ensure that the occupiers and users of the proposed development do not suffer a loss of amenity by reason of noise nuisance and other excess noise from activities associated with non-residential premises in accordance with the Southwark Plan 2022 Policy P56 (Protection of amenity); Policy P66 (Reducing noise pollution and enhancing soundscapes), and the National Planning Policy Framework 2021.

8. Prior to the commencement of use, involving a commercial kitchen, full particulars and details of a scheme for the extraction and ventilation of the commercial kitchen shall be submitted to and approved by the Local Planning Authority. The scheme shall include:

- o Details of extraction rate and efflux velocity of extracted air
- o Full details of grease, particle and odour abatement plant
- o The location and orientation of the extraction ductwork and discharge terminal
- o A management servicing plan for maintenance of the extraction system

To ensure that fumes and odours from the kitchen do not affect public health or residential amenity. Once approved the scheme shall be implemented in full and permanently maintained thereafter.

### Reason

In order to ensure that any installed ventilation, ducting and ancillary equipment in the interests of amenity will not cause amenity impacts such as odour, fume or noise nuisance and will not detract from the appearance of the building in accordance with the Southwark Plan 2022 Policy P56 (Protection of amenity); Policy P65 (Improving air quality), and the National Planning Policy Framework 2021.

9. Prior to commencement of Light Industrial use (Use Class E (g) (iii), full particulars shall be submitted to and approved by the Local Planning

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Authority of a scheme showing that the parts of the development to be used for light industrial purposes will be fitted-out to an appropriate level for light industrial use. The particulars referred to in the preceding sentence shall include details of the mechanical and electrical fit-out of the units, heating and cooling provision, sprinklers, and the provision of kitchen and toilet facilities. Notwithstanding Schedule 2, Part 3, Classes I and PA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (including any future amendment of enactment of those Orders) the commercial units shall remain in Class E (a), (b), (c), (d), (g(ii) and (iii)) use. The facilities approved shall be installed unless otherwise agreed in writing.

**Reason:**

To ensure that high quality industrial floorspace is delivered and retained in the borough in the interests of protecting and generating employment in accordance with the National Planning Policy Framework 2021 and Policies P29 Strategic protected industrial land and Policy P30 Office and business development of the Southwark Plan 2022.

10. Before the first occupation of the building hereby permitted, a Service Management Plan detailing how all elements of the site are to be serviced shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approval given and shall remain for as long as the development is occupied.

**Reason:** To ensure compliance with: Chapter 9 (Promoting sustainable transport) of the National Planning Policy Framework (2021); Policy T7 (Deliveries, servicing and construction) of the London Plan (2021) and Policy P50 (Highways Impacts) of the Southwark Plan (2022).

### **Permission is subject to the following Compliance Condition(s)**

11. No developer, owner or occupier of any part of the development hereby permitted, with the exception of disabled persons, shall seek, or will be allowed, to obtain a parking permit within the controlled parking zone in Southwark in which the application site is situated.

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Reason:

In accordance with Chapter 9 (Promoting Sustainable Transport) of the National Planning Policy Framework (2021); Policy T6 (Car Parking) of the London Plan (2021); and Policy P50 (Highways impacts) of the Southwark Plan (2022).

12. The materials to be used in the implementation of this permission shall not be otherwise than as described and specified in the application and on the drawings hereby approved unless the prior written consent of the local planning authority has been obtained for any proposed change or variation.

Reason:

To ensure that the new works blend in with the existing building in the interest of the design and appearance of the building in accordance with Chapter 12 (Achieving well-designed places) of the National Planning Policy Framework (2021); Policy D4 (Delivering good design) of the London Plan (2021); Policy P13 (Design of places) and Policy P14 (Design Quality) of the Southwark Plan (2022).

13. No units hereby approved shall be merged, combined, or consolidated with any other retail unit to form a larger retail unit, without having first obtained express written consent from the council.

