



Lewisham Borough Licensing,
9 Holbeach Road,
Catford,
SE6 4TW.

Catford Traffic Garage,
34 Aitken Road,
SE6 3BG

Telephone:
Email:
www.met.police.uk

Your ref:
Our ref:

29th July 2022

Unit 3 , Ilderton Wharf, Rollins street SE15 1EW

Lewisham Police Licensing acknowledge receipt of an application for a new premises licence for a multi room events space at the above location with an eventual capacity of 3000. The proposed operating hours range from 8am through to 7am on a weekend and 11am to midnight during the week. The events listed on the licence are Indoor sporting events, boxing/wrestling entertainment, live music, recorded music, performance of dance, anything of a similar description to the latter 3 activities, late night refreshment and supply of alcohol.

Police would like to outright object to this application under the following Licensing objectives:

Prevent crime and disorder
Public safety
Prevent public nuisance
Protect children from harm

After considering the application, conditions offered by the applicant and taking into account the location of the proposed premises and its environs Police licensing feel that the proposed premises will undermine not only the Licensing objectives but also greatly affect the residences and the quality of their lives. The applicant has failed to take into account and address the negative impact that this venue will have. The extensive hours proposed will impact greatly on the lives of those in the surrounding areas, giving very little respite for residents.

Geographical Location

Rollins Street is a highly residential area with the Winslade Estate directly opposite the proposed venue site. The Winslade estate is made up of 22 blocks of flats centred around a children's play area. The estate has permit holder parking only and double yellow lines on the rest of the estate. There are two new build high rise blocks of flats on Ilderton Road overlooking the venue and in particular where the proposed stage will be.

On Surrey Canal Road where the proposed entrances/exits will be there is grass bank that leads down onto the main road. Currently there is no access to this area from the proposed site and it is unknown if planning is required to have access there. Opposite the proposed entrance and exits on Surrey Canal Road is another club with a capacity of 500 with extended drinking hours until 7:30am at the weekend.

Just off Ilderton Road and in close proximity to the proposed new venue is Millwall football club which has a capacity of 20,000. A sterile area had to be created for the sole purpose of fans to access and egress the football ground to transport hubs to prevent disturbance to the local residents.

We would take advantage of the sterile routes used as part of the football club access plan and include instructions on how to get to and leave from the premises via the off road footpaths to the north of the venue linking it directly to South Bermondsey train station. For larger events we would be happy to steward the guests leaving and arriving from the venue, further to this we would look to open discussions with Millwall football club on using their car parking facilities to prevent on road congestion. We also appreciate the cumulative impact is a concern on days with events at the football ground and have suggested conditions to the police to assist in managing this.

Close to the venue are several estates that house young people of varying friendship groups which on occasion have led to tensions within the local community.

There is limited bus availability in the area and the buses are small hopper buses. Would the patrons be queuing in the residential streets waiting for buses or walking to the railway station or waiting for taxis? There is very limited parking availability. The applicant states people can use Uber taxis but there is nowhere in the locality for them to park or wait. The amount of taxis needed would create a nuisance for the local residents and other road users.

The applicant states the patrons can use the rail and tube network. The nearest station is a fifteen minute walk away. This not only has a negative impact on the local residents with the noise and behaviour of a large capacity dispersing into the surrounding streets. With similar venues close by as well as being in such a densely populated area this will put a huge burden on all public transport hubs in the area.

The application (public nuisance/public safety)

The applicant appears to have covered a lot when first reading the application form, however, having met the applicant at the venue it became evident the venue is not fit for the purpose that the applicant intends.

The venue is a very large empty warehouse with a tin roof. There are no toilets at the site for the public to use and nothing to stop sound emanating from there. I understand planning permission has not been sought and a change of use from a warehouse to a late night economy venue is not in place. The applicant informed me he does not wish to throw money at this project if he cannot get a licence, so the intention is to get the licence before planning permission is granted as that is costly. However, there is no way to monitor if the planning permission is to be applied for and carried out after the licence is granted or if the planning permission would even be granted. The applicant showed an interest in operating using temporary event notices and said they would apply for multiple at the same time. However a TEN is for a maximum of 499 people and there is still no solution to the noise problem.

We have begun discussions with the local planning team and are aware of the current condition of the premises, the blank canvas condition of the building is one of the features that will allow the project to take place. We fully understand that in the current condition the premises is not ready for trade, and appreciate your concerns in this regard. As part of a previously granted licence for 15-19 Garman Road in Haringey similar concerns were raised, the following conditions were voluntarily added to provide additional enforceable measure ensuring that all permissions would be in place before the premises were used.

