



AGENDA

LICENSING COMMITTEE SUPPLEMENTARY AGENDA

Date: TUESDAY, 14 AUGUST 2018 at 7.15 pm

**Committee Room 3
Civic Suite
Catford Road
London SE6 4RU**

**Enquiries to: Clare Weaser
Telephone: 0208 314 7369 (direct line)
Email: clare.weaser@lewisham.gov.uk**

MEMBERS

This meeting is an open meeting and all items on the agenda may be audio recorded and/or filmed.

Councillors:

Councillor Eva Stamirowski (Chair)
Councillor Colin Elliott (Vice-Chair)
Councillor Patrick Codd
Councillor Feis-Bryce
Councillor Alan Hall
Councillor Sue Hordijkeno
Councillor Coral Howard
Councillor Caroline Kalu
Councillor Joan Millbank
Councillor Susan Wise

Members are summoned to attend this meeting

**Ian Thomas
Chief Executive
Laurence House
Catford
London SE6 4RU
Date: 9 August 2018**



INVESTOR IN PEOPLE

The public are welcome to attend our committee meetings, however occasionally committees may have to consider some business in private. Copies of reports can be made available in additional formats on request.

ORDER OF BUSINESS – PART 1 AGENDA

Item No		Page No.s
1.1	Morden's Wine Bar 7-9 Montpelier Vale SE3 0TA	1 - 23



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LICENSING COMMITTEE

Report Title	Mordens Wine bar		
Key Decision	No		Item No.
Ward	Blackheath		
Contributors	Community Services – Crime, Enforcement & Regulation Service Head of Law		
Class	Part 1	Date 14.8.18	

Proposal: **Temporary Event Notice (TEN)**

Legislation: **Licensing Act 2003**

Premises: **Mordens Wine bar**

Applicants: **Nick Coxon 7-9 Montpelier Vale SE3 0TA**

This matter is required to be heard within a short timescale to meet the statutory requirements.

The notice was served in accordance with section 100 of the Licensing Act 2003

1. **Notice content**

The Temporary Event Notice is for the following activities to take place 25, 26 & 27th August 2018 to allow

The TEN is asking for the provision of regulated entertainment and sale by retail of alcohol until and late night refreshments until 02:30am on each day.

2. The notice was served on the Metropolitan Police (MPS) and the London Borough of Lewisham Crime, Enforcement and Regulation Service (formerly known as Environmental Enforcement). Objections were received the Crime Enforcement & Regulation Service within the specified time limit in accordance with section 104 of the Licensing Act 2003 – The objections were received in relation to Preventing a public nuisance and the public safety.

The premises currently has a licence for:

Regulated Entertainment (Basement) 10:00 – 01:00 Wednesday & Thursday
10:00 – 01:30 Friday & Saturday

Alcohol 10:00 – 00:00 Monday to Saturday
Ground floor 12:00 – 00:30 Sunday

Wednesday and Thursday basement bar 10:00 – 01:00
Friday and Saturday basement bar 10:00 – 01:30

This would mean the application is for an extension of 1 hr for Friday & Saturday and 2 hours alcohol on the Sunday with the addition of Late night refreshment and regulated entertainment which are currently not licensed for on a Sunday.

3. LEGAL & HUMAN RIGHTS IMPLICATIONS

Where an objection notice is received following a Temporary Event Notice a licensing authority is required to hold a hearing. In this case the Licensing Authority is required to consider whether the proposed temporary event will promote the crime prevention and public nuisance licensing objectives.

The licensing authority is a public authority under the Human Rights Act 1998. Therefore the Licensing Authority is under a duty to act compatibly with Convention Rights in the exercise of their function. Article 6 (1) of the Convention provides that everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial hearing established by law.

The right to give a Temporary Event Notice falls within the scope of civil rights and obligations in Article 6 (1) as it relates, in this case, to a Premises Licence holder's right to pursue commercial activity. This right is a qualified right therefore it may be interfered with if it is appropriate to protect the general interest of the community.

Equalities Implications

The Equality Act 2010 includes a new public sector equality duty (the equality duty or duties) the duty covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race or religion or belief, sex and sexual orientation.

In summary the Council must, in the exercise of its functions, have due regard to the need to-

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- advance equality of opportunity between people who share a protected characteristic and those who do not
- foster good relations between those who share a protected characteristic and those who do not

As with the case with the original separate duties, the new duty continues to be a “have regard duty” and the weight to attach to it is a matter for the committee bearing in mind the relevance and proportionality. It is not an absolute requirement to eliminate discrimination, advance equality of opportunity or foster good relations.

