

SmithfieldPartners

16 St Martin's le Grand London EC1A 4EN Tel: 0845 539 1000 Email: Solicitors@smithfieldpartners.com

FAO: Wesley McArthur
Southwark Licensing Dept

Date: 7/7/ 2009

Our Ref: PJT/BIAGIO/0002

BY EMAIL

Tel: 0207 397 8752

Fax: 0207 397 8753

E-mail: Peter.Tilly@smithfieldpartners.com

Dear Sirs

Premises Licence Application at 32 Southwark Bridge Road

Thank you for the emailed copies of the two representations.

Our client obviously does not wish to cause any nuisance or annoyance to the surrounding local occupants and would hope that they in turn frequent his new restaurant.

Biagio Caroleo is a very experienced restaurateur owning many businesses in the West End and out as far as Bromley and runs extremely professional businesses.

This new venture is to be run purely as a restaurant which also has a bar like most other restaurants where patrons may drink before or after their meal. Mr Caroleo has considered the representations and it appears that the local objectors have reached the conclusion that there will be loud music playing until after midnight.

Mr Caroleo wishes to emphasize that any music played will be purely low volume background music for his restaurant which is the principal business at the premises.

Mr Caroleo expects the restaurant to be busiest on weekday lunchtimes catering for the local office trade.

Further, early evenings up to around 10pm will be the next busiest time.

Late evenings and weekends it is envisaged will be the quiet period as office staff need to travel home.

Mr Caroleo is prepared to turn the background music down to a very low level or even off at 11.30pm if the objections are removed.

Further with regard to the smoking/external noise issues. Mr Caroleo will not allow patrons to congregate in Sumner Street to smoke; they will be urged to either move to the front of the building in Southwark Bridge Road or stand across the road in the adjacent car park.

This he believes will negate the possibility of nuisance from any smokers. He will also erect signs asking patrons and smokers to be quiet and to consider the local residents.

As the premises is a restaurant, patrons will leave at varying times so that when the premises closes, there will not be large numbers of people leaving at once and because of

the location and parking restrictions in the area, there should not be any noise from car doors slamming at night.

Please will you pass these concessions on to the two people who have taken the trouble to voice their concerns and please convey that Mr Caroleo wishes his business to enhance the local area rather than becoming a nuisance to the local residents.

Yours sincerely

Peter Tilly LLB(Hons) Notary Public
Smithfield Partners

RECEIVED

21 JUL 2009

72 Sumner Buildings
Sumner Street
London SE1 9JY

17/7/09

Dear Mr McArthur,

Re: Application for licence at 32 Southwark Bridge Rd (Ref 172178)

Thank you for passing on to me the reply from Mr Caroleo, and could you thank him for taking the trouble to consider my concerns re his licence application?

I have a number of comments to make.

Could I ask if there is an intention to put on live music, or will the music played be purely background music?

I appreciate the offer to turn the music down at 11:30, but will a noise level be imposed on this music as a condition of the licence?

Mr Caroleo acknowledges that there may be a possible nuisance posed by patrons smoking outside the premises and that some noise is likely. He suggests that they will be asked to move to Southwark Bride Rd, or the car park opposite the restaurant on Sumner St.

Can I ask how he intends to enforce this?

Also, it is likely, in my view, that smokers will be likely to gravitate away from Southwark Br Rd, as there is more traffic noise here, and are more likely to prefer Sumner St which is a quiet residential street.

As for the car park, can I ask if Mr Caroleo has permission from the owners or does he own this land?

I must say that the car park is on Sumner St and noise will still carry.

I remain concerned, and will make further suggestions following clarification of the above.

Yours sincerely,



David Welch

SmithfieldPartners

16 St Martin's le Grand London EC1A 4EN Tel: 0845 539 1000 Email: Solicitors@smithfieldpartners.com

FAO: Wesley McArthur
Southwark Licensing Dept

Date: 22/7/ 2009

Our Ref: PJT/BIAGIO/0002

BY EMAIL

Tel: 0207 397 8752

Fax: 0207 397 8753

E-mail: Peter.Tilly@smithfieldpartners.com

Dear Sirs

Premises Licence Application at 32 Southwark Bridge Road

Thank you for the emailed copy of the letter received from your concerned resident.

I can confirm on behalf of Mr Biagio that the premises is a restaurant not a night club.

It is not expected that live music will be played as it is not a condition of the licence.

As regards limiting the sound of the premises, the Councils own noise enforcement department will very quickly act if there are reports of noisy businesses. I would not consider sound level to be an issue thus warranting any conditions as it has been stated before, this is a restaurant.

Regarding the nuisance that could be caused by smokers, as previously mentioned there will be adequate signage asking patrons to consider local residents and that if at any time you feel a nuisance is being caused which we hope will not be the case, we will provide a direct line telephone number that you may call to report such activities.

I cannot stress enough that Mr Caroleo is a very experienced and long established restaurateur and runs many other establishments in central London without problems.