The applicant must have received planning permission before the premises can be used for the licensed activities granted under this licence.

No licensable activities shall take place at the premises until the works identified by Building Control and agreed by the applicant in response to the Building Control representation on this application have been completed to the satisfaction of the Council's Principal Building Surveyor or other authorised surveyor, at which time this condition shall be removed from the Licence by the Licensing Authority.

The above condition could be modified to better suit this application with the following suggested wording:

No licensable activities shall take place at the premises until all works have been completed to the satisfaction of the Council's Principal Building Surveyor or other authorised surveyor, at which time this condition shall be removed from the Licence by the Licensing Authority.

The number of persons accommodated at the premises (excluding staff) shall not exceed the number determined by the London Fire Brigade following their inspection.

The sanitary accommodation is to be improved to the satisfaction of the Council's Environmental Health Officer at which point an appropriate condition regarding capacity will replace this condition.

With a set of conditions similar to those above we genuinely understand that it is unlikely that this specific licence application would be ready to present the correct evidence to satisfy these conditions for several years, rendering it unusable in the interim. Our intention throughout this application has been to present the largest scale final proposed use of the premises in order to allow feedback from the responsible authorities and to test the future viability of the premises and project. If this licence is granted it would allow us to commit to the greater costs involved with the project of a town planning application and site development.

When this issue was discussed with the responsible authorities on site we also explained that we intend to carry out a phased development and use of the site, with licence applications, planning and supporting documents completed for each phase. To demonstrate this a rough draft set of documents was produced and provided for a more realistic phase one application, site plan and fire safety/capacities considerations.

These documents are attached again to the accompanying email for this response:

Premises-Licence-Application-Form Ilderton Wharf-phase-one

Site Plan 1 - 100 A0L - ILBERTON WHARF, ROLLINS STREET, LONDON, LEWISHAM, SE15 1EP phase one

Emergency Evacuation Plan Ilderton Wharf Phase One draft 1.0 22-07-22

It would be appreciated if these documents, along with this response and the accompanying email could be included in the hearing pack for reference if required.

With all this considered we should perhaps have presented this project through a Provisional Statement application, and would be happy if the final decision on this application could be issued as a provisional statement and not a premises licence as it appears from the most recent guidance update that this is more relevant:

Provisional Statements guidance under section 182 guidance issued April 2018 sections 8.89 – 8.98 relating to provisional statements regarding the ability for an applicant to apply for a licence for a site which is not in the condition proposed on the application we would ask you to consider the final proposed documents submitted, not the current condition of the site. If this results in a provisional statement being granted then we are happy to go ahead in this manner with individual revised applications at each phase of the project as planning and building works come in line.

The referenced text is copied below for your convenience:

Provisional statements

8.89 Where premises are being or are about to be constructed, extended or otherwise altered for the purpose of being used for one or more licensable activities, investors may be unwilling to commit funds unless they have some assurance that a premises licence covering the desired licensable activities would be granted for the premises when the building work is completed.

8.90 The 2003 Act does not define the words “otherwise altered”, but the alteration must relate to the purpose of being used for one or more licensable activities.

8.91 Any person falling within section 16 of the 2003 Act can apply for a premises licence before new premises are constructed, extended or changed. This would be possible where clear plans of the proposed structure exist and the applicant is in a position to complete an operating schedule including details of:

- the activities to take place there;
- the time at which such activities will take place;
- the proposed hours of opening;
- where the applicant wishes the licence to have effect for a limited period, that period;
- the steps to be taken to promote the licensing objectives; and

- where the sale of alcohol is involved, whether supplies are proposed to be for consumption on or off the premises (or both) and the name of the designated premises supervisor the applicant wishes to specify.

8.92 In such cases, the licensing authority would include in the licence the date upon which it would come into effect. A provisional statement will normally only be required when the information described above is not available.

8.93 The 2003 Act therefore provides for a person, if an individual aged 18 or over, who has an interest in the premises to apply for a “provisional statement”. This will not be time limited, but the longer the delay before an application for a premises licence is made, the more likely it is that there will be material changes and that the licensing authority will accept representations. “Person” in this context includes a business.