Reason:

In order to ensure that the impact of large developments can be properly assessed in terms of harm to the vitality or viability of existing centres in accordance with The National Planning Policy Framework 2021 and Policy P36 Development outside of town centres of the Southwark Plan 2022

14. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and any associated provisions of the Town and Country Planning General Permitted Development Order (including any future amendment or enactment of those Orders) the Class E floorspace hereby approved shall NOT be used for use class E (g) (i) purposes unless otherwise agreed by way of a formal application for planning permission.

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Reason: To safeguard the character and the amenities of the premises and adjoining properties in accordance with the National Planning Policy Framework (2021) and P56 Protection of amenity of the Southwark Plan 2022.

15. The use hereby permitted for the development hereby approved; purposes shall not be carried on outside of the hours of:

- 8:00 - 23:00 on Monday to Fridays;
- 8:00 - 23:00 on Saturdays and;
- 8:00 - 23:00 on Sundays and Bank Holidays.

Reason:

To safeguard the amenities of neighbouring residential properties in accordance with Chapter 8 (Promoting healthy and safe communities) of the National Planning Policy Framework (2021); Policy D4 (Delivering good design) of the London Plan (2021); and Policy P56 (Protection of amenity) of the Southwark Plan (2022).

16. Any deliveries or collections to the commercial units shall only be between the following hours: 08:00 to 22:00 on Monday to Friday, 09:00 - 20:00 Saturdays and 10:00 - 16:00 Sunday & Bank Holidays.

Reason

To safeguard the amenity of neighbouring residential properties in accordance with the Southwark Plan 2022 Policy P56 (Protection of amenity); Policy P66 (Reducing noise pollution and enhancing soundscapes), and the National Planning Policy Framework 2021.

17. All components of the extraction system shall be cleaned, serviced, maintained and replaced at sufficient intervals to prevent degradation in performance of the system's components affecting surrounding amenity, and fully in accordance with manufacturer's recommendations. Suitable documentary evidence shall be kept and made available to the Local Planning Authority upon request.

Reason:

In order to ensure that any installed ventilation, ducting and ancillary

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equipment in the interests of amenity will not cause amenity impacts such as odour, fume or noise nuisance and will not detract from the appearance of the building in accordance with the National Planning Framework 2021; Policy P56 (Protection of amenity) and Policy P65 (Improving air quality) of the Southwark Plan 2022

18. The Rated sound level from any plant, together with any associated ducting, shall not exceed the Background sound level (LA90 15min) at the nearest noise sensitive premises. Furthermore, the Specific plant sound level shall be 10dB(A) or more below the background sound level in this location. For the purposes of this condition the Background, Rating and Specific Sound levels shall be calculated fully in accordance with the methodology of BS4142:2014+A1:2019.

Suitable acoustic treatments shall be used to ensure compliance with the above standard. A validation test shall be carried out and the results submitted to the Local Planning Authority for approval in writing to demonstrate compliance with the above standard. Once approved the plant and any acoustic treatments shall be permanently maintained thereafter.

#### Reason

To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance or the local environment from noise creep due to plant and machinery in accordance with the Southwark Plan 2022 Policy P56 (Protection of amenity); Policy P66 (Reducing noise pollution and enhancing soundscapes), and the National Planning Policy Framework 2021.

19. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment.

#### Reason:

To ensure the development is designed safely in reference to flood risk in accordance with Chapter 14 (Meeting the challenge of climate change, flooding and coastal change) of the National Planning Policy Framework (2021); Policy SI 12 (Flood risk management) of the London Plan (2021); and Policy P68 (Reducing flood risk) of the Southwark Plan (2022).



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### Permission is subject to the following Special Condition(s)

20. Within one year of the completion of the archaeological work on site, an assessment report detailing the proposals for the off-site analyses and post-excavation works, including publication of the site and preparation for deposition of the archive, shall be submitted to and approved in writing by the Local Planning Authority, and the works detailed in the assessment report shall not be carried out otherwise than in accordance with any such approval given. The assessment report shall provide evidence of the applicant's commitment to finance and resource these works to their completion.

Reason: In order that the archaeological interest of the site is secured with regard to the details of the post-excavation works, publication and archiving to ensure the preservation of archaeological remains by record in accordance with Policy P23 Archaeology of the Southwark Plan (2022) and the National Planning Policy Framework 2021.

