

APPENDIX D

From: CLLR James Barber [<mailto:cllrjamesbarber@gmail.com>]
Sent: Friday, October 14, 2016 6:27 PM
To: Regen, Licensing
Cc: Shimell, Rosie
Subject: 856007 Brick House Bajers, 1 Zenobia Street, SE22 8HP

On behalf of Cllr Rosie Shimell and myself we would like to object to this licensing application.

If the below issues can;t be resolved we request a full licence review.

The Prevention of Nuisance

Talking to residents the bakery has single glazed windows often left open through which, whether closed or open, allow significant noise disturbance for neighbouring properties. However, if the applicant were to commit to keep Bakery sound levels 10dB(A) below the ambient noise levels without the bakers in operation this would solve this problem. TO do this the wondiwos would need to remain shut and be as a minimum double glazed and fixed and unable to be opened. The roof may need sound proofing achieve this.


A voluntary agreement between neighbours and the bakery was agreed by email which the bakery within a fortnight reneged upon.

Ihefront doors should be kept closed and ideally a lobby created. The front door is located on a very residential street and the front doors being left open when fully operational has caused noise disturbance.

The bakery also places benches on the street outside where customers sit, smoke and drink. This isn;t acceptable and should specifically have a licence condition to stop.

I'd very much like to attend any licensing committee deciding this application.variation.

Regards James Barber - *Fighting your corner*
Liberal Democrat Councillor for East Dulwich ward


www.jamesbarber.org.uk
@cllrjamesbarber

From: Regen, Licensing
Sent: Monday, October 17, 2016 8:41 AM
To: Jerrom, Charlie
Cc: McArthur, Wesley
Subject: FW: 856007 Brick House Bajers, 1 Zenobia Street, SE22 8HP

From: McArthur, Wesley
Sent: Thursday, November 17, 2016 6:23 PM
To: 'cllrjamesbarber@gmail.com'
Subject: Application to vary a premises licence - Brick House Artisan Bread and Pastry Ltd, 1 Zenoria Street, London, SE22 8HP (our ref: L1U 856007)
Importance: High

Dear Cllr Barber,

Please note that after being made aware of your representation (and other representations) the applicant has contacted us to confirm the following:

1. Errors were contained in the application that was submitted. There was no intention to extend the hours permitted for the sale of alcohol or to amend the opening hours of the premises.
2. There was no intention to allow for the premises to open on Mondays or allow the sale of alcohol at the premises on Mondays.
3. The application was only intended to allow off-sales of alcohol at the premises to sell natural wines and craft beers which will be sold in closed containers to be taken home to drink.
4. The current opening hours of the premises are:

Tuesday	08:00 - 16:30
Wednesday	08:00 - 16:30
Thursday	08:00 - 16:30
Friday	08:00 - 16:30
Saturday	08:00 - 18:00
Sunday	08:00 - 17:00

There is to be no change to the above days / times.

5. The current hours permitted for the sale of alcohol are:

Tuesday	11:00 - 16:00
Wednesday	11:00 - 16:00
Thursday	11:00 - 16:00
Friday	11:00 - 16:00
Saturday	11:00 - 17:00
Sunday	11:00 - 16:30

There is to be no change to the above days / times.

Your representation objects to the application (as submitted) in its entirety.

Baring in mind that the application is solely to allow off sales of alcohol at the premises as described in point 3 above, please return any further comments you may have (e.g. suggested conditions in relation to the off sales of alcohol at the premises) or confirm whether you wish to withdraw your representation.

Should conciliation of your representation not be possible a Licensing Sub-Committee hearing has been scheduled for 10:00am on 7 December 2016 in room G02B of our offices. Please find attached guidance to the hearing procedure.

It is noted that some of the representations received state concerns over the bakery / café operation of the premises. Please note that the bakery / café operation of the premises cannot be taken into consideration in the determination of the application. Baking / the consumption of food are not a licensable activities. The only licensable activity permitted by the current premises licence is the sale of alcohol. Any representations or further comments must specifically relate to concerns you have in respect of the proposal to allow off sales of alcohol at the premises. If you maintain your representation and wish to attend the hearing you will only be permitted to speak on matters pertaining to the application (i.e. the proposal to allow off sales of alcohol) and not concerns about the bakery / café operation of the premises.

If any of your constituents are suffering noise nuisance as a result of the bakery / café operation of the premises you should advise them to contact our Noise and Nuisance Team (NaNT). Details as to the NaNT service can be found via: http://www.southwark.gov.uk/a_to_z/service/2008/noise_problems

It is further noted that you refer to the possible review of the current premises licence issued in respect of the premises. Please note that the review process is separate to the variation application process. More information in respect of licence reviews is available via: https://www.southwark.gov.uk/downloads/download/272/licensing_act_2003-review_of_premises_licences_and_certificates

If Cllr Shimell wishes you to represent her in this matter please request that she confirms so to me via email, thanks.

On another matter, the applicant has stated that they are keen to engage with their neighbours and should you or your constituents wish to discuss the operation of the premises please contact them via [REDACTED].com

Regards,

Wesley McArthur

Principal 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

Address: Licensing, Health & Safety, Hub 1, 3rd Floor, 160 Tooley Street, SE1 2TZ

From: McArthur, Wesley

Sent: Wednesday, November 23, 2016 11:04 AM

To: 'cllrjamesbarber@gmail.com'

Subject: RE: Application to vary a premises licence - Brick House Artisan Bread and Pastry Ltd, 1 Zenoria Street, London, SE22 8HP (our ref: L1U 856007)

Importance: High

Dear Cllr Barber,

Further to my email below please return any comments you have ASAP, thanks.