8.94 When a hearing is held, the licensing authority must decide whether, if the premises were constructed or altered in the way proposed in the schedule of works and if a premises licence was sought for those premises, it would consider it appropriate for the promotion of the licensing objectives to:

- attach conditions to the licence;
- rule out any of the licensable activities applied for;
- refuse to specify the person nominated as premises supervisor; or
- reject the application.

It will then issue the applicant with a provisional statement setting out the details of that decision together with its reasons.

8.95 The licensing authority must copy the provisional statement to each person who made relevant representations, and the chief officer of police for the area in which the premises is situated. The licensing authority should give full and comprehensive reasons for its decision. This is important in anticipation of an appeal by any aggrieved party.

8.96 When a person applies for a premises licence in respect of premises (or part of the premises or premises which are substantially the same) for which a provisional statement has been made, representations by responsible authorities and other persons will be excluded in certain circumstances. These are where:

- the application for a licence is in the same form as the licence described in the provisional statement;
- the work in the schedule of works has been satisfactorily completed;
- given the information provided in the application for a provisional statement, the responsible authority or other person could have made the same, or substantially the same, representations about the application then but failed to do so without reasonable excuse; and
- there has been no material change in the circumstances relating either to the premises or to the area in the proximity of those premises since the provisional statement was made.

8.97 Any decision of the licensing authority on an application for a provisional statement will not relieve an applicant of the need to apply for planning permission, building control approval of the building work, or in some cases both planning permission and building control.

8.98 A provisional statement may not be sought or given for a vessel, a vehicle or a moveable structure (see section 189 of the 2003 Act).

[This covers many of the references throughout this representation to planning and current premises condition and as such I won't reference it again.](#)

2.26 states: The licensing Authority urges all applicants to ensure they have the correct planning use for the business type they are operating before they apply for their licence. Both planning and licensing consents must be in place for a business to operate legally.

Also in the statement policy under Licensing Objectives and operating schedules:

3.5 Applicants are expected to demonstrate sufficient local knowledge and steps to mitigate any negative impact on the licensing objectives.

Knowledge of local area and proximity to local residences and how their activities will impact on these.

An understanding of crime levels and types in the area and any problem hotspots where their activities may impact street congregating. On meeting the applicant I was asked if there was high crime in the area. Street congregating will occur because of the lack of transport facilities in the area and the sheer capacity proposed at the venue as well as Millwall football club in very close proximity and the other club opposite sharing the same transport facilities.

Knowledge of any local youth establishments including schools and areas where children may congregate. There is park directly opposite the venue.

On the application form under the prevention of public nuisance the applicant states: All windows and doors must be kept shut whilst entertainment is in progress except for the immediate entrance egress of patrons.

They have no facility or planning permission to hold any entertainment inside the venue and plan to hold the entertainment outside playing recorded music and having a stage for live music. I understand this has also not been put to the planning department. To limit noise they plan to stack containers two high around the outside area of the venue and fill them with hay. Hay is combustible and therefore a fire hazard whether it is wet or dry. When this was put to the applicant he stated he would cover the hay with tarpaulin and they had used it at other venues. I believe a noise limiter cannot be used outside which is why the applicant has suggested hay.

With regards to the above statements on noise control I would request that **Frank Olaniran - Senior Officer for Lewisham Noise Nuisance team** attends the hearing to give expert advice to the committee, the police team showed on site that they did not fully understand the proposed noise mitigation methods and reinforce this with the statement that noise limiters cannot be used outdoors. All sound systems would have noise limiters and be under the full control of the venue management team after setting with the Lewisham noise team present. As discussed with the responsible authorities onsite the hay bales inside containers are one of the suggested methods for major sound reduction and their use is by no means the only solution available for noise reduction. Many other systems could also be effectively used, multi mass soundproofing layers with alternating absorption coefficients and air gaps should also prove highly effective. All proposed sound reduction systems will be discussed with the Noise team, planning & the LFB (where necessary) allowing us to correctly and effectively reduce the impact of the site through expert advice and continued review.

The applicant has therefore not demonstrated how he will prevent the local residents being disturbed by constant noise/loud music from the venue or what impact this will

have on their quality of life. The hours they plan to operate are excessive and will have a detrimental effect on the surrounding area.