Signed: Stephen Platts

Director of Planning and Growth

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### Informative Notes to Applicant Relating to the Proposed Development

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1. Paragraph 3.12.9 of Policy D12 explains that Fire Statements should be produced by someone who is:  
"third-party independent and suitably-qualified" The Council considers this to be a qualified engineer with relevant experience in fire safety, such as a chartered engineer registered with the Engineering Council by the Institution of Fire Engineers, or a suitably qualified and competent professional with the demonstrable experience to address the complexity of the design being proposed. This should be evidenced in the fire statement. The Council accepts Fire Statements in good faith on that basis. The duty to identify fire risks and hazards in premises and to take appropriate action lies solely with the developer.

The fire risk assessment/statement covers matters required by planning policy. This is in no way a professional technical assessment of the fire risks presented by the development. The legal responsibility and liability lies with the 'responsible person'. The responsible person being the person who prepares the fire risk assessment/statement not planning officers who make planning decisions.

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## Important Notes Relating to the Council's Decision

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### 1. Conditions

- If permission has been granted you will see that it may be subject to a number of planning conditions. They are an integral part of our decision on your application and are important because they describe how we require you to carry out the approved work or operate the premises. It is YOUR responsibility to comply fully with them. Please pay particular attention to those conditions which have to be met before work commences, such as obtaining approval for the siting and levels of buildings and the protection of trees on the site. If you do not comply with all the conditions in full this may invalidate the permission.
- Further information about how to comply with planning conditions can be found at:  
[https://www.planningportal.co.uk/info/200126/applications/60/consent\\_types/12](https://www.planningportal.co.uk/info/200126/applications/60/consent_types/12)
- Please note that there is a right of appeal against a planning condition. Further information can be found at:  
[https://www.planningportal.co.uk/info/200207/appeals/108/types\\_of\\_appeal](https://www.planningportal.co.uk/info/200207/appeals/108/types_of_appeal)

### 2. Community Infrastructure Levy (CIL) Information

- If your development has been identified as being liable for CIL you need to email [Form 1: CIL Additional Information](#), [Form 2: Assumption of Liability](#) and [Form 6: Commencement Notice](#) to [cil.s106@southwark.gov.uk](mailto:cil.s106@southwark.gov.uk) as soon as possible, so that you can be issued with a Liability Notice. This should be done at least a day before commencement of the approved development.
- **Payment of the CIL charge is mandatory and the CIL Regulations comprises a range of enforcement powers and penalties for failure to following correct procedures to pay, including stop notices, surcharges, late payment interests and prison terms.**
- To identify whether your development is CIL liable, and further details about CIL including eligibility and procedures for any CIL relief claims, please see the Government's CIL guidance:

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[www.southwark.gov.uk](http://www.southwark.gov.uk)

<https://www.gov.uk/guidance/community-infrastructure-levy>

- All CIL Forms are available to download from Planning Portal:

[https://www.planningportal.co.uk/info/200136/policy\\_and\\_legislation/70/community\\_infrastructure\\_levy/5](https://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy/5)

- Completed forms and any CIL enquiries should be submitted to [cil.s106@southwark.gov.uk](mailto:cil.s106@southwark.gov.uk)

### 3. National Planning Policy Framework

- In dealing with this application we have implemented the requirements in the National Planning Policy Framework to work with the applicant/agent in a positive, proactive and creative way by offering a pre-application advice service; as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible and if applicable suggesting solutions to secure a successful outcome. We have considered the application in light of our statutory policies in our development plan as set out in the officer's report.

### 4. Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.

If an enforcement notice is or has been served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: **28 days** of the date of service of the enforcement notice, OR within **6 months** (12 weeks in the case of a householder or minor commercial appeal) of the date of this notice, whichever period expires earlier.

- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have

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granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal.
- Further details are on GOV.UK (<https://www.gov.uk/government/collections/casework-dealt-with-by-inquiries>).

