



APPENDIX B

The Licensing Unit
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160 Tooley Street
London
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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/21/049/19

Date: 9th April 2019

Re:- The Dutchie, 58a Camberwell Church Street, London SE5 8QZ

Dear Sir/Madam

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	07:00 to 01:30 Fri - Sat 07:00 to 00:00 Sun - Thurs
Sale of alcohol	11:00 to 01:30 Fri - Sat 11:00 to 00:00 Sun - Thurs
Late Night Refreshments	23:00 to 01:30 Fri - Sat 23:00 to 00:00 Sun – Thurs
Recorded Music	11:00 to 01:30 Fri - Sat 11:00 to 00:00 Sun – Thurs
Live Music	11:00 to 01:30 Fri - Sat 11:00 to 00:00 Sun - Thurs

The operating schedule indicates that this is for restaurant and bar.

The premises is located in a Camberwell Cumulative Impact Zone, and is designated a District Town Centre by the Southwark Council Licensing Policy. This changes the presumption to grant the application to that of refuse. This is tested in law in the case of Westminster City Council V Middlesex Crown Court in which the crown court judge summarised that “Notwithstanding the applicant was a fit and proper person a licence could be refused on the sole ground that the area was already saturated”.

The hours applied for are outside of the policy. The latest terminal hour would be 00.00hrs Sunday to Thursday and 01.00hrs Friday and Saturday for a restaurant and 23.00hrs and midnight respectively for a bar under the current policy.

The premises has previously benefitted from having a premises licence that was revoked by the licensing subcommittee and a closure order was also obtained from Camberwell magistrates court due to the issues associated with the premises.

Within the operating schedule, the applicant indicates that it has, two other venues located in Croydon and that they have been operated responsibly since 2016. Enquires made with the police licensing officer for Croydon reveals that this is not the case. On the 9th May 2018, a section 19 closure notice was issued for a number of breaches of the licence including CCTV not being compliant, staff training, drugs policy, production of the licence and failing to comply with conditions around regulated entertainment.

On another licensing visit, Officers were asked to leave, staff told not to cooperate with officers, and the manager was aggressive towards police. The venue advertises monthly nightclub type events at the premises on social media and incidents of disorder have initiated in close proximity to the venue entrance, linked to the venue.

The police as a result object to the granting of the application in full, as we believe that the applicant would not comply with conditions placed on the licence and would move towards the previous nightclub operation that caused issues and resulted in revocation and closure order being obtained from the court.

No exceptional circumstances have been presented within the application, but if the application is granted, it should be for a restaurant licence, which do not come under the cumulative impact policy for Camberwell.

A number of the control measures have been offered by the applicant within the operating schedule, however the application fails to give many enforceable control measures and the Home office guidance issued under Sec 182 of the licensing Act 2003 'General principles' state that it is important in setting the parameters within which the premises may operate. Conditions must be precise and enforceable.

The police would recommend that the following conditions to be included on the licence if the subcommittee feel appropriate, some of which may have been offered as part of the operating schedule but the wording is important to avoid ambiguity.

The following should be considered as conditions of the premises licence as a minimum but further conditions should be on the licence dependent on what is granted by the committee. I would expect to have a condition requiring SIA including how many, the days and times employed.

1. That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV System must be capable of capturing a clear facial image of every person who enters the premises, all public areas, food service counter and pavement immediately outside the front.
2. All CCTV footage be kept for a period of 31 days and shall on request be made immediately available to officers of the police and the council. There will be at least one person on duty at all times that is familiar with the operation of the CCTV and able to download the footage upon request.
3. That all staff are trained in their responsibilities under the licensing act 2003 and training records to be kept and updated every 6 months and shall, upon request, be made immediately available to Officers of the Police and the Council.
4. Signage on entrance/exit requesting customers to respect neighbours and leave quietly.

5. Intoxicating liquor shall not be sold or supplied for consumption on the premises otherwise than to persons taking table meals there and as an ancillary to that person's meal.
6. No alcohol shall be taken outside of the premises at any time.

