

Licensing Committee

Wednesday 13 March 2013

7.00 pm

Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

Membership

Councillor Sunil Chopra (Chair)
Councillor Jeff Hook (Vice-Chair)
Councillor Michael Bukola
Councillor Dora Dixon-Fyle
Councillor Renata Hamvas
Councillor David Hubber
Councillor Lorraine Lauder MBE

Councillor Michael Mitchell
Councillor Abdul Mohamed
Councillor Adele Morris
Councillor Wilma Nelson
Councillor The Right Revd Emmanuel Oyewole
Councillor Althea Smith
Councillor Ian Wingfield

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Contact

Andrew Weir on 020 7525 7222 or email: andrew.weir@southwark.gov.uk
Webpage: <http://www.southwark.gov.uk>

Members of the committee are summoned to attend this meeting

Eleanor Kelly

Chief Executive

Date: 5 March 2013



Licensing Committee

Wednesday 13 March 2013

7.00 pm

Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

Order of Business

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	PART A - OPEN BUSINESS	
1.	APOLOGIES	
	To receive any apologies for absence.	
2.	CONFIRMATION OF VOTING MEMBERS	
	A representative of each political group will confirm the voting members of the committee.	
3.	NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT	
	In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.	
4.	DISCLOSURE OF INTERESTS AND DISPENSATIONS	
	Members to declare any personal interests and dispensation in respect of any item of business to be considered at this meeting.	
5.	MINUTES FROM THE LICENSING COMMITTEE	1 - 2
	To approve as a correct record the Minutes of the open section of the meeting held on 5 November 2012.	
6.	MINUTES FROM THE LICENSING SUB-COMMITTEES	3 - 62
	To agree as a correct record the Minutes of the open sections of the meetings held on:	
	<ul style="list-style-type: none">• 2 November 2012• 9 November 2012• 20 November 2012	

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7. **LONDON LOCAL AUTHORITIES ACT 1991 - STANDARD LICENSING CONDITIONS FOR PREMISES OFFERING SPECIAL TREATMENTS** 63 - 98

8. **DEREGULATING ENTERTAINMENT LICENSING - UPDATE**

The licensing committee will receive a verbal update on deregulating entertainment licensing.

ANY OTHER OPEN BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT.

EXCLUSION OF PRESS AND PUBLIC

The following motion should be moved, seconded and approved if the sub-committee wishes to exclude the press and public to deal with reports revealing exempt information:

“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 paragraphs 1-7, Access to Information Procedure rules of the Constitution.”

PART B - CLOSED BUSINESS

ANY OTHER CLOSED BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT.

Date: 5 March 2013

Licensing Committee

MINUTES of the OPEN section of the Licensing Committee held on Monday 5 November 2012 at 7.00 pm at Ground Floor Meeting Room G02B - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Sunil Chopra (Chair)
Councillor Dora Dixon-Fyle
Councillor Renata Hamvas
Councillor David Hubber
Councillor Lorraine Lauder MBE
Councillor Michael Mitchell
Councillor Adele Morris
Councillor Ian Wingfield

OFFICER SUPPORT: Richard Parkins, health, safety, licensing & environmental protection unit manager
Ian Millichap, constitutional manager
Virginia Wynn-Jones, constitutional officer

1. APOLOGIES

Apologies were received from Councillors Jeff Hook, Abdul Mohamed, Wilma Nelson, The Right Revd Emmanuel Oyewole and Althea Smith.

2. CONFIRMATION OF VOTING MEMBERS

The members present were confirmed as the voting members.

3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

There were none.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. MINUTES FROM THE LICENSING COMMITTEE

RESOLVED:

That the open minutes of the committee meeting held on 13 June 2012 be agreed as a correct record and signed by the chair.

6. MINUTES FROM THE LICENSING SUB-COMMITTEES

RESOLVED:

That the open minutes of the sub-committee meetings held on 14 May, 16 May, 25 May, 6 June, 14 June, 22 June, 26 June, 2 July, 11 July, 24 July, 30 July, 10 August, 17 August, 22 August, 30 August, 7 September, 14 September and 18 September 2012 be agreed as a correct record and signed by the chair.

7. LIVE MUSIC ACT 2012 - UPDATE

The committee received a presentation from Richard Parkins, health, safety, licensing and environmental protection unit manager, on the Live Music Act 2012.

Members had questions for the officer.

RESOLVED:

That the presentation on the Live Music Act 2012 be noted.

The meeting ended at 7.30pm.

CHAIR:

DATED:



Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Friday 2 November 2012 at 10.00 am at Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Sunil Chopra (Chair)
Councillor Ian Wingfield
Councillor Lorraine Lauder MBE

OTHERS PRESENT: George Amos, applicant
Adrian Amos, applicant
Damian Ferguson, local resident

OFFICER SUPPORT: David Paabo, legal officer
Rupinder Binning, legal officer (observing)
Wesley McArthur, licensing officer
Andrew Weir, constitutional officer

1. APOLOGIES

There were none.

2. CONFIRMATION OF VOTING MEMBERS

The three members present were confirmed as the voting members

3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

There were none.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003 - LASSCO WAREHOUSE, 41 MALTBY STREET, LONDON SE1 3PA

The licensing officer presented his report and a late item, a document outlining additional conditions agreed by the applicant and a number of local residents was circulated to all parties. Members had no questions for the licensing officer.

The applicant addressed the sub-committee. Members had questions for the applicant.

A local resident addressed the sub-committee. They advised that they were now happy to withdraw their representation. Members had no questions for the local resident.

All parties were given five minutes to sum up.

At 11.00am the sub-committee went into closed session to consider the application.

At 11.50pm the sub-committee returned and the chair read out the decision.

RESOLVED:

That the application by Lassco Ltd to vary the premises licence issued under the Licensing Act 2003 in respect of Lassco Warehouse, 41 Maltby Street, London SE1 3PA be granted as follows:

	Wednesday to Saturday	Sunday
The sale of alcohol	10.00 to 22.00	10.00 to 17.00
Opening hours	08.30 to 22.30	08.30 to 17.30

Conditions

The following additional conditions shall apply:

1. That a comprehensive CCTV system capable of recording clear images of the internal and external areas of the premises shall be installed at the premises. The CCTV system shall be maintained in full working order and be continually recording at all times the premises are in use under the licence. The CCTV system shall have a 31 day recording capacity. Images captured by the CCTV system shall be made available to officers of the police or council on request. The CCTV system must be capable of capturing an image of every person who enters the premises.
2. That external security lighting shall be installed on Ropewalk. The security lighting shall be installed and maintained in such a manner so as to minimise light polluting to nearby residences. The security lighting shall be in use between dusk and dawn.

3. That the carriage of goods into and out of the premises in regards to licensable activities shall take place between 08.00 and 17.00 only.
4. That waste glass, earthenware or any waste of a similar nature shall be deposited into external receptacles between 08.00 and 17.00 only.
5. That a clear and legible notice be displayed at the front of the premises requesting that customers leave quietly and respect residents.
6. That windows and doors to be closed when licensable activities are taking place.

Reasons

This was an application by Lassco Ltd to vary the premises licence issued under the Licensing Act 2003 in respect of Lassco Warehouse, 41 Maltby Street, London SE1 3PA.

The original application was amended following conciliatory discussions between the applicant and some of the resident objectors. The effect of the amended application was to reduce the hours sought for the sale of alcohol considerably, in particular with no alcohol sales to take place on Mondays and Tuesdays, an end time of 22:00 hours Wednesday to Saturday and 17.00 hours on Sundays.

As part of the conciliation, the applicant proposed certain conditions relating to CCTV, external lighting, the carriage of goods in and out of the premises and the deposit of waste into external receptacles. Most of the resident objectors agreed to these conditions and withdrew their representations.

The licensing sub-committee heard evidence from the applicant and was satisfied that the intended use of the premises is to accommodate private functions inside the premises and to accommodate a market which has developed at the site. The sub-committee notes the specific business activity of these premises and is dealing with this application accordingly.

The sub-committee was satisfied that the applicant is closely considering problems for residents as a result of the functions and market, in particular noise nuisance, crime and disorder and the protection of children from harm.

The licensing sub-committee heard from Mr Ferguson, a local resident. The sub-committee was satisfied that concerns that Mr Ferguson and the other residents had in relation to this application have been properly addressed by the applicant and Mr Ferguson stated that he agreed that the proposed measures were satisfactory and in effect withdrew his representation.

In the circumstances the sub-committee has decided to grant this application in its amended hours as specified in the above table. In addition the sub-committee has decided to attach each of the conditions 1 to 6 specified above. The licensing sub-committee considered that it was appropriate and proportionate to attach these conditions in order to address the licensing objectives being the prevention of crime and disorder, public nuisance, public safety and the protection of children from harm.

The sub-committee points out to residents that should problems arise in relation to these premises, they are entitled to bring a review application.

Appeal rights.

The applicant may appeal against any decision to modify the conditions of the licence; and any person who made relevant representations in relation to the application who desire to contend that:

- a) That variation ought not to have been made; or
- b) That, when varying the licence, the Licensing Authority ought not to have modified the conditions of the licence, or ought to have modified them in a different way

may appeal against the decision.

Any appeal must be made to the magistrate court for the petty sessions area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' chief executive for the magistrates court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

The meeting closed at 11.55am.

