

MEMO: Licensing Unit

To	Licensing Unit	Date	23 March 2021
From	Jayne Tear		
Email	jayne.tear@southwark.gov.uk		

Subject Re: Frank's Café, Levels 7-8 Car Park 95a Rye Lane, London, SE15 4ST
- Application to vary a premises licence

I write with regards to the above application to vary a premises licence submitted by Franks Café Limited under the Licensing Act 2003, which seeks the following licensable activities:

- Late night refreshment (indoors) on Tuesday to Saturday from 23:00 to 00:00
- Supply of alcohol (on the premises) to extend the start time on Monday to Friday by 6 hours (currently 17:00) to start at 11:00. To extend the finish times on Tuesday to Saturday by 1 hour (currently 23:00) to finish at 00:00 and to extend by 1 hour on Sunday (currently 22:00) to finish at 23:00.
- Overall opening times shall be on Tuesday to Saturday from 11:00 to 00:30 and on Sunday from 11:00 to 23:30
- To remove condition 340 – *'That all drinks served to customers will be decanted into polycarbonate containers. No drinks receptacles made of glass will be used at the premises'*

The variation is described within the application as *'We are proposing two changes to our current licence. The first is to remove condition 340 - That all drinks served to customers will be decanted into polycarbonate containers. No drinks receptacles made of glass will be used at the premises. The second is to extend both the hours the premises is licensed to sell alcohol and the premises' opening times by one hour. We are confident that the impact of this from a licensing perspective will be minimal, and it will not undermine our ability to uphold all licensing objectives. To be clear the application is for levels 7 and 8 of the venue, and distinctly different from the main license on the venue rooftop. This license covers the bar for the arts organisation Bold Tendencies' live events program, that hosts a world renowned series of classical music performances. Due to the nature of these events, which are comparatively very relaxed and easy to operate in comparison with the high volume roof top bar, we feel the changes proposed will have no negative impact on the licensing objectives'*

My representation is based on the Southwark Statement of Licensing policy 2021 – 2026 and relates to the licensing objectives for the prevention of crime and disorder, the prevention of public nuisance and public safety.

The premises is situated in Peckham Major Town Centre and under the Southwark Statement of Licensing policy 2021 – 2026 the appropriate closing times for public houses wine bars or other drinking establishments on Sunday to Thursday is 23:00 hours and for Friday and Saturday 00:00 hours.

The premises also fall within the Peckham Cumulative Impact Area (CIA)

Section six of the policy (from page 34) deals with Southwark's local cumulative impact policies. This premises sits in the Peckham area as defined in paragraph 155 of the policy and as a bar this premises would fall into the class of premises in 156 of the policy.

Therefore under 136 of the policy there is a rebuttable presumption that applications for new premises licences/ variations that are likely to add to the existing cumulative impact will normally be refused or subject to certain limitations. In such circumstances, 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.

The applicant has not addressed the presumption to refuse this application within the operating schedule. I would recommend refusal of this application unless the applicant can demonstrate that the premises will not be contributing to crime and disorder and public nuisance within the policy area.

The bar to this premises is in the open air and on the top floor of the car park roof. In section 10 of the licensing policy it is recommended that the use of the outside areas cease at 22:00hrs daily. This premises currently operates in excess of that and wants to extend it further.

The applicant has also asked to remove condition 340 and has not offered any safer alternative to replace that condition. I therefore recommend to the licensing sub-committee that the removal of this condition is refused.

Whilst I have no objection to the extension of the start times of the licensable activities/ opening hours being brought forward (as I consider this would have no impact on the licensing objectives), I recommend to the licensing sub-committee that the extension of the finish times for sale of alcohol/ opening times are refused and that the provision of late night refreshment is refused as not required before 23:00.

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

Southwark's Statement of Licensing Policy 2021 – 2026 can be found on the following link: <https://www.southwark.gov.uk/business/licences/business-premises-licensing/licensing-and-gambling-act-policy>

Jayne Tear
Principal Licensing Officer
In the capacity of Licensing Authority as a Responsible Authority



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/21/48/2021

Date: 23rd March 2021

Dear Sir/Madam

Re:- Franks Café Ltd Levels 7&8 95a Rye Lane SE154ST

Police are in possession of an application from the above to vary their premises licence as follows.

To remove condition 340 - That all drinks served to customers will be decanted into polycarbonate containers. No drinks receptacles made of glass will be used at the premises.

In addition they wish to increase the hours of operation and licensable activities by one hour.

In principle we have no real concerns over the additional hour of trading, we support this variation in order to support licensed premises as they slowly come out of the Corona Virus lockdown measures.

I do however have some concerns as to the removal of the condition relating to the use of glassware at the premises, i feel this could impact on the prevention of crime and disorder licensing objective.

I note that the premises has the ability and to host large events with a capacity of up to 800 patrons. This in my opinion could be problematic with glassware being used during such large events.

I would be happy to discuss with the applicant further and if in agreement restrict the use of glassware to these large events and perhaps relax the condition for the smaller events that take place.

Submitted for your consideration.

Yours Sincerely

PC Ian Clements 2362AS
Southwark Police Licensing Unit
Tel: 0207 232 6756