In addition to the above, I notice that the operating schedule does not allow for any drinking up time to allow for the slow and safe dispersal of patrons. I recommend a drinking up time of 30 minutes. This could be achieved through a change in times for the supply of alcohol or a specific condition detailing the 30 minutes drinking up time.

Submitted for your consideration.

Yours Sincerely

PC Graham White
Police licensing officer

MEMO: Licensing Unit

To Licensing Unit **Date** 10 April 2019

Copies

From Jayne Tear **Telephone** 020 7525 0396 **Fax**

Email jayne.tear@southwark.gov.uk

Subject Re: The Dutchie, 58A Camberwell Church Street, London SE5 8QZ

- Application for a premises licence

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

- Live music and recorded music (indoors) on Sunday to Thursday from 11:00 to 00:00 and on Friday and Saturday from 11:00 to 01:30 the following day
- Late night refreshment (indoors) on Sunday to Thursday from 23:00 to 00:00 and on Friday and Saturday from 23:00 to 01:30 the following day
- The supply of alcohol (not clear from the application whether on/off or both) on Sunday to Thursday from 11:00 to 00:00 and on Friday and Saturday from 11:00 to 01:30 the following day
- Overall opening times shall be on Sunday to Thursday from 07:00 to 00:00 and on Friday and Saturday from 07:00 to 01:30 the following day

Non standard timings requested for licensable activities and opening hours:

- All licensable activities shall be extended from the end of permitted hours on a public holiday 00:00 – 00:00
- Yearly October 1st, August 1st and August 6th 00:00-02:30, 11:00-00:00 (these hours are conflicting)

The premises is described as a *'The premises comprise of a ground floor and basement floor and will operate as The Dutchie Restaurant & Bar, our third site. The ground floor will be the reception and bar area. Some booth seating for customer will also be available on the ground floor. The main restaurant seating areas, kitchen, storage and conveniences will be located on the basement floor. Alcoholic and non alcoholic beverages will be served with meals as well as at the bar for consumption in the restaurant. Low volume background music recorded music will be played and we will have the occasional 'pop up' live music and Jazz, R & P, et al to serenade and entertain our restaurant guests. The basement & ground floor area has an emergency exit route in addition to the main way in'*.

The applicant states in part M (a) of the application that:

"The Applicant (NMA Enterprise Ltd T/A The Dutchie) has been operating The Dutchie Restaurant & Bar since April 2016 and plan to open our third location at 58a Camberwell Church Street, London, SE5 BQZ.

We are responsible operators that were granted a premises license to operate our first restaurant & bar at 3 The Arcade, 32-34. High Street, Croydon, CRO 1YY- a premises that had its license revoked in 2011 and sat dormant until we took it on April 2016.

Licensing Unit – Community Safety, Hub 2, 3rd Floor, PO Box 64529, London SE1P 5LX

Switchboard - 020 7525 5000 **Website** - www.southwark.gov.uk

Strategic Director of Environment & Leisure - Gill Davies

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We take all aspects of the licensing objectives very seriously and will operate in line with council policies and regulations as we view these not as hindrances but as further means to protect our, customers, employees, brand and business.”

The applicant has not provided and evidence to support that they are responsible operators at their Croydon address and I reserve the right to make further representation on this issue should evidence be found or suspended after the consultation period.

The premises is situated in Camberwell District Town Centre Area and under the Southwark Statement of Licensing policy 2016 - 2020 the appropriate closing times are as follows:

- Restaurants and cafes on Sunday to Thursday is 00:00 hours and for Friday and Saturday is 01:00 hours
- Public Houses Wine bars or other drinking establishments on Sunday to Thursday is 23:00 hours and for Friday and Saturday 00:00 hours.