CHAIR:

DATED:



Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Friday 9 November 2012 at 10.00 am at Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Sunil Chopra (Chair)
Councillor Michael Mitchell
Councillor The Right Revd Emmanuel Oyewole

OTHERS PRESENT: Mr Tom Forrest, applicant
Mr Ben Ryan, applicant
Mr M Woldi, applicant
Councillor Adele Morris, ward councillor
Mr Paul Nicholas, local resident

OFFICER SUPPORT: David Paabo, legal officer
Rupinder Binning, legal officer (observing)
David Swaby, licensing officer
Sean Usher, constitutional officer

1. APOLOGIES

There were none.

2. CONFIRMATION OF VOTING MEMBERS

The three members listed above were confirmed as the voting members.

3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

There were none.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003 - DEL MERCATO, 192 PARK STREET, LONDON SE1 9BQ

During the initial discussion it was pointed out that the premises was located within a

saturation zone.

The licensing officer presented his report and informed the sub-committee that the applicant had reduced their hours following a conciliation meeting. Members had no questions for the licensing officer.

The applicant presented their application. Members had questions. The local resident and ward councillor had questions.

The local resident and ward councillor discussed their objections to the application. The local resident stated that due to the reduced hours, he had no outstanding objections to the application.

All parties were given five minutes to sum up.

At 11.00am the meeting went into closed session to consider the application.

At 11.28am the meeting returned to open session and the chair read out the following decision:

RESOLVED:

That the application submitted by Del Mercato Restaurant (Vinum Restaurants Limited) for a premises licence in respect of Del Mercato Restaurant, Arch 192, Park Street, London SE1 9BC be refused/granted as follows:

	Monday to Saturday	Sunday
Recorded music	09.00 to 00.00	11.00 to 22.30
The sale of alcohol	09.00 to 00.00	11.00 to 22.30
Opening hours	09.00 to 00.00	11.00 to 22.30

Conditions

The following additional conditions shall apply:

1. Each condition agreed between the applicant and the responsible authorities is attached to the licence.

Reasons

This was an application by Del Mercato Restaurant (Vinum Restaurants Limited) for a premises licence in respect of Del Mercato Restaurant, Arch 192, Park Street, London SE1 9BC.

The premises are within the council's saturation zone and as such the applicant must demonstrate that its proposed activities will not negatively further impact on the licensing objectives.

Following the application the applicant met with local residents who opposed the application. The hours sought were reduced significantly.

The licensing sub-committee heard evidence from the applicant. The applicant stated that the premises are intended to be a pizza restaurant on the ground floor and a fine dining restaurant on the 1st floor. The applicant advised that alcohol was only to be consumed with food. The applicant confirmed a number of measures relating to the use of outside areas in order to prevent public nuisance affecting local residents.

The licensing sub-committee also heard from a local resident Mr Nicholas and Councillor Adele Morris. The sub-committee notes that residents have serious concerns about noise nuisance and crime and disorder arising from the proposed activities of the premises. However the sub-committee noted that as a result of the reduction in hours sought that local residents do not oppose this application as strenuously as before.

The sub-committee has therefore decided to grant this licence in its amended form. The hours for licensable activities are reduced in accordance with the above table. Each of the conditions agreed between the applicant and the responsible authorities shall be attached to the licence.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives.

The licensing sub-committee considered that it was appropriate and proportionate in reaching this decision.

Appeal rights

That the licensee and any person who made relevant representations in relation to the application may appeal against the decision. Any appeal must be made to the magistrate court for the petty sessions area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' chief executive for the magistrates court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

6. LICENSING ACT 2003 - COMMERCIAL WAY FOOD & WINE, 266 COMMERCIAL WAY, LONDON SE15 1PU

This item was withdrawn prior to the meeting.

The meeting closed at 11.32am.

CHAIR:

DATED:



Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Tuesday 20 November 2012 at 10.00 am at Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Sunil Chopra (Chair)
Councillor Abdul Mohamed
Councillor Adele Morris

OTHERS PRESENT: Kolawole Adeleye, K & F Restaurant Ltd representative
Darren Emedo, K & F Restaurant Ltd representative
Caroline Decroux, local resident

OFFICER SUPPORT: Debra Allday, legal officer
Rupinder Binning, legal officer
Sarah Newman, environmental protection officer
Dorcas Mills, licensing officer
Kristie Ashenden, licensing officer, representing the council as a responsible authority
Andrew Weir, constitutional officer

1. APOLOGIES

There were none.

2. CONFIRMATION OF VOTING MEMBERS

The three members listed above were confirmed as the voting members.

3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

There were none.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003 - K & F RESTAURANT LTD (GROUND AND BASEMENT FLOORS), 39-45 CAMBERWELL ROAD, LONDON SE5 0EZ

The licensing officer advised that the representatives of K & F Restaurant Ltd had made a request for a postponement of the hearing in order for an independent sound engineer to carry out sound checks and prepare a report.

The representatives from K & F Restaurant Ltd addressed the committee to confirm the reasons for the request for postponement. Members had questions for the K & F Restaurant Ltd representatives.

The local resident who was present had no objections to the postponement.

The principal environmental protection officer had no objection to the postponement, subject to the representatives from K & F Restaurant Ltd agreeing to not having any licensed entertainment to take place on the ground floor of the premises. The K & F Restaurant Ltd representatives agreed to this condition.

At 10.30am the sub-committee went into closed session to consider the request for a postponement.

At 10.50am the sub-committee returned to open session.

RESOLVED:

On the premises licence holders undertaking not to have any licensed entertainment to take place on the ground floor of the premises know as 39-45 Camberwell Road, London SE5 0EZ, the sub-committee agreed to postpone this meeting to a date to be determined. In the meantime, K & F UK Ltd must serve a copy of the independent sound engineer's report to the council's licensing and environmental health teams within 14 days, by 4 December 2012.

6. LICENSING ACT 2003 - TEMPORARY EVENTS NOTICE - FLAT IRON SQUARE, LONDON SE1

This item had been conciliated prior to the licensing sub-committee meeting taking place.

The meeting closed at 10.55am.

CHAIR:

DATED:



Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Monday 26 November 2012 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Sunil Chopra (Chair)
Councillor Wilma Nelson
Councillor David Hubber

OTHERS PRESENT: Noel Samaroo, licensing agent for the applicants

OFFICER SUPPORT: Debra Allday, legal officer
Dorcas Mills, licensing officer
Sean Usher, constitutional officer

1. APOLOGIES

Apologies were received from Councillor Dora Dixon Fyle. Councillor David Hubber, the reserve member, attended in her absence.

2. CONFIRMATION OF VOTING MEMBERS

The three members present were confirmed as the voting members.

3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

There were none.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

Councillor Chopra declared he had a non pecuniary interest in the item as he owns an unrelated business in the vicinity of the premises.

5. LICENSING ACT 2003 - T & S AFRO COSMETIC CENTRE, 213A RYE LANE, LONDON SE15 4TP

The licensing officer presented her report and informed the sub-committee that the objector, Councillor Rowenna Davis, had confirmed she would not attend.

The agent for the applicant presented the application to the sub-committee. Members had questions for the agent.

The agent was given five minutes to sum up.

The sub-committee went into closed session at 10.26am to consider the application.

The sub-committee resumed at 10.46am and the chair read out the following decision.

RESOLVED:

That the application by Mr T Thanabalasingham and Mr T Savagi for a variation of a premises licence issued under the Licensing Act 2003 in respect of the premises known as T & S Afro Cosmetic Centre, 213A Rye Lane, London SE15 4TP be granted as follows:

Licensable activity	Monday to Saturday	Sunday
Alcohol sales	23.00 to 02.00	08.00 to 01.00
Opening hours	23.00 to 03.00	08.00 to 01.00

Non-standard timing requested for Christmas Day:

- Christmas Day from 08.00 to 02.00.

The following conditions to be removed from Annexe 2 of the premises licence:

- Condition 2700 entirely.

Conditions

In addition to the decision as above, the following conditions will apply:

1. That the premises will install and use a night hatch for the sale of alcohol and all other products from 23.00 until the terminal hour as detailed on the premises licence.
2. That the premises will not sell or offer for sale, any single cans, bottles or multi-packs of beers or ciders with an alcohol by volume (ABV) of above 8%. All beers and ciders with an ABV of above 5.5% will not be offered for sale from any area to which the public have access.

Reasons

This was an application by Mr T Thanabalasingham and Mr T Savagi for a variation of a premises licence issued under the Licensing Act 2003 in respect of T & S Afro Cosmetic Centre, 213A Rye Lane, London SE15 4TP. The licensing sub-committee heard evidence from the applicant's representative.

The licensing sub-committee noted the written representation from the ward councillor.

The licensing sub-committee noted that the police had withdrawn their representation, following a conciliation agreement with the applicant. The conditions requested by the police as part of that conciliation agreement are listed as conditions 1 and 2 above.

There were no longer any police objections, there were no representations from local residents, they have traded for eight years without incident and any issues could be subject to a review.

In reaching this decision the sub committee had regard to all the relevant considerations and the four licensing objectives.

The licensing sub-committee considered that it was appropriate and proportionate to attach these conditions in order to address the licensing objectives.

Appeal rights

The applicant may appeal against any decision to modify the conditions of the licence and any person who made relevant representations in relation to the application who desire to contend that:

- a) That the variation ought not to have been made; or
- b) That, when varying the licence, the licensing authority ought not to have modified the conditions of the licence, or ought to have modified them in a different way

may appeal against the decision.

