

APPENDIX B



The Licensing Unit
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Metropolitan Police Service

Licensing Office

Southwark Police Station

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LONDON,

SE1 2ER

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SouthwarkLicensing@met.police.uk

Our reference: MD/21/2895/16

Date: 8th December 2016

Dear Sir/Madam

Thomas A Becket, 320-322 Old Kent Road SE1 5BA

Police are in receipt of an application from the above for a new premises licence to be granted under the licensing act 2003 for the following hours

Premises open to the public	Mon-Sun	11.00hrs – 01.00hrs
Sale/Supply of alcohol on/off	Mon-Sun	1100hrs – 00.00hrs
Late Night Refreshment	Mon-Sun	2300hrs – 00.30hrs

The operating schedule indicates that this is for restaurant premises, the application contains a number of control measures that would assist in the prevention of crime and disorder or assist in public safety. However the premises is subject to a community order and designated an asset of Community Value and should remain a public house. Therefore in its current format police object to the licence being granted.

Public houses are permitted to serve food but the schedule indicates that the venue would solely be for food and alcohol only served as ancillary to food. Unless the community order is removed and the planning permission changed then the operation as described would not be allowed under the order.

The hours applied for are outside the Southwark council Licensing Policy for a public house. Using the guidance provided by the Policy for a Public House, Wine Bar, or other drinking establishment that is situated in a residential area we would like to see the requested times changed to reflect a terminal hour of 23.00hrs 7 days a week.

Below are conditions to which police believe would assist in the prevention of crime and disorder and assist in public safety .The following wording of each condition is essential in order to negate any ambiguity, the following should be considered as conditions of the premises licence if granted.

It should be noted that the previous licence holder at the venue was the subject of a premises licence review, on the grounds of an unacceptable level of serious crime and disorder, and serious failings by the management in the reporting of serious incidents. The premises licence was revoked as a result.

The premises was owned by the previous licence holder and at this time I have had no confirmation of the sale of the building or seen copies of any lease or tenancy agreement. If the licence is granted it would be possible for the previous licence holders to start operating the premises by transferring the licence. We would like to see conditions the condition offered in the schedule placed on the licence excluding all previous management from the premises and see copies of any documents relating to its use. All responsible authorities should be consulted as to names placed within this condition.

The applicants have provided an operating schedule and Police welcome this however we feel that there are some further matters that need addressing. Only 1 SIA have been offered within a limited time period.

Using the guidance provided by Southwark's Licensing Policy this premises falls outside of the acceptable criteria. The applicants as far as I can see have not addressed this matter sufficiently and have not evidence the exceptional reasons why the licensing sub committee should deviate from their policy.

If consideration is given to the granting of a premises licence with hours of operation similar to those as per the application, a significant number of control measures would be required in order to address the promotion of the licensing objectives.

Should be place on the licence irrespective of the terminal hour

1. The premises will install a CCTV system and maintain this system in good working order, the system will be of evidential quality in all lighting conditions and should be able to capture a clear facial image of all persons that enter the venue. All public areas will be covered including the bar and smoking areas. That all CCTV footage shall be kept for a period of thirty one (31) days and shall, upon request, be made immediately available for inspection to Officers of the Police and the Council
2. There shall be at least one member of staff on duty at all times the premises are in operation under its licence trained and proficient in the operation of the CCTV system capable of operating and retrieving footage on request of the Police or other authorised officer.
3. That all staff concerned in the sale or supply of intoxicating liquor undergoes a training scheme for such duties. Records of such training should be kept and made available for inspection, on request by Police or other authorised officer.
4. That all incidents of violence and or disorder that result in an injury to another will be reported to the Police as soon as practicable. The reasoning behind any delayed report will be recorder in the incident report book. This report book will be made available for inspection by any authorised officer from the Police or local authority.
5. That a Personal Licence holder is on the premises and on duty at all times after 20:00 when intoxicating liquor is supplied

6. That two SIA registered door supervisors will be engaged when the premises are in operation. They will be employed Thursday, Friday, Saturday and Sunday at all times after 20:00 until the end of business and all patrons have vacated the premises they will be engaged to monitor admission and re-admissions to the premises, security, protection, screening, dealing with conflict and ensure that conditions related to the use of the outside area are adhered to and that the dispersal policy for the premises is implemented.
7. SIA when engaged at the premises will be issued mechanical counting devices to ensure that the maximum accommodation limit of the premises is not exceeded.
8. That no spirits (alcohol containing more than 20% ABV) shall be sold by the bottle or half bottle.
9. That all spirits (alcohol containing more than 20% ABV) shall be sold by the measure of 25ml or 35ml at a maximum of two measures per container/glass
10. All children on the premises shall be accompanied by a responsible adult

If hours are granted past 23.00hrs the following condition should be placed on the licence.