Determination of objection notice

After having regard to all the representations heard, Members must take such steps as they consider appropriate to promote the prevention of crime and disorder and public nuisance. Therefore the Licensing Committee may;

1. Decide no action is appropriate to promote the prevention of crime and disorder and public nuisance therefore the temporary event may go ahead
OR
2. Impose one or more conditions on the standard temporary event notice if-
 - a. the authority considers it appropriate for the promotion of the licensing objectives to do so,
 - b. the conditions are also imposed on a premises licence or club premises certificate that has effect in respect of the same premises, or any part of the same premises, as the standard temporary event notice, and
 - c. the conditions would not be inconsistent with the carrying of licensable activities under the standard temporary event notice
3. Issue a counter notice if it considers it is appropriate to promote the licensing objectives, therefore the temporary event may not go ahead

There is a right of appeal to the Magistrates Court against a decision either to give a counter notice or to allow the temporary event to go ahead.

Background Papers

<u>Short Title of</u>	<u>Date</u>	<u>Appendix</u>
<u>Document</u> <u>Applicant</u> Applications rec'd	06.08.18	
<u>Environmental Enforcement</u> Objection rec'd	08.08.18	

Should you require any further information on this report please contact Lisa Spall at the Crime, Enforcement & Regulation Service on 020 8314 8390


TEMPORARY EVENT NOTICE

To: Nicholas Coxon
Of: 7-9 Montpelier Vale
Blackheath Village
London
SE3 0TA

The Council of the London Borough of Lewisham have acknowledged the event as follows:

Premises: Mordens Wine Bar
7-9 Montpelier Vale
Blackheath Village
London
SE3 0TA

Date: 25th – 27th August 2018 (00:00-02:30)



Directorate for Community Services
Crime, Enforcement & Regulation Service
Licensing Authority
Holbeach Office
9 Holbeach Rd
Catford
SE6 4TW

**Proper Officer for Licensing
London Borough of Lewisham**

SHOULD A COUNTER NOTICE BE ISSUED IN ACCORDANCE WITH SECTION 105 OR 107 OF THE LICENSING ACT 2003 THIS EVENT WILL NOT BE PERMITTED.



* required information

Section 1 of 9

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

August Bank Holiday weekend

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

First name

Nicholas

Family name

Coxon

E-mail address

nick@mordenswinebar.co.uk

Main telephone number

07768 634062

Include country code.

Other telephone number

02088520492

Indicate here if you would prefer not to be contacted by telephone

Are you:

Applying as a business or organisation, including as a sole trader
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is your business registered in the UK with Companies House?

Yes No

Note: completing the Applicant Business section is optional in this form.

Registration number

8441183

Business name

Mordens Wine Bar Ltd

If your business is registered, use its registered name.

VAT number

- 160857987

Put "none" if you are not registered for VAT.

Legal status

Private Limited Company

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 9

APPLICATION DETAILS (See also guidance on completing the form, general notes and note 1)

Have you had any previous or maiden names?

Yes

No

Your date of birth / /
dd mm yyyy

Applicant must be 18 years of age or older

National Insurance number

This box need not be completed if you are an individual not liable to pay UK national insurance.

Place of birth

Correspondence Address

Is the address the same as (or similar to) the address given in section one?

Yes

No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Continued from previous page...

Additional Contact Details

Are the contact details the same as (or similar to) those given in section one?

Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail
Telephone number
Other telephone number

Section 3 of 9

THE PREMISES

I, the proposed user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry out a temporary activity at the premises described below.

Give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references). [\(See also guidance on completing the form, note 2\)](#)

Does the premises have an address?

Yes No

Address

Is the address the same as (or similar to) the address given in section one?

Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name
Street
District
City or town
County or administrative area
Postcode
Country

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?

Neither Premises licence Club premises certificate

Premises licence number

Location Details

Provide further details about the location of the event

Continued from previous page...

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, give a description and details below (see also guidance on completing the form, note 3)

Describe the nature of the premises below (see also guidance on completing the form, note 4)

Wine Bar

Describe the nature of the event below (see also guidance on completing the form, note 5)

May Bank Holiday weekend

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LICENSABLE ACTIVITIES

State the licensable activities that you intend to carry on at the premises (see also guidance on completing the form, note 6):

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- The provision of regulated entertainment
- The provision of late night refreshment
- The giving of a late temporary event notice

(See also guidance on completing the form, note 7).

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event.

(See also guidance on completing the form, note 8).

Event Dates

There must be a period of at least 10 working days between the date you submit this form and the date of the earliest event when you will be using these premises for licensable activities.