Any appeal must be made to the magistrate court for the petty sessions area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' chief executive for the magistrates court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

The meeting closed at 10.55am.

CHAIR:

DATED:



Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Friday 30 November 2012 at 10.00 am at Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Sunil Chopra (Chair)
Councillor Michael Bukola
Councillor Adele Morris

OTHERS PRESENT: Ian Clements, Metropolitan Police Service
Nadia Nasser, representative from The Rose Public House
Dawn Nasser, representative from The Rose Public House
Andrea Riding, representative from The Rose Public House
Andrew Ford, representative from The Rose Public House

OFFICER SUPPORT: Debra Allday, legal officer
Dorcas Mills, licensing officer
Kristie Ashenden, licensing officer, representing the council as a responsible authority
Sarah Newman, environmental protection officer
Andrew Weir, constitutional officer

1. APOLOGIES

There were none.

2. CONFIRMATION OF VOTING MEMBERS

The three members present were confirmed as the voting members.

3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

There were none.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

The three members advised that they had received an email from Councillor Victoria Mills

in support of the premises. The members confirmed that they had discounted this email and would not be considering it as it was not received during the proper consultation period.

5. LICENSING ACT 2003 - THE ROSE PUBLIC HOUSE, 108 FOREST HILL ROAD, LONDON SE22 0RS

The licensing officer presented her report. Members had no questions for the licensing officer.

The sub-committee then heard from the environmental protection officer. Members had questions for the environmental protection officer.

The sub-committee heard from the licensing officer, representing the council as a responsible authority. Members had questions. for the licensing officer.

The sub-committee then heard from the Metropolitan Police. Members had questions for the police officer.

The representatives of The Rose Public House then addressed the sub-committee. Members had questions for the representatives from The Rose Public House.

All parties were given five minutes to sum up.

The sub-committee went into closed session at 12.15pm.

The sub-committee resumed at 2.15pm and the chair read out the decision of the sub-committee.

RESOLVED:

The council's licensing sub-committee, having had regard to the application by the environmental protection team for a review of the premises granted under the Licensing Act 2003 to Spectrum Pub Company Ltd in respect of the premises known as The Rose Public House, 108 Forest Hill Road, London SE22 0RS and also having had regard to all other relevant representations has decided it necessary for the promotion of the licensing objectives to:

Modify the conditions of the licence as follows:

Activity	Sunday to Thursday	Friday and Saturday
All licensable activities	08.00 to 00.00 premises to be closed by 00.30	08.00 to 01.30 premises to be closed by 02.00

Conditions

The following conditions shall also apply:

1. That no drinks are taken out to the front, outside, beyond 20.00.
2. When the terminal hour, as detailed on the premises licence, is greater than 00:30 then at least two SIA registered supervisors will be on duty at all times after 21:30 and be provided with a metal detection unit and a mechanical counting device to supervise admissions to and departures from the premises.
3. On Fridays and Saturdays there will be no new admissions or re-admissions to the premises after 01.00 other than those who leave the premises for the purposes of a cigarette. The number being allowed to leave the premises for the purposes of a cigarette is limited to five.
4. No beverages to be consumed in any outside area of the premises after 23.00.
5. The rear door to the garden area to be alarmed after 23.00.
6. The premises will have an installed and functional noise limiter, which has a cut out device that is linked to any doors to the external that do not have noise lobbies
7. The premises will have installed forced ventilation to enable the internal atmosphere to remain comfortable when licensed entertainment is occurring.
8. Condition 336 be removed and replaced with:

“All staff involved in the sale of or supply of alcohol will be suitably trained in their responsibilities under the Licensing Act 2003. All staff shall receive regular updates in six month intervals and a record of all training shall be kept and made available to the police and all authorised officers on request”.
9. Condition 350 be amended to read:

“With the exception of wine glasses, only bottles and glasses made from toughened glass shall be used during the sale or supply of any drinks whether alcoholic or not. Wine glasses are to be made from semi-toughened glass”.

Reasons

The reasons for this decision are as follows:

This was a hearing of an application by the Southwark Council environmental protection team for a review of the premises know as The Rose Public House, 108 Forest Hill Road, London SE22 0RS. This application was made under Section 51 of the Licensing Act 2003.

The licensing sub-committee heard evidence from the Southwark Council environmental protection team, the applicant for the review, who stated that there had been 12 complaints of noise nuisance from local residents between March 2012 and September

2012. The environmental protection team also mentioned three additional dates where alleged complaints had been made, however, neither the applicant nor the panel received any information concerning these prior to today's hearing, therefore, these have been disregarded.

The officer from the environmental protection team informed the sub-committee that a Section 80 Environmental Protection Act 1990 notice had been served on the previous licensee of the premises. However, the sub-committee were not satisfied that the current personal licence holder or indeed, any of the management team from Spectrum Pub Company Ltd had knowledge of the service of this notice. The sub-committee noted that no fresh Section 80 Environmental Protection Act 1990 notice has been served despite the environmental protection team's serious concerns.

The licensing sub-committee heard evidence from the licensing team as a responsible authority. Complaints were received by the licensing team and as a result a warning letter was issued on 5 September 2012 that a review of the premises licence would be made if further complaints were received and/or witnessed. Despite this, on 8 September 2012, licensing officers visited the premises and observed a number of breaches of the premises licence.

The licensing sub-committee heard evidence from the Metropolitan Police who stated that the premises had been subject to a number of incidents relating to crime and disorder. The police officer took the view that the current licence was not fit for purpose. However, of the five instances of crime and disorder that he referred to in his letter of 5 November 2012 only two could be attributed to The Rose Public House.

It was also noted that no complaints had been made and/or received since the application for the review was made on 9 October 2012.

The licensing sub-committee heard evidence from the representatives of The Rose Public House who provided a considerable amount of evidence in response of the complaints made.

The licensing sub-committee noted there were a considerable number of written representations from other persons who opposed the review. None of these other persons attended the sub-committee meeting to give oral evidence.

In reaching this decision the sub committee had regard to all the relevant considerations and the four licensing objectives.

The licensing sub-committee considered that it was appropriate and proportionate to attach these conditions in order to address the licensing objectives. The sub-committee wants to make it very clear to the licensee that they view the incidents and complaints received as serious but on this occasion they have decided not to revoke the licence, but if such practice will continue, on any further review a different approach may be taken.

Appeal rights

This decision is open to appeal by:

- a) The applicant for the review

- b) The premises licence holder
- 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
- b) In the event of any notice of appeal being given, until the appeal is disposed of.

The meeting closed at 2.30pm.

CHAIR:

DATED:



Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Wednesday 5 December 2012 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Sunil Chopra (Chair)
Councillor Renata Hamvas
Councillor Jeff Hook

OTHERS PRESENT: Ian Clements, Metropolitan Police Service
Alvaro Alvarez Cardona, applicant
Richard Nash, applicant's representative

OFFICER SUPPORT: Debra Allday, legal officer
Wesley McArthur, licensing officer
Alan Blissett, environmental protection officer
Kristie Ashenden, licensing officer, representing the council as a responsible authority
Samantha Coe, health and safety officer

1. APOLOGIES

There were none.

2. CONFIRMATION OF VOTING MEMBERS

The three members present were confirmed as the voting members.

3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

There were none.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003 - MR PIGGY, 113C AND 122 ELEPHANT ROAD, LONDON SE17 1LB

The licensing officer advised that the representatives of Mr Piggy Ltd had made a request for a postponement of the hearing to allow further time for conciliation with the responsible authorities, who had submitted representations in relation to the application.

The representatives from Mr Piggy Ltd addressed the committee to confirm the reasons for the request for postponement. Members had no questions for the Mr Piggy Ltd representatives.

All of the responsible authorities who were present supported the request for the postponement. None of the local residents who had submitted representations were present.

At 10.30am the sub-committee went into closed session to consider the request for a postponement.

At 10.40am the sub-committee returned to open session.

RESOLVED:

That it be noted that the sub-committee heard an application from the applicant's representative to postpone the hearing. Having heard the views of all the responsible authorities, supporting the postponement and also given that the other persons were not present and have not withdrawn their representations, the licensing sub-committee agreed to postpone this hearing to a date to be determined in January 2013.

The meeting closed at 10.42am.

CHAIR:

DATED:



Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Friday 7 December 2012 at 10.00 am at Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Sunil Chopra (Chair)
Councillor Lorraine Lauder MBE
Councillor Althea Smith

OTHER MEMBERS PRESENT: James Fisher, applicant
Hannah Bury, applicant

OFFICER SUPPORT: Sarah Newman, environmental protection officer
Farhad Choudhary, health and safety officer
Debra Allday, legal officer
Andrew Weir, constitutional officer

1. APOLOGIES

There were none.

2. CONFIRMATION OF VOTING MEMBERS

The three members present were confirmed as the voting members.

3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

There were none.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003 - UNIT 5, 12-16 BLENHEIM GROVE, LONDON SE15 4QL

The licensing officer advised that the applicant had submitted a revised operating schedule. This was circulated to all parties.

The licensing officer presented her report. Members had no questions for the licensing officer.

The applicant addressed the sub-committee. Members had questions for the applicant.

The health and safety officer addressed the sub-committee. Members had no questions for the health and safety officer.

The environmental protection officer addressed the sub-committee. During her presentation the environmental protection officer advised that she lived in the same locality as the premises. Members had questions for the environmental protection officer.