This premises is also situated within the saturation area for Camberwell. The effect of this special policy is to create a presumption that applications for new premises licences or variations that are likely to add to the existing cumulative impact will normally be refused, following relevant representations, unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

The classes of premises to which the policy applies in the Camberwell area is defined as follows – night clubs; pubs and bars; off-licences, grocers, supermarkets, convenience stores and similar premises.

My representation is submitted with concerns for the prevention of public nuisance and the prevention of crime and disorder.

The application describes the premises as a restaurant in the basement which would not fall under the classes of premises defined for the saturation area in Camberwell, however the ground floor area would be operated as a bar which would fall under the type of premises to which the saturation policy would apply as described within Southwark's Statement of Licensing Policy.

To avoid any ambiguity with regards to whether the premises should be addressing the negative cumulative impact if it were to operate as a bar I would request the following condition, which would be consistent with a restaurant, is added to the operating schedule:

- Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking a substantial table meal and by consumption of such persons as an ancillary to their meal on both the ground floor and basement.
 - To bring the hours of operation in line with that which is appropriate for this area in the licensing policy line for a restaurant as follows:
1. Restaurants and cafes on Sunday to Thursday is 00:00 hours and for Friday and Saturday is 01:00 hours (and for the licensable activities to cease half an hour before the closing times)

There has not been any time left between the last sale of alcohol 'on sales' and the closing time when patrons should have left the premises, this can lead to conflict between staff and the customer having purchased an alcoholic drink for consumption on the premises minutes before closing time and being asked to either finish the drink or hand it back and to leave the premises. Additionally this will encourage patrons to rush consumption of alcoholic drinks at the same time of closing which can lead to antisocial behaviour problems when patron have left the premises

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If it is not possible to add the restaurant condition above to the premises licence then I ask the applicant to bring the hours of operation in line with that which is deemed appropriate for a bar within this area in the licensing policy which are:

2. Public Houses Wine bars or other drinking establishments on Sunday to Thursday is 23:00 hours and for Friday and Saturday 00:00 hours. (and for the licensable activities to cease half hour before the closing times)

Further to this the applicant would have to address negative cumulative impact if it were to operate as a bar. This application does not address cumulative impact.

Due to the limited information on the application form and further promote the licensing objectives I ask the applicant to provide the following information:

- An accommodation limit for the premises (to be conditioned)
- To provide a written dispersal policy for the premises. (to be conditioned)

The application is confusing and I am not sure whether the applicant is asking for the supply of alcohol 'on/off the premises or both as that part of the application has not been ticked. Presuming that the application also wants 'off sales' I would also ask for the following conditions to be added to the premises licence should it be granted:

- Any 'off sales' of alcohol shall be provided in sealed containers and taken away from the premises
- That clear legible signage shall be prominently displayed where it can be easily seen and read, requesting that alcohol sold as 'off sales' should not be opened and consumed in the vicinity of the premises

The ground floor of the premises currently holds a licence (no 865254). Before that licence was granted there was a licence held by the freehold owner of the premises which covered both the ground floor and basement although there were 2 different businesses operating on the same licence with the ground floor being operated as a restaurant and the basement operated as a nightclub. This licence was revoked by LSC following a review hearing.

I therefore submit this representation and welcome any discussion with the applicant.

Southwark's Statement of Licensing Policy 2016 – 2020 can be found on the following link:
<http://lbs-mapweb-01:9080/connect/Includes/APPIMA/SSOLP1620.pdf>

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



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EH & TS Licensing Unit
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Date: 19/03/2019

Dear Sir/Madam

Premises Licensing re:
THE DUTCHIE, 58A CAMBERWELL CHURCH STREET, LONDON, SE5 8QZ

Summary description: New Premises Licence

Date Received: 13/03/2019

Thank you for the consultation on the above.

Planning permission was granted in 1993 for use of the ground floor as a restaurant. No hours condition was imposed. Planning permission was also granted in 1995 for use of the basement as a restaurant bar with live music, and again, no hours condition was imposed.

As such, I have no comments raising licensing objectives.

Yours faithfully

Alison Brittain

DC Group Manager - East -Team 1