

MEMO: Licensing Unit

To Licensing Unit Date 17 April 2021
From Jayne Tear
Email jayne.tear@southwark.gov.uk

Subject Re: New Hibernia House, Ground floor New Hibernia House, 15 Winchester Walk, London SE1 9AG – Application for a premises licence

I write with regards to the above application for a premises licence submitted by Peter Holt under the Licensing Act 2003, which seeks the following licensable activities:

- Supply of alcohol (on and off the premises) on Sunday to Thursday from 08:00 to 23:00 and on Friday and Saturday from 08:00 to 00:00
- Overall opening times shall be on Sunday to Thursday from 08:00 to 23:30 and on Friday and Saturday from 08:00 to 00:30

The premises is described within the application as: *'New Hibernia House is a C.1900 warehouse building on Winchester Walk, opposite the courtyard area at the rear of Borough Market. The building was previously used as an office space and is currently undergoing refurbishment. The design of the refurbishment was guided by the framework of the London Plan and it was considered, 'it would enhance both the conservation area and the setting of the cathedral' as a direct result of the works. Furthermore, the design benefits and additional employment within the hospitality would result in the venue being more economically sustainable. With the new office space and a hospitality venue, we hope that the contribution to the local economy is clearly evident. Planning permission has been granted for four offices on the upper floors and A3/A4 on the ground floor and basement. Cycle space for both workers and visitors has been provided. The ground floor is a rectangular room with 4 sets of double doors opening onto the pavement. The basement area will be used for storage, customer toilets and the kitchen. Business - Application for a premises licence to be granted under the Licensing Act 2003 Servicing of the venue would be no different to other venues in the area. Serviced from the one-way Winchester Walk, there are kerb markings to permit deliveries to nearby premises. These deliveries are to be conditioned so as not to take place outside of the hours 0700 to 2000 during the planning stage of the redevelopment a legal agreement was set in place for Southwark Council Archaeology to work with The Museum of London. Trial pits have been dug in the basement and an archaeological dig has been ongoing for the past two years. The venue will be open from 8 am seven days a week for breakfasts and a substantial food offering will be available throughout the day and evening in a family friendly environment. However, this is not a traditional restaurant as such; food served will be as a choice accompaniment to an extensive but selective menu of natural wine and craft beer. This application asks that the premises licence runs from 0800 to 2300 Sunday to Thursday and from 0800 to 0000 hours Friday and Saturday. However, from 0800 to 1100 hours the only alcohol that can be sold will be Bloody Mary's to accompany breakfasts. The freedom of the full licence commencing in earnest at 1100 hours. This application is for both on and off sales, off-sales will include provision to persons sat within the small area outside the front of premises as detailed on the floor plan. Peter Holt will be the DPS. Peter is also the owner of three other bars in London, The Howling Hops Tank Bar in Hackney Wick, where he has his own brewery. The Southampton Arms in Camden and*

The Cock Tavern in Hackney, all three of which concentrate on craft ales. He has extensive experience in the trade Their focus will be on small independent British producers of food, natural organic wines sourced mainly from England and vegan friendly ales and beers from independent brewers from all over the UK. They intend on supporting local market traders and wherever possible will source their produce from within Borough Market. The fresh seasonal menus will be carefully matched to the wine and beer offerings. It is accepted that the venue is situated in a very busy environment from early in the day through to the bustling night-time. This venue may well increase the footfall to the area, an area that has improved as a result of the on-going regeneration. It is without doubt necessary to keep that feel of the area and to continue to improve the experiences of those attending such venues. This application has been considerably researched and constructed to reduce any negative impact to the night-time economy. The borough licensing policy has been fully researched with consideration to the geographical position of the premises, and the necessity for conditions has been fully risk assessed. The risk assessment for conditioning is attached as a separate file to this application. Perfectly positioned to take advantage of local traders and as much as possible promote other independent traders within the borough, the café/bar will offer a positive contribution to the already vibrant area in and around Borough Market. The works to the premises will be complete in August 2021, and the fitting out of the premises complete in late Autumn. It is not anticipated that this venue will be open for business until nearer to Christmas 2021'.

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 and the prevention of public nuisance

The premises is situated in the Bankside, Borough, London Bridge Strategic Cultural & Bankside and Borough District Town Centre Area and under the Southwark Statement of Licensing Policy 2021 - 2026 the appropriate closing times for public houses, bars or other drinking establishments on Sunday to Thursday is 23:00 hours and for Friday and Saturday is 00:00 hours. The appropriate closing times for restaurants and cafes on Sunday to Thursday is 00:00 hours and for Friday and Saturday is 01:00 hours

The premises also falls within the cumulative impact area (CIA) for Borough and Bankside. Under the Southwark Statement of Licensing Policy 2021 - 2026 the local CIA applies to night clubs, public houses & bars, restaurants & cafes, off-licences, supermarkets, convenience stores and similar premises.

Section six of the policy (from page 34) deals with Southwark's local cumulative impact policies. This premises sits in the Borough and Bankside policy area as defined in paragraph 149 of the policy and this premises falls into the class of premises in 150 of the policy.

Therefore under 131 of the policy there is a rebuttable presumption that applications for new premises licences 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 contributing to crime and disorder and public nuisance within the policy area. The following may assist the applicant in this rebuttal.

This application is within the appropriate hours for a restaurant/café in this area and to ensure that the premises retains its nature as such, I recommend the following condition be added to the operating schedule:

- That intoxicating liquor shall not be sold for consumption on the premises otherwise than to persons taking table meals or substantial food at the premises and as ancillary to that person's meal.

However if the premises wants to operate as a bar I recommend that the operating schedule is amended to reflect the appropriate closing times for a bar in this area and that the alcohol '*on sales*' finish half an hour before the closing times, with the alcohol '*off sales*' amended in line with the closing times as follows:

- Supply of alcohol (on the premises) on Sunday to Thursday from 08:00 to 22:30 and on Friday and Saturday from 08:00 to 23:30
- Supply of alcohol (off the premises) on Sunday to Thursday from 08:00 to 23:00 and on Friday and Saturday from 08:00 to 00:00
- Overall opening times shall be on Sunday to Thursday from 08:00 to 23:00 and on Friday and Saturday from 08:00 to 00:00

Due to the limited information provided with the application and to promote the licensing objectives I ask the applicant to provide the following information:

- An accommodation limit for the premises (to be conditioned)

To further promote the licensing objectives I recommend the following conditions be added to the operating schedule:

- The accommodation limit for the premises shall not exceed XXX (excluding staff).
(*XXX to be confirmed*)
- The written dispersal policy shall be kept at the premises with the licence and made available for inspection by authorised council officers or the police. All relevant staff shall be trained in the implementation of the dispersal policy
- All '*off sales*' of alcohol shall be provided in sealed containers and taken away from the premises except for the outside area as defined on the premises plan.
- That clear legible signage shall be prominently displayed where it can be easily seen and read, requesting that '*off sales*' of alcohol are not be opened and consumed in the vicinity of the premises

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

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

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>