All parties were given five minutes to sum up.

The sub-committee went into closed session at 11.15am.

The sub-committee resumed at 12.10pm and the chair read out the decision of the sub-committee.

RESOLVED:

That the application submitted by James Fisher for a premises licence in respect of Unit 5, 12-16 Blenheim Grove, London SE15 4QL be deferred to a future date to be determined.

Reasons

This was an application by James Fisher for a premises licence in respect of Unit 5, 12-16 Blenheim Grove, London SE15 4QL.

The licensing sub-committee heard evidence from the applicant who advised that he had lived in the area for approximately 20 years and that he and his family lived very close to the premises. He emphasised that the premises would be run as a food led café and bar. He further advised that the premises would be targeting a customer base of 25 years and above.

The licensing sub-committee noted the written representations from the two local residents who were not in attendance today.

The licensing sub-committee heard evidence from the Southwark Council health and safety team who advised that they had been unable to gain access to the premises as the applicant and the freeholder had not finalised the lease of the premises. The applicant advised that once the lease had been signed, access would not be an issue.

The licensing sub-committee heard evidence from the Southwark Council environmental protection team. During the course of the officer's presentation, the sub-committee heard

that the officer lived in the same locality as the premises. Whilst the officer maintained that she was not biased in her dealings with this application, the sub-committee were concerned that she lived in the same locality as the premises and the local objectors and decided that an alternative environmental protection officer should be allocated to this application and a fresh representation from the environmental protection team should be submitted to the future hearing.

In the interest of transparency, the sub-committee felt that the decision to defer was necessary.

Appeal rights

That the licensee and any person who made relevant representations in relation to the application may appeal against the decision. Any appeal must be made to the magistrates court for the petty sessions area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' chief executive for the magistrates court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

The meeting adjourned at 12.14pm.

CHAIR:

DATED:



Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Monday 17 December 2012 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

PRESENT:	Councillor David Hubber (Chair) Councillor Abdul Mohamed Councillor The Right Revd Emmanuel Oyewole
OTHERS PRESENT:	Judith Cooper, applicant Richard Barker, applicant Steve Burnett, applicant Paul Nicholas, local resident Kieren Canavan, applicant
OFFICER SUPPORT:	Wesley McArthur, licensing officer Dorcas Mills, licensing officer Kristie Ashende, licensing officer, representing the council as a responsible authority Farhad Choudhary, health and safety officer Bill Masini, trading standards officer Joane Devlin, legal officer (observing) Felix Rechtman, legal officer Andrew Weir, constitutional officer

1. APOLOGIES

Apologies were received from Councillors Sunil Chopra and Ian Wingfield.

2. CONFIRMATION OF VOTING MEMBERS

The three members present were confirmed as voting members. In the absence of the chair, Councillor David Hubber was nominated by Councillor Abdul Mohamed to chair the sub-committee. This was seconded by Councillor The Right Reverend Emmanuel Oyewole.

3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

There were none.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003 - THE CHAMBER OF SHIPPING, 1ST FLOOR, 30 PARK STREET, LONDON SE1 9EQ

The licensing officer presented his report. Members had no questions for the licensing officer.

The applicant then addressed the sub-committee. Members had questions for the applicant.

The local resident objector then addressed the sub-committee. Members had questions for the local resident.

All parties were given five minutes to sum up.

The sub-committee went into closed session at 11.40am.

The sub-committee resumed at 12.40pm and the chair read out the decision of the sub-committee.

RESOLVED:

That the application by The Chamber of Shipping Ltd for a premises licence in respect of The Chamber of Shipping, 1st Floor, 30 Park Street, London, SE1 9EQ be granted as follows:

Licensable Activity	Monday to Friday
Supply of alcohol	10.00am to 22.30
Hours premises are open to the public	10.00am to 23.00pm

Conditions

The following conditions shall also apply:

1. That the premises shall operate an age check "Challenge 25" policy, whereby customers purchasing alcohol who look or appear to be under 25 years of age will be asked for an approved form of proof of age to verify their age. Approved forms shall

include a driving licence, passport or a PASS approved proof of age card such as the Southwark proof of age (SPA) card.

2. All staff involved in the sale of alcohol shall be trained in the age check "Challenge 25" policy. A record of their training, including the dates that each member of staff is trained, shall be made available for inspection at the premises on request by the council's authorised officers or the police.
3. Age check or "Challenge 25" signage shall be displayed at the first floor entrance to the premises, areas where alcohol is displayed for sale and at points of sale, to inform customers that an age check "Challenge 25" policy applies and that proof of age may be required.
4. A register of refused sales of alcohol which is clearly marked with details of the premises, address and name of the premises licence holder shall be maintained in order to demonstrate effective operation of the policy. The register shall be made available for inspection at the premises on request by the council's authorised officers or the police.
5. That the applicant makes available to local residents, on request, a dedicated telephone number to deal with any issues raised by local residents during the hours of licensable activities.

Reasons

This was a hearing of an application by The Chamber of Shipping Ltd for a premises licence in respect of The Chamber of Shipping, 1st Floor, 30 Park Street, London, SE1 9EQ.

The licensing sub-committee heard evidence from the applicant. At the outset the applicant raised as a preliminary issue the issue of whether the council's saturation policy applied to this specific application or not. The applicant submitted that this specific application did not fall within to the council's saturation policy for Borough and Bankside and in support of the submission the applicant specifically referred to paragraph 162 of the council's statement of licensing policy in which the classes of premises effected by the policy are stated as: "nightclubs, public houses, bars, restaurants, cafes, off licences, supermarkets and grocers". The applicant submitted that this application was concerned with licensing of an office for occasional use only and therefore this application did not fall into paragraph 162. The applicant was asked whether he wished the sub-committee to deal with this point as a preliminary issue but decided to take this point as part of their general submissions and not as a preliminary issue.

The sub-committee then heard from the applicant that they were looking to licence offices on the first floor of an office building to allow occasional use only for meetings and social gatherings by corporate members of the Chamber of Shipping. The applicant made it clear that the premises are not to be operated as a bar and that members of the public will not be allowed in. The applicant also made it clear that there will not be any cash sales of alcohol but that all food and refreshments will be ordered in advance and invoiced to the sponsor of the event. The applicant advised the sub-committee that they took the objecting resident's concerns very seriously and as a result decided not to pursue their application for regulated entertainment (recorded music). The applicant further submitted

in the light of the nature of the use and the fact that the general public will not be allowed in, nor would there be any cash sales, that even if the premises do fall into the saturation policy that there would not be any adverse accumulative impact on the prevention of crime and disorder objective in the act. Finally the applicant also submitted that they had previously held a similar licence within the City of London without any complaints or issues.

The sub-committee then heard from the local resident that he was concerned that if this licence is granted that other offices will make similar applications and was further concerned about possible increase in number of smokers outside his front door, which is located directly opposite from the premises. The resident made it clear that had the application been from 10.00 to 17.00 that he would have supported such an application but that he did not understand the need for the licence to be up to 22.30 and was objecting to the application as a whole.

The sub-committee found this application to be an unusual one. The sub-committee accepted that the UK Chamber of Shipping is a reputable organisation and accept that they previously held a similar licence in the City of London without there being any difficulties. On the basis that this application concerns occasional supply of alcohol in office premises without there being any other licensable activity to be undertaken and on the basis that there will be no admission of the public to the premises, that the granting of this application will not have adverse cumulative impact on the crime and disorder objective of the Licensing Act. In the circumstances, the sub-committee did not consider it necessary for it to make a decision on whether this type of premises fall outside paragraph 162 of the council's statement of licensing policy.

In the circumstances, on the basis that the application for regulated entertainment is withdrawn and on the basis that the trading standards conditions be added to the licence (subject to minor amendments requested by the applicant), this application is granted.

Appeal rights

That the licensee and any person who made relevant representations in relation to the application may appeal against the decision. Any appeal must be made to the magistrate court for the petty sessions area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' chief executive for the magistrates court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

6. LICENSING ACT 2003 - CANAVAN'S PECKHAM POOL CLUB, 188 RYE LANE, LONDON SE15 4NF

The licensing officer presented her report. She advised that the objections from the planning department and the environmental protection team had been withdrawn. Members had questions for the licensing officer.

The applicant addressed the sub-committee. Members had questions for the applicant.

The sub-committee heard from the licensing officer, representing the council as a

responsible authority. Members had questions.

The sub-committee then heard from the trading standards officer. Members had no questions for the trading standards officer.

The sub-committee also heard from the health and safety officer. Members had questions for the health and safety officer.

All parties had five minutes to sum up.

The sub-committee went into closed session at 1.45pm.

The sub-committee resumed at 2.45pm and the chair read out the decision of the sub-committee.

RESOLVED:

That the application by Kieran Canavan for a variation of a premises licence under the Licensing Act 2003 in respect of Canavan's Peckham Pool Club, 188 Rye Lane, London SE15 4NF be granted in part only as follows:

Licensable Activity	Monday to Sunday
Plays (indoors)	17.00 - 04.00
Films (indoors)	17.00 - 04.00
Live music (indoors)	10.00 - 02.00
Performance of dance (indoors)	10.00 - 04.00
Facilities for making music (indoors)	10.00 - 04.00
Facilities for dancing (indoors)	10.00 - 04.00
Indoor sport	10.00 - 04.00
Recorded music (indoors)	10.00 - 04.00
Late night refreshment (indoors)	23.00 - 03.00
Sale and supply of alcohol on the premises	10.00 - 02.00
Operating hours of the premises	10.00 - 04.00

Conditions

The following conditions shall also apply:

- Condition 122 to be amended to read:

“That children shall be accompanied by a responsible adult at all times that they are allowed on the premises. No children shall be on the premises after 20.00”.

