



LICENSING SUB-COMMITTEE

MINUTES of the Licensing Sub-Committee held on Wednesday July 15 2009 at 10.00 am at Town Hall, Peckham Road, London SE5 8UB

PRESENT:

Councillor Eliza Mann
Councillor Sandra Rhule
Councillor Dora Dixon-Fyle

**OTHER MEMBERS
PRESENT:**

**OFFICER
SUPPORT:**

1. **APOLOGIES**
2. **CONFIRMATION OF VOTING MEMBERS**
3. **NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT**

The chair agreed to circulate character references for the applicant for B. D. Wines.

4. **DISCLOSURE OF INTERESTS AND DISPENSATIONS**

There were none.

5. **LICENSING ACT 2003 - B D WINES, 1 BRAGANZAR STREET, LONDON SE17 3RD**

The meeting agreed to accept the additional papers submitted by the appellant. Therefore at 10.20am the meeting adjourned in order to read the character references. The meeting reconvened at 10.30am.

The police representative presented his evidence. Thereafter members of the sub-committee asked questions of the police representative.

The trading standards officer made his presentation. Thereafter members of the sub-committee asked questions of the trading standards officer.

The appellant's representative asked questions of the police representative following which the appellant's representative outlined their case.

Members of the sub-committee then asked questions of the appellant and his representative.

Thereafter the appellant's representative, the trading standards officer and the police representative summarized their case.

At 11.20am the meeting went into closed session. At 12.25pm the meeting reconvened and the chair read out the committee's decision as follows:

RESOLVED:

The licensing sub-committee, having had regard to the application by Metropolitan Police Service for a review of the premises granted under the Licensing Act 2003 to Mr Bahader Singh Mahil in respect of the premises known as B D Wines situated at 1 Braganzar Street, London SE17 and having had regard also to all other relevant representations has decided it necessary for the promotion of the licensing objectives to:

Suspend the licence for a period of three months and modify the conditions of the licence by the addition of the following conditions:

1. Personal licence holder to be on site at all times that alcohol is sold.
2. Recorded training scheme for staff who deal with alcohol sales.
3. Proof of age scheme to be put in place.
4. CCTV has to be installed and maintained and records kept for 30-31 days.

Reason

Having considered all the representations, the committee considers it necessary to suspend the licence for a period of three months and thereafter to modify the conditions of the licence, in order to address the breaches of the licensing objectives, namely protection of children from harm and prevention of crime and disorder.

Appeal Rights

This decision is open to appeal by either

- a) The applicant for the review;
- b) The premises licence holder; or
- c) Any other person who made relevant representations in relation to the application

Such appeal must be commenced by notice of appeal given by the appellant to the justices chief executive for the magistrates court for the area within the period of 21 days beginning with the day on which the appellant was notified by this licensing authority of the decision.

This decision does not have effect until either

- a) The end of the period for appealing against this decision; or in the event of any notice of appeal being given, until the appeal is disposed of.

6. LICENSING ACT 2003 - FRANKS CAFE & CAMPARI BAR, LEVEL 10, PECKHAM RYE CAR PARK, 95A RYE LANE, LONDON, SE15 4ST

The licensing officer circulated coloured photographs of the site and an email from Councillor Gordon Nardell supporting the application.

The police representative presented their case.

The applicant presented their case and called Eillen Conn and Councillor Lewis Robinson as witnesses. Thereafter the sub-committee questioned the applicant.

The applicant then summarized their case.

At 12.55pm the meeting went into closed session. At 1.20pm the meeting reconvened.

The chair read out the sub-committee's decision as follows:

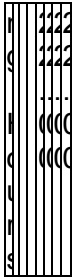
RESOLVED:

The sub-committee has considered the application by Frank Boxer for a premises licence in respect of the premises known as Franks Cafe & Campari Bar, Level 10, Peckham Rye Car Park, 95A Rye Lane, SE15 4ST, and decided it be approved as follows:

1. The following licensable activities will be permitted under the licence during the times shown

Premises – Franks Cafe & Campari Bar, Level 10, Peckham Rye Car Park, 95A Rye Lane, SE15 4ST





2. The operation of the premises under the licence shall be subject to

compliance with the operation schedule highlighted in sections F, M, N, O, P, of the application form and the following conditions:-