### 5. Purchase Notice

- If either the local planning authority or the Secretary of State grants permission subject to conditions, the owner may claim that the land can neither be put to a reasonably beneficial use in its existing state nor made capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances the owner may serve a purchase notice on the Council requiring the Council to purchase the owner's interest in the land in accordance with Part VI of the Town and Country Planning Act 1990

### 6. Provisions for the Benefit of the Disabled

- Applicants are reminded that account needs to be taken of the statutory requirements of the Disability Discrimination Act 1995 to provide access and facilities for disabled people where planning permission is granted for any development which provides:
  - i. Buildings or premises to which the public are to be admitted whether on payment or otherwise. [Part III of the Act].
  - ii. Premises in which people are employed to work as covered by the Health and Safety etc At Work Act 1974 and the Management of Health and Safety at Work Regulations as amended 1999. [Part II of the Act].
  - iii. Premises to be used as a university, university college or college, school or hall of a university, or intended as an institution under the terms of the Further and Higher Education Act 1992. [Part IV of the Act].

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- Attention is also drawn to British Standard 8300:2001 Disability Access, Access for disabled people to schools buildings – a management and design guide. Building Bulletin 91 (DfEE 99) and Approved Document M (Access to and use of buildings) of the Building Regulations 2000 or any such prescribed replacement.

### **7. Other Approvals Required Prior to the Implementation of this Permission.**

- The granting of approval of a reserved matter or outstanding matter does not relieve developers of the necessity for complying with any Local Acts, regulations, building by-laws and general statutory provisions in force in the area, or allow them to modify or affect any personal or restrictive covenants, easements, etc., applying to or affecting either the land to which the permission relates or any other land or the rights of any persons or authorities (including the London Borough of Southwark) entitled to the benefits thereof or holding an interest in the property concerned in the development permitted or in any adjoining property. In this connection applicants are advised to consult the council's Highway Maintenance section [tel. 020-7525-2000] about any proposed works to, above or under any road, footway or forecourt.

### **8. Works Affecting the Public Highway**

- You are advised to consult the council's Highway Maintenance section [tel. 020-7525-2000] about any proposed works to, above or under any road, footway or forecourt.

### **9. The Dulwich Estate Scheme of Management**

- Development of sites within the area covered by the Scheme of Management may also require the permission of the Dulwich Estate. If your property is in the Dulwich area with a post code of SE19, 21, 22, 24 or 26 you are advised to consult the Estates Governors', The Old College, Gallery Road SE21 7AE [tel: 020-8299-1000].

### **10. Building Regulations.**

- You are advised to consult Southwark Building Control at the earliest possible moment to ascertain whether your proposal will require consent under the Building Act 1984 [as amended], Building Regulations 2000 [as amended], the London Building Acts or other statutes. A Building Control officer will advise as to the submission of any necessary applications, [tel. call centre number 0845 600 1285].

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### **11. The Party Wall Etc. Act 1996.**

- You are advised that you must notify all affected neighbours of work to an existing wall or floor/ceiling shared with another property, a new building on a boundary with neighbouring property or excavation near a neighbouring building. An explanatory booklet aimed mainly at householders and small businesses can be obtained from the Department for Communities and Local Government [DCLG] Free Literature tel: 0870 1226 236 [quoting product code 02BR00862].

### **12. Important**

- This is a PLANNING PERMISSION only and does not operate so as to grant any lease, tenancy or right of occupation of or entry to the land to which it refers.

<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> 19 August 2024
<b>Subject:</b>	Representation	
<b>Act:</b>	The Licensing Act 2003 (the Act)	
<b>Premises:</b>	Arch 36, America Street, London, SE1 0NJ	
<b>Application number:</b>	<b>883671</b>	
<b>Location ID:</b>	201742	<b>Ward:</b> Borough & Bankside ward

We object to the grant of an application for a premises licence, submitted by The Arch Company Properties Limited under The Licensing Act 2003 (the Act), in respect of the premises known as Arch 37, America Street, London, SE1 0NJ.