- Conditions 139 and 347 to be removed entirely from the premises licence.

Reasons

This was a hearing of an application by Kieran Canavan for a variation of a Premises Licence issued under the Licensing Act 2003 in respect of Canavan’s Peckham Pool Club, 188 Rye Lane, London SE15 4NF.

The application consisted of a number of different elements to it as follows:

1. To add a number of additional licensable activities to the licence
2. To extend the terminal hours for a number of the existing regulated activities
3. To remove a number of conditions from the licence
4. To amend two existing conditions on the licence.

The main issue which was discussed throughout the hearing was the application to extend the terminal hours for licensable activities to 06.00. The sub-committee heard evidence from the applicant that the premises are well managed and that the extension of hours for supply and sale of alcohol to 06.00 is necessary in order to allow patrons to leave the premises at the time when public transport such as overground and underground trains operate. The applicant made it clear that he was aware of the fact that the premises were in a saturation zone and that the presumption was not to grant the variation unless the applicant can satisfy the sub-committee that there will not be adverse cumulative impact on the prevention of crime and disorder objective in the act. On this issue, the applicant submitted that there was a saturation of premises selling alcohol in the area but that the saturation was of corner shops and off licences and not premises such as his establishment. The applicant further submitted that in the time that he had been running the premises, some 16 months now, there were no serious crime and disorder incidents associated with the premises. The applicant further submitted that he has voluntarily undertaken a number of measures such as the use of SIA registered door staff, the upgrading of the CCTV system and the use of a local dedicated cab company.

The only other aspect of the application on which the applicant commented was the need to allow children in the premises when pool competitions are taking place and this was the reasons that he wanted one of the conditions amended as detailed below.

The sub-committee then heard evidence from a number of responsible authorities, objecting to the application. Firstly, the sub-committee heard from the council’s licensing service as a responsible authority that they objected to the granting of the application to extend the hours on the basis that the premises are within a saturation zone, that the premises clearly operate as a night club rather than a members pool club and therefore, the extension of the hours will have adverse impact on the crime and disorder objective in the act. The licensing officer also commented on when the premises applied for temporary events notices, that a number of complaints were made on the night when such

notices had been granted.

The sub-committee then heard from the council's trading standards department that their main objection was against the removal of the condition preventing children on the premises and had no grounds for objecting to the extension of time application.

Finally the sub-committee heard from the council's health and safety service that they had some concerns over the operation of the premises but the sub-committee found that this was not directly relevant to the current application and encouraged the council's health and safety service to take whatever action necessary within their remit.

The sub-committee also considered the objection for extension of hours from the police who were unable to attend and also considered the objection from a local resident who was also unable to attend.

In view of the above and in view of the fact that the sub-committee is bound by the council's saturation policy, the sub-committee resolved to refuse the application to extend the existing licensable activities as the sub-committee was not satisfied by the applicant's submissions that by granting this application there will not be any adverse impact on the prevention of crime and disorder objective of the act.

As far as the application to add further licensable activities such as plays, films, live music, performance of dance, facilities for making music and facilities for dancing, this application is granted but any such activities will have to cease at 04.00 as per the existing regulated activities.

As far as the application to remove a number of conditions is concerned, the sub-committee only agreed to the removal of conditions 139 and 347.

As far as the application to amend conditions 109 and 122, the sub-committee resolved to keep condition 109 and to amend 122 as follows: "Children shall be accompanied at all times by a responsible adult. No children shall be on the premises after 20.00".

Appeal rights

The applicant may appeal against any decision to modify the conditions of the licence and any person who made relevant representations in relation to the application who desire to contend that:

- a) That variation ought not to have been made; or
- b) That, when varying the licence, the Licensing Authority ought not to have modified the conditions of the licence, or ought to have modified them in a different way

may appeal against the decision.

Any appeal must be made to the magistrate court for the petty sessions area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' chief executive for the magistrates court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

The meeting closed at 2.50pm.

CHAIR:

DATED:

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Tuesday 18 December 2012 at 10.00 am at Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

PRESENT:	Councillor Sunil Chopra (Chair) Councillor David Hubber Councillor The Right Revd Emmanuel Oyewole (reserve)
OTHERS PRESENT:	Caroline Decroux, applicants' representative Darren Emede, representative of K & F Restaurant Ltd Kolawole Adeleye, representative of K & F Restaurant Ltd Ben Uzor, representative of K & F Restaurant Ltd
OFFICER SUPPORT:	Debra Allday, legal officer Joanne Devlin, legal officer (observing) Dorcas Mills, licensing officer Kristie Ashenden, , licensing officer, representing the council as a responsible authority Sarah Newman, environmental protection team Virginia Wynn-Jones, constitutional team

1. APOLOGIES

Apologies were received from Councillor Dora Dixon-Fyle. Councillor The Right Reverend Emmanuel Oyewole attended as reserve.

2. CONFIRMATION OF VOTING MEMBERS

The members present were confirmed as the voting members.

3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

The chair agreed to accept late and urgent submissions from the environmental protection team.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003 - K & F RESTAURANT LTD (GROUND AND BASEMENT FLOORS), 39-45 CAMBERWELL ROAD, LONDON SE5 0EZ

The local resident objector addressed the sub-committee. Members had questions for the local resident.

The licensing officer presented her report. Members had questions for the licensing officer.

The representative of responsible authorities made his presentation. Members had questions of the representative.

At 11.15am the sub-committee adjourned for a fire alarm. The sub-committee reconvened at 11.40am.

The applicant then addressed the sub-committee. Members had questions for the applicant.

All parties were given five minutes to sum up.

The sub-committee went into closed session at 12.10pm.

The sub-committee resumed at 1.15pm and the chair read out the decision of the sub-committee.

RESOLVED:

The council's licensing sub-committee, having had regard to the application by Philipp Ulbrich, Kristine and Anthony Fox for a review of the premises granted under the Licensing Act 2003 to K & F UK Ltd in respect of the premises known as K & F Restaurant Ltd, situated at 39-45 Camberwell Road, London SE5 0EZ and having had regard to all other relevant representations has decided it necessary for the promotion of the licensing objectives to modify the conditions of the licence:

Conditions

1. To increase the minimum number of SIA registered security staff to four from 22.00.
2. To ensure all security staff ensure patrons disperse quietly.
3. To ensure that all staff get adequate training on the licensing law within 28 days of commencing employment.
4. To limit the number of people outside to a maximum of 6 after 22.00.
5. There is to be no admission or readmission from 23.00 Sunday – Thursday and 02.00 Friday – Saturday.
6. No drinks to be taken outside the premises.

7. That all works identified in the noise survey must be completed.

The committee also decided it was necessary to modify the opening hours and licensable activities from Sunday to Thursday as below:

Activity	Monday to Thursday	Friday and Saturday	Sunday
Live music	18.00 to 00.00	18.00 to 03.00	18.00 to 00.00
Recorded music	18.00 to 00.00	18.00 to 03.00	18.00 to 00.00
Facilities for making music	18.00 to 00.00	18.00 to 03.00	18.00 to 00.00
Facilities for dancing	18.00 to 00.00	18.00 to 03.00	18.00 to 00.00
Late night refreshment	23.00 to 00.00	23.00 to 03.00	23.00 to 00.00
Sale and supply of alcohol on and off premises	11.00 to 00.00	11.00 to 03.00	11.00 to 00.00
Operating hours of premises	10.00 to 01.00	10.00 to 04.00	10.00 to 01.00

Reasons

The reasons for this decision are as follows:

This was an application for a review of a licence under Section 51 of the Licensing Act 2003 by Philipp Ulbrich and two other applicants for a review of the premises licence in respect of the premises known as K&F Ltd, of 39-45 Camberwell Road, SE5 0EZ.

The sub-committee heard from Caroline Decroux, who spoke on behalf of the applicants for the review and local residents. There were also letters of support from eight other residents received. Ms Decroux complained of loud music regularly being heard from the premises, and drunk and aggressive clientele congregating outside the premises. Since the previously held hearing on 20 November 2012, it was noted that there had been an improvement in the level of noise from the premises. This was primarily due to the amplified music being played in the basement of the premises only.

The committee also heard from the environmental protection team, who supported the review application, and who advised the panel of the history of the complaints and prohibition notices issued due to statutory nuisance witnessed by noise officers. In particular, since the last review hearing on 20 November 2012, evidence was provided of a serious incident outside the premises on 24 November 2012 in addition to a fixed penalty notice being served for noise nuisance. The panel heard that this penalty notice has not been paid. The panel also heard representation from the licensing officer, who requested a reduction in hours as the majority of the complaints were received after midnight.

Darren Emede spoke on behalf of K&F, and accepted that the premises had been mismanaged and that all the previous management had been served notice as a result of the complaints. As a result, new staff were being recruited but it is not expected that they will be in place until mid-January 2013. The panel also heard that triple glazing was being installed in the premises and that works were still being carried out on the ground floor. Mr Emede stated that 90% of the income was made on the weekend between 00.00 and 03.00, and a reduction of hours would be tantamount to revoking the licence.