(a) All mandatory conditions set out in the Licensing Act 2003 relating to

1. Authorisation of the retail sale of alcohol;
and
2. The provision of door supervision.

(b) The following additional special conditions developed through discussion from the original operating schedule attached to the variation application as follows:-

1. The licensee shall ensure that the actions from the risk assessment submitted to the licensing unit on 20th June 2009 shall be implemented and adhered to.
2. Stewards shall be nominated to prevent drinks being removed from beyond the licensable area marked in red on the plans.
3. Emergency lighting shall be provided.
4. Electricity shall be supplied through fused mains and not extension leads.
5. The means of escape provided for all persons on the premises shall be maintained unobstructed, immediately available and clearly identifiable in accordance with the approved arrangements allowing safe means of access and egress at all times. Where tables and seats are provided, clear gangways to exits shall be maintained, in accordance with the approved arrangements to the satisfaction of the Council.
6. Any music played shall be as background music and shall not exceed

60 decibels or that of normal conversation.

(c) Subject to the following additional condition agreed by the sub-committee:

1. Personal licence holder to be on site at all times that alcohol is sold.
2. During opening hours all entrances and exits to and from the premises shall be unlocked allowing access for police and other similar bodies if required. These entrances and exits will only be locked when the premises is not open to the public, and the designated premises supervisor has made a thorough inspection of the premises to ensure no member of the public remains on site.
3. The extent of the venue to be used is the café area of the car park, as shown by the red perimeter labeled "cafe extents" in the plans
4. If there are visibly more than 50 people on the licensed area new visitors will be prevented from entering by a member of staff.
5. A clear plan highlighting emergency exits will be prominently displayed visible from any place in the premises
6. Emergency exits will be clearly marked with standard emergency exit signs (staircases and ramps)
7. All staff will be fully briefed and trained how to evacuate in case of an emergency
8. Training of all staff authorized to sell alcohol by the designated premises supervisor will control the sale of alcohol. Any persons attempting to buy alcohol who looks under the age of 21 will be asked for valid proof of age and identity and if none is available the sale of alcohol will be refused
9. In the designated area for the consumption of drinks, a structural 'Lip' will be put in place to prevent objects such as glasses, plates or

- cutlery to fall off the barrier
10. No alcohol bought on site will be permitted to be taken off site. All members of the staff will monitor this. Also signs will be in place to make visitors aware that alcohol is not permitted to be taken off site.

Reasons

The reason for the decision are as follows:

The sub-committee considers it necessary to attach additional condition in order to address the licensing objectives, in particular the promotion of public safety and the protection of children from harm.

The sub-committee also found that the applicant demonstrated that there will be no negative cumulative impact on one or more of the licensing objectives.

Appeal rights

This decision is open to appeal by either

- d) The applicant for the review;
- e) The premises licence holder; or
- f) Any other person who made relevant representations in relation to the application

Such appeal must be commenced by notice of appeal given by the appellant to the justices chief executive for the magistrates court for the area within the period of 21 days beginning with the day on which the appellant was notified by this licensing authority of the decision.

This decision does not have effect until eit

her

- b) The end of the period for appealing against this decision; or in the event of any notice of appeal being given, until the appeal is disposed of.

EXCLUSION OF PRESS AND PUBLIC

It was moved, seconded and

RESOLVED:

That the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined

in category XXXX of paragraph 10.4 of the Access to Information Procedure Rules of the Southwark Constitution.

The following is a summary of the decisions taken in the closed section of the meeting.

CHAIR:

DATED:

[EXEC ONLY]

DEADLINE FOR NOTIFICATION OF CALL-IN UNDER SECTION 18 OF THE OVERVIEW AND SCRUTINY PROCEDURE RULES IS MIDNIGHT, [DATE].

THE ABOVE DECISIONS WILL NOT BE IMPLEMENTABLE UNTIL AFTER THAT DATE. SHOULD A DECISION OF THE EXECUTIVE BE CALLED-IN FOR SCRUTINY, THEN THE RELEVANT DECISION WILL BE HELD IN ABEYANCE PENDING THE OUTCOME OF SCRUTINY CONSIDERATION.