The operational hours applied for in the application are to allow us a wide range of flexibility when programming, we feel that the concern expressed by the police here is primarily caused by a belief that somehow we intend to deliver only “nightclub” style events all week. Contrary to this belief at our previous project we regularly delivered a wide range of events with more daily appropriate programming. For example Mon to Thurs the range of events was very broad, examples are; Acoustic nights, spoken word, movie nights, seminars, charity events, local community social events, theatre, plays, dance classes etc. Music and DJ led events would primarily be programmed on weekends as this is when they attract an audience.

The entry/egress route the applicant would like to use is currently fenced off. The applicant proposes to create gates and use scaffolding to form a bridge to take the patrons down onto Surrey Canal Road. Scaffolding is a temporary structure and its intended use is not for general public use, especially people who may be intoxicated and wearing unsuitable footwear. This route would also take the patrons directly onto a main road and opposite the other club in the area. Previous experience of venues such as this is that the patrons walk straight across the road with no consideration to vehicles and cause an obstruction as well as danger to themselves. The structure may be wet and slippery due to the weather and may also collapse in an emergency situation should the venue need to evacuate. Lighting has also not been mentioned.

Any temporary structures used would be constructed to be fire and access compliant and we are happy to provide evidence of this, scaffolding is regularly used safely in high volume public areas to provide alternate access routes during construction and we would ensure to follow all of the regs and guidelines that allow this use. Any permanent gates built would be agreed with planning and meet building control regs. We are happy to steward the patrons leaving to the secure route to South Bermondsey station and can request that all taxi's booked are asked to pick up on Senegal road. As part of the planning we will likely have to provide a satisfactory transport plan which we will share with the local responsible authorities when completed.

The applicant has applied for Late night refreshment and proposes to have off and on sales of hot food this will encourage customers to remain on site or in the locality whilst consuming their purchases greatly increasing the chance of noise nuisance disturbing local residents but also the impact of littering from food packaging, not only on the streets but within the gardens of residential properties.

The application for on and off late night refreshment is to allow us to support our food traders offers with delivery services and is not intended to be so that people can walk off site with takeaways. We have already added a condition to require that we maintain the tidiness and cleanliness of the surrounding streets.

We would be happy to add conditions to control these concerns:

All late night delivery drivers should collect orders from the surrey canal road.

No open containers of food are to be allowed off the premises between the hours of 23:00 – 07:00.

Any other conditions the committee deem reasonable to control these concerns.

We understand the DPS may also be the DPS for more than one venue and we would like to ascertain if this is fact and if so how would they manage more than one venue especially one as large as this.

At present Stuart Glen is the D.P.S. listed on two other licences, both in Haringey;

The first is:

Down Lane Studios, Ashley House, Ashley Road, Tottenham, London, N17 9LZ
LN/000022874

This is the full premises licence for our previous meanwhile projects “The Cause” & “Costa del Tottenham”, whilst the licence still shows as active on the Haringey public licensing register this premises ceased trading on the 3rd January 2022. We agreed with the licensing department to voluntarily cease trading on this date as the local council took possession of two new build housing properties for occupation by council tenants. These are both located less than 4m from our venue across our rear alleyway to the north, with the first tenants scheduled to move in from the 3rd we did not want to cause a nuisance to them or to damage the good working relationships we had built up with responsible authorities in the area or the various contractors delivering the Argent Tottenham Hale redevelopment.

The second is:

The Cause, 15-19 Garman Road, N17 0UR – granted at hearing 28th April 2022. This licence has no number as it is yet to be fully issued, it was granted with the following information statement **“The applicant must have received planning permission before the premises can be used for the licensed activities granted under this licence.”** It has since been decided that this project would be placed on hold in favour of other options that became available, e.g. the Ilderton Wharf premises we are discussing here.

As you can see from the above information Stuart will have plenty of time to dedicate to this project as the company director, and once the premises has the correct Licence, planning permissions and sign off is in place a site specific staff and management team will be recruited and trained with a new Operations Manager for the premises taking the role of D.P.S. from Stuart.

Children

The applicant states no children on the premises after 2100 hours but also proposes to hold wedding parties/ private parties at the venue. There is no explanation how this can be managed or how children can be kept separate from adult entertainment areas as children would be expected to be present at a wedding or birthday party. The applicant also stated they would provide 20 porta loos per 1000 people. How will they protect children from harm if they are using the same toilets as the rest of the patrons?