11. There shall be no new entry or re-entry to the premises after 23.00am

Submitted for consideration

PC Graham White 288MD
Southwark Police Licensing Unit

From: Newman, Paul
Sent: Monday, November 21, 2016 3:21 PM
To: Regen, Licensing
Cc: 'londonurban1@gmail.com'; Newman, Sarah
Subject: RE: Thomas A Becket

Thank you for the copy of the resubmitted application received by email on 16 November 2016 and resubmission of amended hours received by email 21 November 2016 for a premises licence at Thomas A Becket, 320-322 Old Kent Road, London, SE1 5UE.

I wish to object on behalf of the Environmental Health Responsible Authority to the application on the grounds of prevention of public nuisance, because;

The hours applied for are too late having regard to both the framework hours in the Statement of Licensing Policy and to the proximity of residential accommodation, particularly the residential accommodation located above in the same building;

The applicant wishes to provide;

- on sales of alcohol until midnight; and
- Late Night Refreshment for consumption on the premises from 11.00 up until 00.30

Regulated entertainment has not been applied for.

The premises are located in a residential area as defined by the Statement of Licensing Policy Table 2, paragraph 153, on page 38.

According to the Statement, premises licences to permit pubs, wine bars, restaurants, and cafes are only considered appropriate in residential areas up until 23.00 hours.

This premises is located directly underneath residential accommodation in the same building consisting of flats and bedsits.

The building is known to have particular problems with flanking transmission of noise between the commercial premises and the residential premises above which in the past caused as serious statutory nuisance, and due to the conservation restrictions on altering the building, there appears not to be any practicable solution to effectively reduce sound transmission from the commercial property to the residential properties. The only mitigation available is therefore the operating hours.

The Statement says at section 149 (page 37), that these hours are not pre-determined, and that each application will be decided on its own merits.

At section 150, (also page 37), the Statement sets out matters that will be taken into consideration when deciding the merits of the application. Applicants for licences incorporating hours that fall outside of those set out in Table 2 (page 38) are expected to explain fully within their application, the arrangements intended to be put in place to ensure that the premises does not add to cumulative impact, including detailed measures specified in the operating schedule to mitigate against public nuisance.

Applicants are invited by section 150 to take the following matters into account when detailing the arrangements to avoid creating cumulative impact;

- The location of the premises and the character of the local area
- The proposed hours during which the licensable activities are proposed to take place
- The adequacy of the proposed control measures intended to promote the licensing objectives
- The availability of local public transport, and
- The proximity of the premises to other licensed premises of a similar nature and the hours of operation of those premises.

The operating schedule supplied to address the prevention of public nuisance contains some provisions that may assist with compliance with the Statement policy in section 150;

- All staff shall be instructed and trained to ensure customers are discouraged from congregating outside the premises
- All staff shall be instructed and trained to ensure the sale or supply of alcohol is prohibited to any person who is intoxicated.
- All staff shall be instructed and trained to ensure no deliveries of stock are made to the premises between 22:00 and 08:00 on any day.

There are some additional provisions relating to signage and refuse disposal.

The provisions in the operating schedule are not adequate, because they do not sufficiently address the likely impact of operation of the premises after 23.00 on public nuisance in nearby residential properties, especially the flats and bedsits in the same building, and therefore the applicant has not demonstrated that their application has sufficient merit to set aside the default position indicated by Table 2.

If the sub-committee is minded to grant this application, I would ask that;

- hours of operation are limited to 23.00 hours in line with the Licensing Authority's own policy.

I hope this is helpful, and please let me know if there are any further queries.