State the dates on which you intend to use these premises for licensable activities

(see also guidance on completing the form, note 9)

Event start date / /
 dd mm yyyy

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

Event end date / /
 dd mm yyyy

Continued from previous page...

State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock)

00:00-02:30

(see also guidance on completing the form, note 10)

State the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers

280

Note that the maximum number of people cannot exceed 499.

(see also guidance on completing the form, note 11)

If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both

(see also guidance on completing the form, note 12):

- On the premises only
- Off the premises only
- Both

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RELEVANT ENTERTAINMENT (See also guidance on completing the form, note 13)

State if the licensable activities will include the provision of relevant entertainment. If so, state the times during the event period that you propose to provide relevant entertainment

DJ Playing during and Music Through out, Bank Holiday weekend

Section 6 of 9

PERSONAL LICENCE HOLDERS (See also guidance on completing the form, note 14)

Do you currently hold a valid personal licence? Yes No

Provide the details of your personal licence below.

Issuing licensing authority

Licence number

Date of issue / /
dd mm yyyy

Any further relevant details

Section 7 of 9

PREVIOUS TEMPORARY EVENT NOTICES (See also guidance on completing the form, note 15)

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?

Yes No

State the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year

Have you already given a temporary event notice for the same premises in which the event period:

a) Ends 24 hours or less before; or Yes No

b) Begins 24 hours or less after the event period proposed in this notice?

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ASSOCIATES AND BUSINESS COLLEAGUES (See also guidance on completing the form, note 16)

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

Yes No

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

a) Ends 24 hours or less before; or Yes No

b) Begins 24 hours or less after the event period proposed in this notice?

Continued from previous page...

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? Yes No

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: Yes No

a) Ends 24 hours or less before; or
b) Begins 24 hours or less after the event period proposed in this notice?

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CONDITION [\(See also guidance on completing the form, note 18\)](#)

It is a condition of this temporary event notice that where the relevant licensable activities described in Sections 4 and 5 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.
This formality requires a fixed fee of £21

DECLARATION [\(See also guidance on completing the form, note 19\)](#)

The information contained in this form is correct to the best of my knowledge and belief. I understand that it is an offence:
* (i) to knowingly or recklessly make a false statement in connection with this temporary event notice and (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

Full name

Capacity

Date / /
dd mm yyyy

Continued from previous page...

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
 2. Go back to <https://www.gov.uk/apply-for-a-licence/temporary-event-notice/lewisham/apply-1> to upload this file and continue with your application.
- Don't forget to make sure you have all your supporting documentation to hand.

OFFICE USE ONLY

Applicant reference number	<input type="text" value="August Bank Holiday weekend"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

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TEN SIGNATURE PAGE

PREMISES of Event	Mordens Wine Bar, 7-9 Montpelier Vale Blackheath SE3 0TA
DATE AND TIMES of Event	25 th – 27 th August 2018 (00:00-02:30)
AUTHORISING OFFICER	Nadya Gencheva
OFFICERS SIGNATURE	<i>Nadya Gencheva</i>
DATE OF SIGNING	06/08/ 2018

Premises licence number

PL 0163

Premises name

MORDENS WINE BAR

Part 1- Premises details**Postal address of premises, or if none, ordnance survey map reference or description**

7-9 Montpelier Vale

Post town London**Post code** SE3 0TA**Telephone number** 020 8852 0492**Premises licence holder name**

Mordens Wine Bar Ltd

Directorate for Community Services
Licensing Team
Laurence House
1 Catford Road
London
SE6 4RU

Proper Officer for Licensing
London Borough of Lewisham

Where licence is time limited the dates

Licensable activities authorised by the licence

Provision of Regulated Entertainment

Live music

Recorded music

Performances of dance

Sale by retail of alcohol

for consumption on the premises

The times the licence authorises the carrying out of licensable activities

Regulated Entertainment 10:00 – 01:00 Wednesday & Thursday
(Basement) 10:00 – 01:30 Friday & Saturday

Alcohol 10:00 – 00:00 Monday to Saturday
Ground floor 12:00 – 00:30 Sunday

Wednesday and Thursday basement bar 10:00 – 01:00
Friday and Saturday basement bar 10:00 – 01:30

The opening hours of the premises

09:00 – 00:30 Sunday

08:00 – 00:30 Monday and Tuesday

08:00 – 01:30 Wednesday and Thursday

08:00 – 02:00 Friday and Saturday

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

On

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Mordens Wine Bar Ltd
7-9 Montpelier Vale
Blackheath
SE3 0TA

020 8852 0492

Registered number of holder, for example company number, charity number (where applicable)

8441183

Company

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Nicholas Coxon
45 Glanville Drive
Hornchurch
Essex
RM11 3SY

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol

WK/200510524

London Borough of Greenwich

Annex 1- Mandatory conditions

No supply of alcohol may be made at a time when no designated supervisor has been specified in the licence or at a time when the designated premises supervisor does not hold a personal licence or his or her licence has been suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

The Premises Licence Holder must ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price, which is less than the permitted price.