Regards,

Wesley McArthur

Principal 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

Address: Licensing, Health & Safety, Hub 1, 3rd Floor, 160 Tooley Street, SE1 2TZ

From: [REDACTED]
Sent: Friday, November 11, 2016 7:49 PM
To: Regen, Licensing
Subject: Application 856007: Brick House, Zenoria Street, SE22

Dear Sirs

We would like to object to the above licensing application on the grounds of 'Prevention of Nuisance' noise disturbance and 'Protection of Children from Harm' noise disturbance. We also request a review of existing noise levels at the Brick House premises. Our family home is adjacent to the Brick House kitchen.

Current issues:

- staff and cleaners are in the premises daily (including weekends) from as early as 3am to as late as 11pm operating machinery, playing loud music, clattering pans and making general kitchen noise. We have numerous videos as evidence that we can provide, for example of loud music blaring through open windows at 3:38am. Such noise levels may well be normal for a commercial kitchen, however, Brick House has situated itself in what is otherwise a residential street flanked by family homes to the front, back and side. The current noise levels encroach on the enjoyment of our home and, we fear, would only be further aggravated should this application be granted. Despite repeated pleas from multiple neighbours to reduce existing noise and to be considerate when opening windows to the kitchen, the duration and levels of noise persist.
- single-glazed, cracked windows left open throughout the day and night which, whether closed or open, allow significant noise disturbance for neighbouring properties (both personally as well as professionally - I am a lawyer who works from home and daily hear Brick House noise during my various conference calls, such that I cannot leave any windows in my home office open).
- window permanently smashed open to allow for an extractor fan, blowing air directly into our property and also allowing further noise
- windows open outwards into our garden, i.e. across our property boundary line Proposed solutions.
- windows to be as a minimum double-glazed and fixed (i.e. unable to be opened). They are currently too small to be useful in the event of a fire (no person could fit through them) and, until the last few months ago, were not opened due to ivy growing over them – so cannot be necessary for the ventilation of the bakery
- windows to remain shut (else double glazing would be redundant) - a voluntary agreement has already been reached between ourselves and the bakery via email (we can provide copies), which the bakery within a fortnight reneged upon.
- music levels to be lowered - these are wholly unreasonable and unnecessary to the success of the business, yet significantly negatively impact our ability to enjoy our home.

Conclusion:

Brick House is already an extremely busy licenced café, shop and commercial bakery. It now also advertises itself for evening parties, and its latest application is for longer licensing hours to serve

alcohol - effectively operating as an off-licence as well (moving further away from its primary business as a bakery). We have real concerns that approval of this application would exacerbate the already significant noise levels from this busy venue, and constitute a slippery slope for applications for even longer alcohol licencing hours and loud evening events down the line.

We have no wish to curb the evident success of Brick House but simply hope that, as its business continues to thrive, this success is not at the cost to local residents' enjoyment of their homes.

Kind regards

[REDACTED]

From: McArthur, Wesley

Sent: Thursday, November 17, 2016 5:37 PM

Subject: Application to vary a premises licence - Brick House Artisan Bread and Pastry Ltd, 1 Zenoria Street, London, SE22 8HP (our ref: L1U 856007)

Importance: High

Dear Sir / Madam,

Please note that after being made aware of your representations the applicant has contacted us to confirm the following:

1. Errors were contained in the application that was submitted. There was no intention to extend the hours permitted for the sale of alcohol or to amend the opening hours of the premises.
2. There was no intention to allow for the premises to open on Mondays or allow the sale of alcohol at the premises on Mondays.
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There is to be no change to the above days / times.

6. The applicant wishes to allay concerns that the premises are to become a bar and the applicant states that the main concern of the business is, and will remain, being an artisan bakery.

Your representation objects to the application (as submitted) in its entirety.

Bearing in mind that the application is solely to allow off sales of alcohol at the premises as described in point 3 above, please return any further comments you may have or confirm whether you wish to withdraw your representation.

Should conciliation of your representation not be possible a Licensing Sub-Committee hearing has been scheduled for 7 December 2016. Please find attached a hearing notification and guidance to the hearing procedure. You can reply to the hearing notification by return email.

It is noted that some of the representations received state concerns over the bakery operation of the premises. Please note that the bakery operation of the premises cannot be taken into consideration in the determination of the application. Baking is not a licensable activity. The only licensable activity permitted by the current premises licence is the sale of alcohol. Any representations or further comments must specifically relate to concerns you have in respect of the proposal to allow off sales of alcohol at the premises. If you maintain your representation and wish to attend the hearing you will only be permitted to speak on matters pertaining to the application (i.e. the proposal to allow off sales of alcohol) and not concerns about the bakery operation of the premises.

If you are suffering noise nuisance as a result of the bakery operation of the premises you should contact our Noise and Nuisance Team (NaNT). Details as to the NaNT service can be found via: http://www.southwark.gov.uk/a_to_z/service/2008/noise_problems

On another matter, the applicant has stated that they are keen to engage with their neighbours and should you wish to discuss the operation of the premises please contact them via [\[REDACTED\].com](#)

Regards,

Wesley McArthur

Principal 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

Address: Licensing, Health & Safety, Hub 1, 3rd Floor, 160 Tooley Street, SE1 2TZ

From: McArthur, Wesley

Sent: Wednesday, November 23, 2016 11:07 AM

To: [REDACTED]

Subject: RE: Application to vary a premises licence - Brick House Artisan Bread and Pastry Ltd, 1 Zenoria Street, London, SE22 8HP (our ref: L1U 856007)

Importance: High

Dear [REDACTED]

Further to my email below, please return any further comments you have ASAP, thanks.

Regards,

Wesley McArthur

Principal Enforcement Officer
London Borough of Southwark

E-mail: wesley.mcarthur@southwark.gov.uk

General: licensing@southwark.gov.uk

Phone: 020 7525 5779