Kind regards

Paul Newman, EHO
Principal Environmental Protection Officer

Paul Newman
Principal Environmental Health Officer

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

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Tel: 020 7525 3551 | Fax: 020 7525 5705 | e mail: paul.newman@southwark.gov.uk

visit: <http://beta.southwark.gov.uk/air-quality>

MEMO: Licensing Unit

To	Licensing Unit	Date	14 December 2016	
Copies				
From	Jayne Tear	Telephone	020 7525 0396	Fax
Email	jayne.tear@southwark.gov.uk			

Subject Re: Rock Island (aka Thomas A Beckett), 320-322 Old Kent Road, London, SE1 5UE -

Application for a premises licence

I write with regards to the above application for the grant of a premises licence under the Licensing Act 2003 submitted by Paul Anthony Scarborough which seeks the following licensable activities:

- Provision of late night refreshment (indoors) on Monday to Sunday from 23:00 to 00:30 the following day
- The supply of alcohol (on the premises) on Monday to Sunday from 11:00 to 00:00 the following day
- Overall opening times shall be from Monday to Sunday from 11:00 to 01:00 the following day

In the premises description it is stated '*The premises will be used as a restaurant. The applicant is partnered up with the Rock Island Cyprus to turn the venue a premises like TGI Fridays or Steak House without losing its heritage.*'

My representation is based on the Southwark Statement of Licensing policy 2016 – 2020 and relates to the licensing objectives for the prevention of crime and disorder and the prevention of public nuisance the protection of children from harm and public safety.

This premises is situated within **a residential area** and under the Southwark Statement of Licensing Policy the closing times recommended for public houses, wine bars or other drinking establishments and restaurants and cafes is 23:00 hours daily. Night clubs (with sui generis planning classification) are not considered appropriate for this area.

This premises has previously held a licence and operated as a nightclub. The previous licence was revoked by the licensing sub-committee on 10 March 2015 following an expedited review submitted by the Metropolitan Police under serious crime and disorder. There were further representations regarding persistent breaches of the premises licence and antisocial behaviour associated with the premises. A copy of the notice of decision from the review hearing is attached to this representation.

Although this application is submitted by a different person to the previous licensee, to promote the prevention of crime and disorder; the prevention of public nuisance, public safety and the protection of children from harm and to promote those licensing objectives I would want reassurance that the previous licensees or management would have no control over the premises and the licensable activities that may take place at the premises.

It would be useful if the applicant could provide a lease to show this at the committee hearing

In the operating schedule under paragraph d) the applicant refers to 'all windows and doors being closed during the licensed regulated entertainment', yet the applicant has not applied for any regulated entertainment within this application. It is then stated further on in the paragraph '3) any music played will only be played at background level'. This information is confusing and conflicting and needs clarification.

If the licensing sub - committee are of a mind to grant the application I would request the following information and amendments to the operating schedule to promote the four licensing objectives:

- That the premises provide and accommodation limit and explain how that will be controlled
- That a written dispersal policy is provided, and if any licence is granted that the dispersal policy shall be kept at the premises and made available for inspection by the police and authorised council officers.
- That the premises shall close at 23:00 (in line with the hours deemed appropriate for a residential area within the licensing policy) and all licensable activities shall cease at least half an hour before the closing time

I therefore submit this representation and welcome any discussion with the applicant to address my concerns

Jayne Tear
Principal Licensing officer
In the capacity of the Licensing Responsible Authority

Attached: Notice of Decision from 10 March 2015



NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 10 MARCH 2015

LICENSING ACT 2003: THOMAS A BECKET, 320-322 OLD KENT ROAD, LONDON SE1 5UE

1. Decision

The council's licensing sub-committee, having had regard to the application made under Section 53C by the Metropolitan Police for a review of the premises granted under the Licensing Act 2003 in respect of the premises known as Thomas A Becket, 320-322 Old Kent Road, London SE1 5UE and having had regard also to all other relevant representations has decided it necessary for the promotion of the licensing objectives to revoke the licence.

2. Reasons

The reasons for this decision are as follows:

The thrust of the representation from the Metropolitan Police Service, the applicant for the review, concerned a serious assault that occurred at the premises on 7 February 2015 at around 02.50 where the victim was slashed in the side of the neck with a broken bottle by the suspect during an altercation. The victim received serious neck injuries and medical staff informed the police that it nearly hit a major artery, which could have proved fatal.

During the investigation it had been established that the premises were in breach of the premises licence conditions and this had hindered the investigation of the crime. The premises were found to be in breach of the following conditions: Condition 303 (696 risk assessment was not submitted to the police 14 days in advance of the event), Condition 308 (No entry or re-entry after 02.00) Condition 341 (ID scanning system to scan and store identification of patrons to be used to enter the premises was not being used to scan all customers and as a result the suspect's name and address, which would have been stored on the system was not). Furthermore, the premises had failed to preserve the crime scene, and failed to contact the emergency services and obstructed the police from entering. The police were only able to gain access once the ambulance service had arrived. The ambulance service had been called by a member of the public.