Whilst K&F accept the complaints being made, they believe that the new management and structural improvements will address the concerns raised by the local residents and the responsible authorities. However, at this time the sub-committee felt that strict conditions must be imposed on this licence in order to direct the new management in the future running of the licence. The sub-committee felt that in view of the licence holder's representations that 90% of the income is made over the weekend, the need for extended hours during the week is unnecessary. The sub-committee were reluctant to keep the weekend hours, but felt that the license holder should be given one final opportunity to maintain their licence, hence the reason to add conditions.

Finally, the sub-committee strongly recommended that the licence holder engages proactively with local residents in order to minimise future issues.

Appeal rights

This decision is open to appeal by:

- a) The applicant for the review
- b) The premises licence holder
- 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 justice's 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
- b) In the event of any notice of appeal being given, until the appeal is disposed of.

The meeting closed at 1.20pm.

CHAIR:

DATED:



Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Wednesday 19 December 2012 at 9.30 am at Ground Floor Meeting Room G01B - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Sunil Chopra (Chair)
Councillor Lorraine Lauder MBE
Councillor Althea Smith

OFFICER SUPPORT: Dorcas Mills, licensing officer
Alan Blissett, environmental protection officer
Debra Allday, legal officer
Rupinder Binning, legal officer (observing)
Andrew Weir, constitutional officer

1. APOLOGIES

There were none.

2. CONFIRMATION OF VOTING MEMBERS

The three members present were confirmed as voting members.

3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

The chair advised that the sub-committee would consider the temporary event notice for Moyo Ma Restaurant, 347 Walworth Road, London SE17 2AL.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003 - UNIT 5, 12-16 BLENHEIM GROVE, LONDON SE15 4QL

This was a reconvened hearing from 7 December 2012.
The chair advised the sub-committee to disregard the previous environmental protection

representation from 7 December 2012 and to substitute it with the representation from Alan Blissett from the environmental protection team.

The sub-committee heard from the licensing officer. Members had no questions for the licensing officer.

The sub-committee heard from the environmental protection team officer. Members had questions for the environmental protection team officer.

No other parties were present to address the sub-committee.

The sub-committee went into closed session at 9.45am.

The sub-committee resumed at 10.30am and the chair read out the decision of the sub-committee.

RESOLVED:

That the application submitted by James Fisher for a premises licence in respect of Unit 5, 12-16 Blenheim Grove, London SE15 4QL be granted as follows:

	Monday to Thursday	Friday	Saturday	Sunday
Licensable Activity				
Sale and supply of alcohol	07.00 to 23.30	07.00 to 00.30	09.00 to 00.30	09.00 to 17.30
hours premises are open to the public	06.30 to 00:00	06.30 to 01.00	06.30 to 01.00	08.00 to 18.00

Conditions

The conditions as listed in the amended operating schedule submitted by the applicant on 7 December 2012 shall apply.

Reasons

This was an application by James Fisher for a premises licence in respect of Unit 5, 12-16 Blenheim Grove, London SE15 4QL.

This was a reconvened licensing sub-committee from 7 December 2012. At the previous licensing sub-committee of 7 December 2012, the licensing sub-committee heard evidence from the applicant who advised that he had lived in the area for approximately 20 years and that he and his family lived very close to the premises. He emphasised that the premises would be run as a food led café and bar. He further advised that the premises would be targeting a customer base of 25 years and above.

The licensing sub-committee noted the written representations from the two local residents who were not in attendance.

At the previous meeting, the licensing sub-committee heard evidence from the Southwark Council health and safety team who advised that they had been unable to gain access to the premises as the applicant and the freeholder had not finalised the lease of the premises. The applicant advised that once the lease had been signed, access would not be an issue.

The sub-committee disregarded the previous representations from the environmental protection team from 7 December 2012. The sub-committee heard from the principal environmental protection officer who raised concerns that the applicant's operating scheduled at the premises without adaptation may give rise to public nuisance and that the measures set out by the applicant would not be extensive enough to address the concerns. The sub-committee felt that the additional conditions volunteered by the applicant at the hearing on 7 December 2012 addressed the environmental protection team's concerns.

The sub-committee also heard that the applicant had confirmed to the licensing officer that they had applied for a variance of use to the planning authority to adjust the trading times of the premises to match those applied for in his licensing application. They also heard that the lease to the premises had been signed by the applicant therefore, that the health and safety enforcement officer could inspect the premises on seven days notice.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives.

The licensing sub-committee considered that it was appropriate and proportionate to attach these conditions in order to address the licensing objectives. The sub-committee wished to emphasise to the applicant that until planning permission is granted for variance the applicant must operate in line with the current hours specified in the planning permission of 23 November 2012. Furthermore, the sub-committee recommended that the licensing officer advises the applicant on the restrictions of the licence without late night refreshment.

Appeal rights

That the licensee and any person who made relevant representations in relation to the application may appeal against the decision. Any appeal must be made to the magistrate court for the petty sessions area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' chief executive for the magistrates court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

6. LICENSING ACT 2003: TEMPORARY EVENT NOTICE - MOYO MA RESTAURANT, 347 WALWORTH ROAD, SE17 2AL

The licensing officer presented her report. Members had no questions for the licensing officer.

The sub-committee noted that the applicant was not in attendance.

The sub-committee heard from the environmental protection officer. Members had questions for the environmental protection officer.

The sub-committee went into closed session at 10.45am.

The sub-committee resumed at 10.55am and the chair read out the decision of the sub-committee.

RESOLVED:

That a counter notice be issued under Section 105 of the Licensing Act 2003 in respect of the temporary event notice given by Justina Ogunbiyi in respect of the premises known as Moyo Ma Restaurant, 347 Walworth Road, London SE17 2 AL.

Conditions

The following additional condition shall apply:

- That there be no regulated entertainment.

Reasons

This was an application by Justina Ogunbiyi for a temporary event notice in respect of the premises known as Moyo Ma Restaurant, 347 Walworth Road, London SE17 2 AL.

The licensing sub-committee noted that the applicant was not in attendance.

The licensing sub-committee heard evidence from the council's environmental protection team that when a previous temporary event notice had taken place at the premises on 27 October 2012 there was a statutory noise nuisance where vibrations could be felt through a complainant's floor. A male vocalist singing and drum beats were very noticeable. The noise was so loud that it could be heard 30 metres away from the premises. Since the applicant failed to attend the sub-committee meeting and could not be contacted by the environmental protection team officer, the sub-committee felt that it could not permit regulated entertainment on the grounds of public nuisance.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives.

The licensing sub-committee considered that it was appropriate and proportionate to attach these conditions in order to address the licensing objectives.

Appeal rights

Where the relevant counter notice under Section 105(3) is given the premises user may appeal against the decision. Where counter notice is not given, the chief officer of the environmental protection team may appeal against that decision. The appeal must be made to the Magistrates' Court within a period of 21 days beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against.

No appeal may be brought later than five working days before the day on which the event begins.

The meeting closed at 10.58am.

CHAIR:

DATED:



Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Friday 11 January 2013 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

PRESENT:	Councillor Jeff Hook (Chair) Councillor Renata Hamvas Councillor Adele Morris
OTHERS PRESENT:	Mr Alvaro Alvarez Cardona, applicant Mr Richard Nash, applicant's representative
OFFICER SUPPORT:	Debra Allday, legal officer Wesley McArthur, licensing officer Sarah Newman, environmental protection officer Kristie Ashenden, licensing officer, representing the council as a responsible authority Samantha Coe, health and safety officer Andrew Weir, constitutional officer

1. APOLOGIES

There were apologies for absence from Councillor Sunil Chopra.

2. CONFIRMATION OF VOTING MEMBERS

The three members present were confirmed as voting members. In the absence of the chair, Councillor Jeff Hook, the vice chair of the licensing committee, chaired the sub-committee.

3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

All parties had a number of additional items to circulate. The chair agreed for these to be considered.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003 - MR PIGGY, 113C & 122 ELEPHANT ROAD, LONDON SE17 1LB

The meeting adjourned at 10.20am to give all parties time to read the additional late items. The meeting reconvened at 10.30am.

The licensing officer presented his report. Members had no questions for the licensing officer.

The applicant's representative advised that he would have a substantial amount of further additional information to circulate and that copies would have to be made. The meeting adjourned at 10.45am in order to make copies of these documents and to give all parties time to read the additional information. The meeting reconvened at 11.15am.

The licensing officer advised the sub-committee that there was further additional information to be circulated. The meeting adjourned at 11.16am in order to make copies of these additional documents. The meeting reconvened at 11.43am.

The sub-committee went into closed session at 11.43am to take advice from officers regarding the implications of the large amount of late additional information to be considered by the sub-committee.

The meeting resumed at 11.45am.

RESOLVED:

That due to the considerable amount of additional information submitted by all parties the sub-committee agreed to adjourn this meeting to a future date to be determined.

The meeting adjourned at 11.47am.

CHAIR:

DATED:



Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 17 January 2013 at 10.00 am at Ground Floor Meeting Room G01C - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Lorraine Lauder MBE (Chair)
Councillor David Hubber
Councillor The Right Revd Emmanuel Oyewole

OTHERS PRESENT: Wendy Pooley, applicant
Marie Grehan, applicant

OFFICER SUPPORT: Debra Allday, legal officer
Roy Fielding, licensing officer
Bill Masini, trading standards officer
Andrew Weir, constitutional officer

1. APOLOGIES

There were apologies for absence from Councillor Sunil Chopra.