### **1. The application**

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

Live music and recorded music (both indoors) –

- **Sunday - Thursday: 08:00 – 23:30**
- **Friday & Saturday: 08:00 – 00:30**

Late night refreshment (indoors and outdoors) –

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

The sale of alcohol for consumption both on and off the premises as follows –

- **Sunday - Thursday: 08:00 – 23:30**
- **Friday & Saturday: 08:00 – 00:30**

The proposed opening hours of the premises are –

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

Non standard timings for licensable activities and opening hours –

- From the end of permitted hours New Year's Eve to the start of permitting hours New Year's Day

**The premises, and its intended operation, are described in the application as follows (verbatim):**



- **“Background Purposes Only.**

*The Arch Company is the UK’s largest small business landlord, serving thousands of business owners who make a unique and vital contribution to the UK economy. With a property portfolio of approximately 5,200 railway arches, business estates, former station buildings and other properties, The Arch Company is proud to be the landlord to a diverse, passionate group of small business owners, entrepreneurs and community organisations across England and Wales.*

*The Arches at 36 – 39 America Street are newly refurbished commercial units in the heart of Southwark.*

### **Southwark Policy.**

*The premises do sit within the Southwark Cumulative Impact Policy (CIP). However, these premises are small in size and the application seeks hours similar to the framework hours suggested within the policy. The locations are not residential and provide an opportunity to develop sites which are currently vacant.*

*Conditions have been offered within the application which we believe to be proportionate and adequate for the style and size of the operations.*

*Due to the reasons listed above we believe the application promotes the Licensing Objectives.*

### **Application.**

*The applicant is the landlord who will not operate the premises but will transfer to a suitable tenant when identified.*

*We are making the application because, in challenging economic times, it is more attractive to an independent operator to take a premises with a premises licence thus avoiding the time and costs involved in making the application.”*

## **2. The Statement Of Licensing Police (SoLP)**

According to sections 6 and 7 of this council’s statement of licensing policy 2021 – 2026 (the SoLP), the premises fall within the Borough and Bankside Cumulative Impact Area (CIA) and Borough and Bankside Major Town Centre.

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 Borough and Bankside Major Town Centre as stated -

### **Restaurants and cafes:**

Sunday - Thursday:	00:00 (midnight)
Friday & Saturday:	01:00

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

Sunday - Thursday: 23:00  
Friday & Saturday: 00:00

### Night clubs (with 'sui generis' planning classification)

Monday – Thursday: 01:00  
Friday & Saturday: 03:00  
Sunday: 00:00

### Take-away establishments providing late night refreshment

Sunday - Thursday: 00:00 (midnight)  
Friday & Saturday: 01:00

### Event premises / spaces where sale of alcohol is included in, and ancillary to, range of activities including meals

Sunday - Thursday: 00:00  
Friday & Saturday: 01:00

## **3 Our objection**

Our objection relates to the promotion of all of the licensing objectives and is based on the criteria set out in '3a' and '3b' below.

### **3a. Cumulative Impact**

The premises fall within the Borough and Bankside CIA.

Paragraph 130 of the SoLP states –

- “In areas where the number, type and density of premises selling alcohol are high or exceptional, serious problems of nuisance and disorder may arise some distance from those premises. Such problems generally occur as a result of large numbers of drinkers being concentrated in an area. Typically this occurs when customers leave premises at peak times or where there is queuing at fast food outlets or for public transport. Moreover, large concentrations of people may also increase the incidence of other criminal activities such as drug dealing, pick pocketing and street robbery. Local services such as public transport services, public lavatory provision and street cleaning may not be able to meet the demand posed by such concentrations of drinkers and this can lead to issues such as street fouling, littering, traffic and public nuisance caused by concentrations of people who cannot be dispersed quickly.”

The local area has a very high concentration of various types of licensed premises, and is close to The City of London, which also has a high concentration of various types of licensed premises.

Paragraph 131 of the SoLP states –

- “*Applications made within specified Cumulative Impact Areas (CIAs) are deemed likely to add to the potential impact the policy is intended to avoid. There is therefore an automatic presumption that such applications will be refused, however each application will be judged on its own merits.*”

Paragraph 150 of the SoLP stipulates regarding the Borough and Bankside CIA that -

- *“The classes of premises within the area to which the policy shall apply will be night-clubs / public houses and bars / restaurants and cafes / off-licences, supermarkets and grocers.”*

Although the application does not specify the style of operation of the premises, we contend that it is likely to be similar to the types of operation set out in paragraph 150.