The Responsible Person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotion, as listed below, where that promotion is carried on for the purpose of encouraging the sale of alcohol on the premises:-

- a. Drinking games
- b. Provision of alcohol free or for a fixed or discounted fee
- c. Rewards for consumption of alcohol
- d. Promotional posters
- e. Dispensing alcohol directly into the mouth (This prohibition does not apply where a person is not able to drink without assistance because of a disability)

The Responsible Person must ensure that free potable water is provided on request for customers where it is reasonably available

The Responsible Person must ensure that the following drinks if sold or supplied for consumption on the premises are available in the following measures:

- beer or cider - half pint
- gin, rum, vodka or whisky - 25ml or 35ml
- still wine in a glass - 125ml

Any individual carrying out security activities at the premises must be licensed by the Security Industry Authority.

Annex 2-Conditions consistent with the operating Schedule

No Admissions after 23:30

Capacities will not exceed 100 on the ground floor and 100 in the basement when entertainment is in progress

All windows on the ground floor shall remain closed when entertainment is in progress

Licensees will provide residents with a designated telephone number which shall be available at all times when the premises are open

CCTV is installed to data protection standards and will be made available to the Police and Licensing Authority as and when required. Recordings shall also be kept for 31 days.

Notices asking patrons to leave quietly will be placed at all doors of the premises

Premises are sound proofed to the highest standard

All persons under 16 to be accompanied by an adult at all times

No children allowed on the premises after 19:00

A minimum of four (4) registered SIA door staff who are employed by an Accredited Contracted Scheme (ACS) company must be on duty from 21:00 Friday and Saturday. All of which must display their SIA badge within a luminous arm band at all times.

At least two (2) SIA licensed door supervisors shall be on duty at the entrance of the premises from 21:00 Friday & Saturday until close.

An incident log shall be kept at the premises, and made available on request to an authorised Local Authority or Police Officer, which will record the following:

- a) all crimes reported to the venue
- b) all ejections of patrons
- c) any complaints received
- d) any incidents of disorder
- e) all seizures of drugs or offensive weapons
- f) any faults in the CCTV system
- g) any refusal of the sale of alcohol
- h) any visit by a relevant authority or emergency service

The premises must maintain a comprehensive CCTV system. All entry and exit points will be covered enabling facial identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities. All recordings shall be

stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Local Authority or Police Officer throughout the preceding 31 day period.

There shall be a personal licence holder on duty on the premises on Thursday, Friday and Saturday nights from 21:00 until close.

The premises shall prominently display signage at all entrances informing customers:-

- There will be no admission or re-admission into the venue after 23:30
- Management reserve the right to refuse entry

The Premises Licence Holder and/or Designated Premises Supervisor shall ensure that the following details for each supervisor are contemporaneously entered into a bound register kept for that purpose:

1. Name
2. SIA certificate number and/or badge number, or registration number of any accreditation scheme recognised by the Licensing Authority (including expiry date of that registration or accreditation)
3. The time they begin duty
4. The time they complete their duty
5. The full details of any agency through which they have been allocated to work at the premises if appropriate.

The register shall be available at all reasonable times to the Licensing Authority or Police.

The register is to be kept at the premises at all times and shall be so maintained as to enable an authorised officer to establish particulars of all door staff engaged at the premises during the period of not less than 12 months of request.

At the commencement of work security personnel should ensure that they are recorded on the CCTV system and that a clear head and shoulders image showing their face clear of any hat, glasses or other obstruction is recorded.

A promotion risk assessment form will be completed and submitted to the Metropolitan Police for any events other than regular resident DJ's no later than 14 days before the event is due to take place.

Capacities will not exceed 100 on the ground floor and 100 in the basement and the capacity for the first floor set in accordance with the numbers set out by the London Fire Brigade.

Annex 3- Condition attached after a hearing by the licensing authority

Policy for Patrons to be assisted on their journey home

The garden to close 23:00

Active member of a Pubwatch (i.e. 4 of every 5 meetings attended by DPS or senior manager)

Annex 4- Plan

Full plans available from Licensing services, London Borough of Lewisham

Basement
Ground floor
First floor