2. CONFIRMATION OF VOTING MEMBERS

The three members present were confirmed as voting members. In the absence of the chair, Councillor Lorraine Lauder was nominated to chair the meeting by Councillor David Hubber. This was seconded by Councillor The Right Reverend Emmanuel Oyewole.

3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

There were none.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003 - THE GOOD INTENT, 24 EAST STREET, LONDON SE17 2DN

The licensing officer introduced his report. Members had no questions for the licensing officer.

The applicant addressed the sub-committee. Members had questions for the applicant.

The sub-committee heard from the the trading standards officer. Members had no questions for the trading standards officer.

The sub-committee went into closed session at 11.00am.

The sub-committee resumed at 11.35am and the chair read out the decision of the sub-committee.

RESOLVED:

The council's licensing sub-committee, having reconsidered the decision made on 24 July 2012 following the application of a review by the council's trading standards made under Section 51 of the Licensing Act 2003 in respect of the premises known as The Good Intent, 24 East Street, London SE17 2DN and having had regard also to all other relevant representations decided to withdraw the revocation made by the licensing sub-committee on 24 July 2012.

Conditions

The following additional conditions shall apply:

1. That clearly legible crime prevention notices will be prominently displayed.
2. Ashtrays shall not be placed within the premises except where an area is not enclosed, or substantially enclosed, as defined in regulations under the Health Act 2006.
3. That signs shall be displayed within the premises that state "Drugs Free Zone".
4. An incident log shall be kept at the premises detailing any problems relating to crime and disorder at the premises.
5. That the rear gates leading out of the rear smoking area are fitted with a fire door type push bar lock and are kept shut and fitted with an alarm to alert staff if the doors are opened.
6. That an anti-drugs policy for the premises is developed and introduced, in conjunction with the Metropolitan Police Service and the Southwark anti-social behaviour unit.
7. Staff are trained in the anti-drugs policy, smoke-free legislation and the Licensing Act 2003 and records of the dates and names of staff trained and the training notes kept.

Reasons

The licensing sub-committee re-considered its decision to revoke the premises license of the Good Intent made on 24 July 2012. The sub-committee revoked the licence due to the sale of substituted Smirnoff vodka, the non-duty paid cigarettes being sold on the premises, counterfeit and unclassified DVDs (including pornographic DVDs), and also smoking and gambling in the premises. This also resulted in the previous designated premises supervisor being successfully prosecuted.

On 22 August 2012 a new licence was issued following an application to transfer the licence to the current holder, Marie Grehan. In October 2012 Wendy Pooley became the designated premises supervisor.

Since these changes there has been a significant improvement in the running of the premises. An inspection carried out by the licensing team in September 2012 found the premises to be operating in full compliance with the terms and conditions of the licence.

Trading standards have withdrawn their representation made at the original review hearing on 24 July 2012. Whilst this committee is pleased with these improvements, it is felt that additional conditions are required to ensure the premises continues to be fully complied with and that the licensing objectives are promoted.

Appeal rights

The sub-committee noted that there is an ongoing appeal at the magistrates court to which this decision could also be subject.

The meeting closed at 11.40am.

CHAIR:

DATED:



Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Tuesday 22 January 2013 at 10.00 am at Ground Floor Meeting Room G01A - 160 Tooley Street, London SE1 2QH

PRESENT:	Councillor Renata Hamvas (Chair) Councillor Michael Mitchell Councillor Althea Smith
OTHERS PRESENT:	Mr John Ampem, applicant Mr Alan Abuott, applicant's representative Graham White, Metropolitan Police Ian Clements, Metropolitan Police
OFFICER SUPPORT:	Debra Allday, legal officer Rupider Binning, legal officer Wesley McArthur, licensing officer Sarah Newman, environmental protection officer Alan Blissett, environmental protection officer Mark Prickett, environmental protection officer Kenny Uzodike, constitutional officer

1. APOLOGIES

There were apologies for absence from Councillor Sunil Chopra.

2. CONFIRMATION OF VOTING MEMBERS

The three members present were confirmed as voting members. In the absence of the chair and with the consent of the other members present, Councillor Renata Hamvas, chaired the sub-committee.

3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

There were none.

The environmental protection officer had additional photographs to circulate. The chair agreed for these to be considered after consent from the applicant's representative.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003 - BIAGIO@BANKSIDE, 32 SOUTHWARK BRIDGE ROAD, LONDON SE1 9EU

The licensing officer addressed the sub-committee. Members had no questions for the licensing officer.

The meeting was adjourned at 10.25am at the applicant's representative's request to give him time to read the report.

The meeting was reconvened at 10.30am.

The chair agreed to extend the presentation time to the committee by five minutes at the applicant's representative's request.

The applicant's representative addressed the sub-committee and answered members' questions.

The environmental protection officer addressed the sub-committee. Members had questions for the officer.

Officers from the Metropolitan Police addressed the sub-committee. Members had questions for the police officers.

All parties were given five minutes to make closing statements.

The sub-committee went into closed session at 11.54am.

The sub-committee resumed at 12.38pm and the chair read out the decision of the sub-committee.

RESOLVED:

That a counter notice be issued under Section 105 of the Licensing Act 2003 in respect of the temporary event notice given by Mr Biagio Caroleo in respect of the premises known as Biagio@Bankside, 32 Southwark Bridge Road, SE1 9EU.

Reasons

This was an application by Mr. Biagio Caroleo for a temporary event notice (TEN) in regards to an event proposed to take place on 27 January 2013 between 02.30 to 04.00 in respect of the premises known as Biagio@Bankside, 32 Southwark Bridge Road, SE1 9EU

The licensing sub-committee heard evidence from the applicant who stated that there had been a number of temporary event notices and that in all of the events only one incident

had taken place on 4 to 5 January 2013 where police assistance had been called. The applicant stated that they were happy to have all existing conditions from the premises licence transferred to the temporary event notice and that they believed it was one incident which they are being penalised for. The applicant believes that they are not undermining the licensing objectives.

The licensing sub-committee heard evidence from the council's environmental protection team who stated that there had been 21 complaints since September 2012, 19 of which related to temporary event notices. The principal concerns arising from the complaints were related to outside the premises and patrons leaving the premises. The main concern being the use of the fire escape as a means of exit which leads into the estate and has caused considerable disturbance to local residents. Residents have raised concerns relating to disturbed sleep, disorder and drunk and disorderly behaviour amounting to considerable disturbance and public nuisance.

The licensing sub-committee heard evidence from the Metropolitan Police Service (MPS). The objections of the MPS echoed that of the environmental protection team. The MPS did attend the premises in relation to the incident on 4 to 5 January 2013 and stated that the applicant had agreed to speak to the estate manager. The estate manager confirmed on 21 January 2013 that no one from Biagio@Bankside had contacted him or spoken to him to address the issues.

The committee were not minded to carry over the premises licence conditions to the TEN due to the current management of the premises during events in particular with regards to the use of the fire exit door, the proximity of the estate to the premises, and the very recent level of and nature of complaints. The committee considered that the use of the fire door as an exit and the dispersal of patrons could not adequately be resolved by the date of the temporary event.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives.

The meeting closed at 12.42pm.

CHAIR:

DATED:

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Friday 25 January 2013 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

PRESENT:	Councillor Sunil Chopra (Chair) Councillor Michael Mitchell Councillor Wilma Nelson
OTHERS PRESENT:	Mohammed Zahir Ali, applicant Arshad Ali, applicant's witness Barry Craig, applicant's representative Zuqar Ahmed, applicant's witness Royston Lewis
OFFICER SUPPORT:	Debra Allday, legal officer Dorcas Mills, licensing officer Virginia Wynn-Jones, constitutional officer

1. APOLOGIES

There were none.

2. CONFIRMATION OF VOTING MEMBERS

The members present were confirmed as the voting members.

3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

The chair agreed to accept supporting documents for item 5 as late and urgent.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003 - PAYLESS, 94-96 PECKHAM ROAD, LONDON SE15 5PY

The licensing officer presented his report. Members had no questions for the licensing officer.

The applicant and his witness then addressed the sub-committee. Members had questions for the applicant and witness.

All parties were given five minutes to sum up.

The sub-committee went into closed session at 10.35am.

The sub-committee resumed at 11.00am and the chair read out the decision of the sub-committee.

RESOLVED:

That the application by Mohammad Zaheer Ali for a grant of a Premises Licence issued under the Licensing Act 2003 in respect of Payless, 94-96 Pelican House, Peckham Road, SE15 5PY be granted as follows:

Licensable Activity	Monday to Sunday
Sale and supply of alcohol	06.30 to 23.00
Hours premises are open to the public	06.30 to 23.00

Conditions

The following additional conditions shall apply:

1. All conditions listed on page 20-21 of the licensing agenda.
2. That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV system must be capable of capturing an image of every person who enters the premises.
3. That all CCTV footage shall be kept for a period of thirty one (31) days and shall, upon request, be made immediately available to officers of the police and the council.
4. No beers/ciders in single cans, bottles or multi-packs with an alcohol by volume (ABV) of above 5.5% will be displayed/sold or offered for sale from the premises.
5. No entry to the premises will be permitted after 23.00. All sales will take place via a secure night serving hatch.
6. A personal licence holder will be on the premises at all times after 20.00 and when intoxicating liquor is being offered for sale.