As per paragraph 150 of the SoLP, the council has found that certain types of premises are likely to increase the negative cumulative impact in the Borough and Bankside CIA of licensed premises in that area. We are in agreement with this stance and are therefore of the opinion that the application **must be determined by the licensing sub-committee**.

Paragraph 132 of the statement of licensing policy states that –

- *“It is normally the case that a representation citing a relevant CIA will have to be determined at a Licensing Sub-Committee hearing.”*

We further note that section 136 of the statement of licensing policy states –

- *“...it is for the Applicant to demonstrate that the application will not, if granted, further contribute to the negative local cumulative impact on any one or more of the licensing objectives.”*

Further to the above, we contend that granting the application *in its current state* **will** further contribute to the negative local cumulative impact of licensed premises in the Borough and Bankside CIA.

Granting the application as it stands will exacerbate the serious problems caused by licensed premises in the locale.

We also refer to R (on the application of Westminster City Council) -v- Middlesex Crown Court [2002] EWHC 1104 in which HHJ Baker adjudicated

- *“Notwithstanding the applicant being a fit and proper person and the premises would be well run a licence could be refused on the sole ground that the area was already saturated with licence premises....and the cumulative effect of the existing premises was impacting adversely on the area to an unacceptable level.”*

This means that the above application can be refused on the **sole basis** that it is subject to a cumulative impact area.

It is important to note that this application is one of **four being submitted simultaneously by the applicant, regarding premises that are located adjacent to each other**. We say that the addition of four new licensed premises allowing for the sale of alcohol, the provision of live and / or recorded music and the provision of late night refreshment, *whether within framework hours or not*, pose a high risk of increasing the negative cumulative impact of licensed premises within the Borough and Bankside CIA.

Whilst the applicant *has* addressed cumulative impact in the application we **do not** agree with their summation that the operation of the premises won't have an effect on cumulative impact. We note that the applicant states that the *'locations are not residential'*, however there are residential properties close to America Street, and the effect on cumulative impact that this application could have, if granted, in the *wider cumulative impact area* **must be** considered.

We also note that the applicant mentions the 'style and size' of the premises, however the 'style' of the premises has not been clarified on the application, and cannot be clarified until a suitable tenant has been found.

The applicant seems to imply that the size of the premises negates any negative impact that the operation of the premises may have, however we again point out that four applications for adjacent premises have been submitted, of which this application is one, and we say that this nullifies the applicant's inference.

We further add that the full council assembly approved the current version of the SoLP and have maintained the Borough and Bankside CIA four times in a row, showing that the problems related to licensed premises in the locale are ***longstanding and ongoing***.

**We do note however that all applications must be *judged on their own merits*.**

### 3b – conditions

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 / or cumulative impact and say that further conditions are required.

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;*”

We therefore recommend that, should the licensing sub-committee be minded to grant this application, the following conditions be included in any premises licence issued subsequent to this application, in addition to those stated in the application.

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

1. 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.
2. That any 'off sales' of alcohol shall be provided in sealed containers to be taken away from the premises.
3. That, to discourage 'street drinking' in the locale by customers of the premises, clearly legible signage shall be prominently displayed where it can easily be seen and read by customers at all exits requesting to the effect that customers do not consume alcoholic drinks bought at the premises, in the vicinity of the premises. Such signage shall be kept free from obstructions at all times.

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

4. That an incident log shall be kept at the premises to record details of any of the following occurrences at the premises:
  - Instances of anti-social or disorderly behaviour
  - Calls to the police or other emergency services
  - Any complaints received
  - Ejections of people from the premises
  - Visits to the premises by the local authority or emergency services
  - Any malfunction in respect of the CCTV system
  - All crimes reported by customers, or observed by staff
  - Any seizures of drugs or weapons
  - Any other relevant incidents

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

**<<The above is to replace condition 12 in the application>>**

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

## **C. Public Safety**

7. 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>>**

8. That illuminated emergency escape route and emergency exit signage ('emergency lighting') shall be installed at the premises, be maintained in full working order, be operational at all times that the premises are in use and shall be maintained free from obstruction at all times.
9. 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.
10. 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.
11. 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.
12. 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.
13. 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.
14. 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**