Peter Tilly LLB(Hons) Notary Public
Smithfield Partners

McArthur, Wesley

Subject: FW: Response to premises licence application for 32 Southwark Bridge Road

-----Original Message-----

From: Conrad Scott

Sent: 26 July 2009 16:31

To: McArthur, Wesley

Subject: Response to premises licence application for 32 Southwark Bridge Road

Dear Wesley,

I spoke to you briefly on Friday about the premises licence application for 32 Southwark Bridge Road (Biagio Bankside).

First, could you pass my apologies to Mr Caroleo for the delay in my response to his proposal of July 7. I have been away on holiday and haven't had a chance to respond before now.

On his behalf, his agents (Smithfield Partners) made two suggestions in their response: a time limit on the music and some comments on the positions of people smoking outside the bar.

On the second one, I'm not too worried about people smoking outside as long as there are not large numbers of them, and that people don't congregate outside drinking and smoking, as happens with some bars in the summer for example. Could there perhaps be a limit on the numbers of customers who could be standing around outside the bar or if the customers could not drink outside the bar? If the licence is for a restaurant, rather than primarily for a bar, I don't see that there would be too much problem with this from the licensee's perspective.

On the issue of noise, if the music is just as background music then I would not see anything to complain about. The previous owners used to play extremely loud music some evenings, especially when they were running private parties. Could there perhaps be a limit on the volume of the music or else a limit on the time that music could be played? Mr Carleo suggests that the music could be turned down or off at 11.30pm, which seems a very reasonable proposal to me. Then again, if the music was limited to just reasonably quiet background music then I could see no reason that it couldn't continue until closing time. If it was meant to be loud, then 11.30pm would be acceptable to me as a limit.

One last comment is on the issue of putting out the rubbish and bottles at the close of business. I believe that the last owner was meant to do this inside the shuttered area to the side of the bar if they were doing so late at night. Emptying bottles into the bins late at night is particularly obnoxious. If done within the shuttered area, it would be much better. Otherwise could there be a time limit on this, say 11.30pm at latest, and 7am at earliest, or something like that?

I hope that some agreement can be reached on these matters and I would be sorry if my objection caused any problems for the applicant. I can only apologise again for my delay in responding to his proposals.

All the best,
Conrad Scott

SmithfieldPartners

16 St Martin's le Grand London EC1A 4EN Tel: 0845 539 1000 Email: Solicitors@smithfieldpartners.com

FAO: Wesley McArthur
Southwark Licensing Dept

Date: 29/7/ 2009

Our Ref: PJT/BIAGIO/0002

BY EMAIL

Tel: 0207 397 8752

Fax: 0207 397 8753

E-mail: Peter.Tilly@smithfieldpartners.com

Dear Sirs

Premises Licence Application at 32 Southwark Bridge Road

With regard to the two local resident objectors, my client Mr Caroleo is happy to provide the following conditions with respect to his application for a premises licence for his restaurant.

1. "That clearly legible signs are prominently displayed to the satisfaction of the council requesting that customers smoking and / or congregating outside of the premises do so in a quiet and orderly manner and are considerate of local residents"
2. "That a direct line telephone number will be made available to local residents should local residents be caused any nuisance by the operation of the premises"
3. "That there shall be no 'bottling up' or movement of goods and / or refuse into or out of the premises between 23.30 to 07.00"
4. "If at any time after 23.30 local residents are disturbed by recorded music emanating from the premises the volume of recorded music will be reduced on request."

Peter Tilly LLB(Hons) Notary Public
Smithfield Partners

McArthur, Wesley

Subject: FW: Biagio, 32 Southwark Bridge Road, SE1 9EU.

From: David Welch
Sent: 30 July 2009 17:00
To: McArthur, Wesley
Subject: RE: Biagio, 32 Southwark Bridge Road, SE1 9EU.
Dear Mr McArthur,

Thank you for keeping me in touch with correspondence etc.
Could you let Mr Caroleo know that I am grateful for his efforts to accommodate my objections and that I accept his assurances that any noise and other nuisances will be kept to a minimum. I am pleased that he will give us a number to call if we experience noise nuisance after 11:30 and that he will turn the music down after this time.
I can confirm that I wish to lift my objections and do not see any necessity for a formal hearing.

Regards

David Welch

From: McArthur, Wesley [mailto:Wesley.McArthur@southwark.gov.uk]
Sent: 30 July 2009 13:41
To: David Welch
Subject: Biagio, 32 Southwark Bridge Road, SE1 9EU.

Dear Mr. Welch,

Please find attached correspondence from the applicant's agent in respect of the application for a premises licence submitted in regards to the above premises. Please return any comments you may have in regards to the correspondence to me as soon as possible.

Regards,

Wesley McArthur

Licensing Enforcement Officer
London Borough of Southwark
E-mail: wesley.mcarthur@southwark.gov.uk
General: licensing@southwark.gov.uk
Phone: 020 7525 5779
Fax: 020 7525 5705

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