The police also referred to nine other incidents of violence that had taken place at the premises in the past year. The commonality of these incidents was that the parties involved were heavily intoxicated, demonstrating the fact that there was no responsible sale of alcohol policy at the premises. Concerning the promotion event risk assessment forms 696, these were consistently provided late, if at all. During October to November 2014, there were 12 events involving external promoters at the premises and only four of the form 696s were provided on time. The importance of these forms is to allow the police time to carry out the necessary research to be completed and any advice or recommendations from the police to be implemented.

The police advised that their position remained the same and that the licence should be revoked.

The sub-committee felt that it was clear that whilst there may be a change in management at the premises, the existing management team, Kazim Abdul, Kashim Abdul (and Baian Abdul) would remain the freehold owners of the premises. In a letter dated 22 December 2014 the licensing team received a letter from Thomas A Becket accepting the licensing breaches and gross mismanagement of the business. The letter advised that they intended to make right the misconduct by working with the licensing team and the police. They provisionally agreed that they would overhaul the current management staff, including Mr Kashim Abdul and that Mr Kazim Abdul and Gerrado Romero would assume management responsibilities for the premises. This never transpired, as evidenced by the fact that the premises was represented by Mr Kashim Abdul and Mr Kazim Abdul at the expedited review hearing on 12 February 2015, rather than the majority shareholder and the premises licence holder of Thomas A Becket Leisure Investments Ltd, Mr M. Chowdhury.

The licensing sub-committee also noted that there was no new management agreement with the new team and the premises licence holder. Furthermore, the two proposed DPSs had yet to pass the DPS exams thus, no variation of DPS applications have been submitted to date. The sub-committee felt that the new management team presented as a smoke screen for the old management team, which was compounded by wanting a continuation of the existing licence, despite the alleged new management direction. Particularly, despite the promise of having no external promoters at the premises, external promoters events remain advertised on social media.

In all the circumstances, the sub-committee felt that there is no alternative but to revoke the premises licence in order to fulfil the licensing objectives.

In reaching this decision the sub committee had regard to all the relevant considerations and the four licensing objectives and considered that its decision was appropriate and proportionate in order to address the licensing objectives.

3. **Appeal rights**

This decision is open to appeal by either:

- a) The applicant for the review
- b) The premises licence holder
- c) Any other person who made relevant representations in relation to the application

Such appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the Magistrates' Court for the area within the period of 21 days beginning with the day on which the appellant was notified by this licensing authority of the decision.

This decision does not have effect until either:

- a) The end of the period for appealing against this decision
- b) In the event of any notice of appeal being given, until the appeal is disposed of.

In accordance with the Licensing Act and guidance issued in 2007, the interim steps agreed on 12 February 2015 must remain in effect until the time for appealing the review has expired and any appeal determined.

Issued by the Constitutional Team on behalf of the Director of Legal Services

Date: 10 March 2015

From: Sharpe, Carolyn **On Behalf Of** Public Health Licensing
Sent: Wednesday, October 05, 2016 10:27 AM
To: Regen, Licensing
Cc: Public Health Licensing
Subject: RE: Consultation New premises Thomas a Becket LDO 11.10.2016

To whom it may concern:

Re: 320-322 Old Kent Road, London SE1 5UE

On behalf of the Acting Director of Public Health for Southwark (a responsible authority under the Licensing Act 2003) I wish to make representation in respect of the above.

The representation is made in respect of the following licensing objective(s):

- The prevention of crime and disorder
- Prevention of public nuisance
- Public safety

General Comments

The applicant requests a licence for the sale of alcohol on the premises between the hours of 1100 and 0200 on Sundays to Wednesdays and 1100 and 0400 on Thursdays to Saturdays. I have concerns regarding the hours of alcohol sales requested. Research suggests that increased hours of alcohol sales are associated with increased alcohol consumption, increased alcohol-related injuries, and increased alcohol-related harm. Moreover, Southwark's statement of licensing policy recommends a closing time for alcohol sales of 2300 daily for an establishment in this location.

Recommendations

- I recommend the end time for alcohol sales be changed to 2300 for all days of the week

If you have any further questions, please do not hesitate to contact me.

Carolyn Sharpe
on behalf of Dr Jin Lim, Acting Director of Public Health

Carolyn Sharpe | carolyn.sharpe@southwark.gov.uk | 07921998107
Public Health Officer (People & Health Intelligence), London Borough of Southwark, 160 Tooley Street, London SE1 2QH