15. That a sound limiting device (or similar equipment) shall be installed at the premises, be maintained in full working order and be in use at all times that the premises are in operation under this licence. All amplification equipment, entertainment devices and amplified instruments shall be routed through the sound limiting device (or similar equipment) which shall be calibrated so that the sound level of amplified sound at the premises does not cause a statutory or public nuisance. Only the licensee, premises manager, sound engineering staff, or other person(s) nominated in writing by the licensee, shall have access to the sound limiting device (or similar equipment) and shall be able to demonstrate that it is in use at the immediate request of responsible authority officers.
16. That a log with details of the calibration of any sound limiting device (or similar equipment), including who calibrated the device, what time it was calibrated, any

internal and external sound level measurements taken, whether external measurements were taken with the premises' windows and doors open, and any other relevant technical details shall be kept at the premises and be signed off by the person who calibrated the device. The log shall be made immediately available to authorized officers on request.

17. That only the licensee, premises' manager, sound engineering staff, or other person(s) nominated in writing by the licensee, shall have access to any amplification equipment and the sound limiting device (or similar equipment) at the premises, and only such staff shall be permitted to change any control settings on said equipment.
18. That a log of persons permitted access to the amplification equipment and the sound limiting device (or similar equipment) at the premises shall be kept at the premises and provided to authorised officers on request.
19. That a dispersal policy to assist with patrons leaving the premises in an orderly and safe manner shall be devised and maintained regarding the premises. A copy of the dispersal policy shall be accessible at the premises at all times that the premises are in operation. The policy should include (but not necessarily be limited to) the following:
  - i. Details as to how customer / staff egress at the premises shall be managed to minimise causing nuisance.
  - ii. Details of public transport in the vicinity and how customers will be advised in respect of it.
  - iii. Details of the management of taxis to and from the premises.
  - iv. Details of the management of any 'winding down' period at the premises.
  - v. Details of the use of security and stewarding in respect of managing customer dispersal from the premises.
  - vi. Details of any cloakroom facility at the premises and how it is managed.
  - vii. Details of road safety in respect of customers leaving the premises.
  - viii. Details of the management of ejections from the premises.
  - I. Details as to how any physical altercations at the premises are to be managed

All relevant staff employed at the premises shall be trained in the latest version of the dispersal policy. Details of such training, including the printed name(s) of the trainee(s) and the date(s) that the training was given, shall be recorded in the staff training logs at the premises. If the dispersal policy is a paper document then the signature of the trainees shall also be included. The dispersal policy shall be made immediately available to responsible authority officers on request.

20. That any advertising, marketing or media relating to the premises (including websites) will advise customers that there is no readily available parking in the vicinity of the premises, shall list public transport options available in the vicinity and shall advise customers to refrain from driving to the premises.
21. That the management shall assign a designated pick-up spot / 'pick up pin' with all current online taxi hailing services (e.g. Uber, Bolt etc.).
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.

**<<The above is to replace condition 12 in the application>>**

23. 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.
24. 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.
25. That external waste handling (including recyclable materials and glass / bottles), 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 20:00 hours.

<<The above is to replace conditions 8 & 9 in the application>>

26. That any external areas of the premises will be closed to customers between 23:00 hours and 08:00 hours the following day except for up to a maximum of 5 people at any one time using the external areas after 22:00 hours to smoke only. All outdoor furniture must be packed away, or rendered unusable, by 22:00 hours each day.
27. 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 prevention of children from harm**

In addition to the conditions proposed by this council's trading standards service we propose the following condition:

28. That there will be no deliveries of alcohol from the premises.

We advise, that once the exact style of operation of the premises is known, and if a premises licence is granted regarding this application, an application to vary any of the above conditions could be submitted to ensure that any licence conditions are congruent with the operation of the premises.

We are not in a position to be conciliated, and again state that it must be the licensing sub-committee that determines this application.

Yours sincerely,

**Wesley McArthur**  
Principal Enforcement Officer