The welfare and safety of our customers is of utmost importance to us and as such the concerns raised above are puzzling. In the application we have suggested a condition that unaccompanied children are not permitted on the premises at any time and no children after 9pm, we would be happy to add a condition requiring signage to reinforce this policy at the entry point and around the premises. We have not requested any adult entertainment in the application but do appreciate that some music and dance environments are not suitable for children. Our experienced door supervision

and management team would make a decision on this on an event by event basis. If you require this process to be formalised please suggest an appropriate condition. With regards to ensuring that no children are on site after 9pm at “private hire” events such as weddings and birthday parties there would be a condition in the hire contract with the hirer to reinforce our suggested licence conditions which would be sensibly reinforced by the management and security team, lastly to the best of our knowledge and experience we have never seen a requirement for minors only toilets, children are required to be accompanied at all times and this in itself should provide the safeguards for their welfare, if this fails a lost & found person procedure has been submitted as appendix 10 of the application.

The area is densely populated and school children reside in the locality, they will regularly be in the presence of the patrons coming and going to the premises and also subjected to the noise from the premises, this may have a negative impact on their sleep and subsequently their schooling as well as having to share the public transport with people who may well be intoxicated.

Crime

The area is within the New Cross Ward. Research on the crime database shows this to be a high crime area. Although this is not directly linked to this venue the patrons of the venue may find themselves victims of crime. The applicant has applied for a licence to run from 11am finishing at 6am on a Friday and Saturday, We would suggest that in a period of nineteen hours the chances of crime and damage to health from the consumption of alcohol would be greatly increased. .The ability to monitor inebriation of alcohol and any other substances is made increasingly difficult by the large capacity that the venue is able to hold. Of greater concern is that they have applied for a seasonal variation which would allow them to stay open all day on bank holidays which potentially allow a customer to remain drinking at the venue for over two days.

In our experience we have found that the average stay of a customer on a long event is 6/8 hours, we have used timed entry tickets and no readmission to assist in managing this. The bar service team are trained not to serve drunk customers with a “We serve drinks, Not drunks” policy, offering water spacers and recording refusals. There is free drinking water available at every bar and signage to support this. For large scale events a roaming welfare team work with the specific role of ensuring that people are ok and providing basic welfare services. A welfare area, food offering, chill out spaces, and smoking area will always be provided.

It is our belief that the large capacity and the hours requested would lead to an increase of crime and anti-social behaviour which would become an extra burden on emergency services.

We will provide adequate SIA security to monitor and control every event with medics, a treatments room, welfare staff and stewards. We will be happy to regularly check in with the local police team to discuss any issues and will always adopt an approach that is focused on meeting any improvements suggested.

It is also a fact that drug use occurs in late night economy venues and we understand that a death occurred in a previous venue run by the applicant. While we accept drugs

can be hidden, random searches of entrants would make it easier to hide drugs. A search of every applicant as a requirement of entry would discourage hiding drugs or weapons.

For events identified as higher risk, generally late night / weekend music and dance events we are happy to search and wand every customer at entry, the suggestion of random searches was to allow us to waive this requirement at events such as family days and theatre showings. If there is a way to condition we are happy to discuss it.

Relevant Local strategies - Statement of licensing policy 2020 - 2025

2.21 – The council has developed a wide range of initiatives to tackle alcohol related harm through its alcohol delivery plan, the delivery of which is overseen by the Lewisham health and wellbeing board. Additionally, reducing alcohol harm is one of the key priorities in the ten year Lewisham health and wellbeing strategy (2013 – 2023).

2.24 Key aims of policies within this statement are to discourage drunkenness and excessive drinking and encourage licensees to promote licence objectives by including more availability of food and seating within their operating schedules. This is to encourage the enjoyment of alcohol alongside other entertainment, not as the main offer.

7.13 The times within which live music and /or amplified sound may be played in any external area or marquees or relayed by external speakers (where permitted under the terms of the licence). The licensing authority deems this should not continue beyond 10pm.

In the further details section of each activity on the application form it states that outdoor amplified sound will finish at 10pm.

24.1 It is known that there is a strong link between vertical drinking and violent and disorderly behaviour. Increased levels of drinking amongst patrons are also associated with vertical drinking. Given the clear public health (2.20) and crime and disorder considerations around this, the licensing authority expect any application that proposes vertical drinking to make this clear in their operating schedules and outline effective measures for managing associated risks.

Police Licencing acknowledge that all options are open to committee but with the application in its current form cannot be supported by Police whilst the licensing objectives and the Lewisham Council Statement of Licensing Policy have been ignored. Police licensing would strongly recommend that this application be denied.

Yours sincerely,