Reasons

This was a hearing to consider the application by Mohammad Zaheer Ali for a grant of a premises licence issued under the Licensing Act 2003 in respect of Payless, 94-96 Pelican House, Peckham Road, SE15 5PY.

The licensing sub-committee heard evidence from the applicant. It was accepted that a temporary events notice took place over 27 to 31 December 2012 which was neither objected to, nor were there any complaints relating to its operation.

The licensing sub-committee noted that the police had withdrawn their representation subject to the applicant agreeing to conditions 2 to 6 listed above.

The licensing sub-committee noted that the council's environmental protection team, trading standards, planning department and the London Fire and Emergency Planning Authority have confirmed that they have no representations to make in relation to this application.

The licensing sub-committee noted the representations from the local residents relating to anti-social behaviour and noise nuisance.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives.

The licensing sub-committee considered that it was appropriate and proportionate to attach these conditions in order to address the licensing objectives.

Appeal rights

That the licensee and any person who made relevant representations in relation to the application may appeal against the decision. Any appeal must be made to the magistrate court for the petty sessions area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' chief executive for the magistrates court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

The meeting closed at 11.05am.

CHAIR:

DATED:



Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Monday 4 February 2013 at 10.00 am at Ground Floor Meeting Room G02B - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Jeff Hook (Chair)
Councillor Renata Hamvas
Councillor Adele Morris

OTHERS PRESENT: Mr Alvaro Alvarez Cardona, applicant
Mr Richard Nash, applicant's representative

OFFICER SUPPORT: Debra Allday, legal officer
Wesley McArthur, licensing officer
Alan Blissett, environmental protection officer
Kristie Ashenden, licensing officer, representing the council as a responsible authority
Samantha Coe, health and safety officer
Andrew Weir, constitutional officer

1. APOLOGIES

There were none.

2. CONFIRMATION OF VOTING MEMBERS

There three members present were confirmed as the voting members. At the previously adjourned meeting on 11 January, Councillor Jeff Hook had been elected to chair the sub-committee and therefore chaired this reconvened sub-committee.

3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

There were none.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003 - MR PIGGY, 113C & 122 ELEPHANT ROAD, LONDON SE17 1LB

This was a reconvened hearing from 11 January 2013.

The licensing officer addressed the sub-committee. Members had no questions for the licensing officer.

The applicant addressed the sub-committee. Members had no questions for the applicant.

The licensing officer, representing the council as a responsible authority addressed the sub-committee. Members had no questions.

The health and safety officer addressed the sub-committee. Members had questions for the health and safety officer.

The environmental protection officer addressed the sub-committee. Members had no questions.

The sub-committee went into closed session at 11.15am.

The sub-committee resumed at 12.00pm and the chair read out the decision of the sub-committee.

RESOLVED:

That the application submitted by Mr Piggy Ltd for a premises licence in respect of Mr. Piggy, Railway Arches 113c and 122, Elephant Road, London, SE17 1LB be granted as follows:

Licensable Activity	Monday to Thursday	Friday to Sunday
(b) Films	11.00 to 00.30	11.00 to 03.30
(e) Live Music	11.00 to 00.30	11.00 to 03.30
(f) recorded music	11.00 to 00.30	11.00 to 03.30
(g) performances of dance	11.00 to 00.30	11.00 to 03.30
(h) Anything of a similar description to (e), (f) or (g)	11.00 to 00.30	11.00 to 03.30
(l) late night refreshment	23.00 to 00.30	23.00 to 03.30

Licensable Activity	Monday to Thursday	Friday to Sunday
(m) supply of alcohol	11.00 to 00.30	11.00 to 03.00
(o) hours premises are open to the public	05.00 to 01.00	05.00 to 04.00

Conditions

The following additional conditions shall apply:

1. That suitable notices shall be displayed and announcements made requesting people to leave the premises in a quiet and orderly manner so as not to disturb local residents.
2. That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV System must be capable of capturing an image of every person who enters the premises.
3. That all CCTV footage shall be kept for a period of thirty one (31) days and shall, upon request, be made immediately available to officers of the police and the council.
4. The premises shall not be hired out to any external promoters.
5. Between 22.00 and close each day customers shall use no outside area to the front of the premises after 22.00. Customers wishing to smoke will be permitted to do so in the rear external area only. Those customers that leave the premises via the front for any reason shall not be permitted to consume any beverage and will be subject to a further search if wishing to re-enter.
6. On days when the terminal hour for the premises licence is greater than 01.00, SIA registered door supervisors, at least one of whom shall be a female, shall be employed at all times between 22.00 and the terminal hour that the premises are in use under this licence and provided with hand held metal detection units in order to ensure that searches are carried out in respect of all admissions to the premises, whether members of the public or performers and their assistants and mechanical counting devices are in use to ensure that the maximum accommodation limit of the premises is not exceeded.
7. On days when the terminal hour for the premises licence is greater than 01.00, SIA registered door supervisors, at least one of whom shall be a female, shall be employed at all times between 22.00 and the terminal hour that the premises are in use under this licence and provided with hand held metal detection units in order to ensure that searches are carried out in respect of all admissions to the premises, whether members of the public or performers and their assistants and mechanical

counting devices are in use to ensure that the maximum accommodation limit of the premises is not exceeded.

8. When the terminal hour as detailed on the premises licence is greater than 01.00 no bottles or half bottles of spirit with an ABV of above 15% will be sold to individuals after 02.00 or larger groups after 02.30.
9. The fire exits situated inside the premises and in the rear yard shall be alarmed to alert staff of their use and will be linked to a visual and audible warning system.
10. When the terminal hour as detailed on the premises licence is greater than 01.00 then there will be no new entry or re-entry to the premises after 02.30.
11. The metal shutter located in the front lobby area of the premises adjoining the neighbouring premises will remain locked and secure between 22.00 and close each day.
12. That the double lobby entrance doors and side panels be upgraded with more substantial sound proofing materials, soft seals and threshold installed to make them tight fitting.
13. That the rear exit door be upgraded with more substantial sound proofing materials, soft seals and threshold installed to make them tight fitting and effectively self closing.
14. That the side fire exit doors to the pool club hall be upgraded with more substantial sound proofing materials, soft seals and threshold installed to make them tight fitting, be equipped with an alarm and marked 'emergency exit only' and remain closed during performance of regulated entertainment.
15. That the rear door be closed during performance of regulated entertainment, except for use by smokers.
16. That the rear door be closed during performance of regulated entertainment, except for use by smokers.
17. The customers wishing to smoke shall only be permitted to do so in the rear external area. After 22.00 smokers shall not be permitted to take drinks with them onto the smoking area
18. That no music be played on or broadcast to the rear open yard.
19. That the house amplification system be installed with a sound limiter device, which shall be set at an upper level agreed with officers of the environmental protection team and thereafter maintained without interference.
20. That any additional instruments or amplification brought on the premises for purpose of regulated entertainment be connected through the sound limit installation except for those of an acoustic nature.
21. That patrons not be permitted to take drinks outside the front of the premises.

22. There shall be no new admissions or readmissions to the premises after 02.30 on the days when the terminal hours are post 01.00; and that notices in bold print prominently displayed and maintained outside of the premises for the duration that such license hours are in operation.
23. That clearly legible signs shall be prominently displayed within the premises, and that announcements shall be made during the latter hours of entertainment, requesting to the effect that patrons to leave the premises in a quiet and orderly manner.
24. The premises shall operate a "Challenge 25" policy whereby customers purchasing alcohol who appear to be under 25 years of age will be asked for an approved form of proof of age to verify their age. Approved forms shall include a driving license, passport or a proof of age standards scheme (PASS) approved proof of age card such as the Southwark proof of age (SPA) card.
25. All staff involved in the sale of alcohol shall be trained in the "Challenge 25" policy. A record of their training, including the dates that each member of staff trained shall be available for inspection at the premises on request by the council authorised officers or the police.
26. "Challenged 25" signage shall be displayed at entrances to the premises, areas where alcohol is displayed for sale and at points of sale to inform customers that an age check "Challenge 25" policy applies and proof of age may be required.
27. That clearly legible signs shall be prominently displayed to the satisfaction of the council stating "Drug Free Zone" and "Management reserve the right to refuse entry".
28. That clearly legible signs shall be prominently displayed to the satisfaction of the council and announcements be made requesting that people leave the premises in a quiet and orderly manner so as not to disturb local residents.
29. Persons under 18 years of age will only be admitted to premises before 22.00 hours if accompanied by a responsible adult. After 22.00 hours no person less than 18 years of age will be allowed to remain on the premises or to enter the premises.
30. A maximum occupancy figure of 60 persons, excluding staff, to be allowed in the premises at any one time. The capacity shall be revised as set out in any fire safety audit carried out by the LFEPA by 6 April 2013. The revised capacity must also take into account toilet facilities, spatial capacity and ventilation in compliance with the technical standards for places of entertainment.

Reasons

This was an application by Mr Piggy Ltd for a premises licence in respect of Mr. Piggy, Railway Arches 113c and 122, Elephant Road, London, SE17 1LB.

The licensing sub-committee heard evidence from the applicant.

The licensing sub-committee noted that the representations from the police, environmental protection team and trading standards had been conciliated and conditions agreed as

detailed in 1-29 above.

The licensing sub-committee heard from the licensing team who advised that they had conciliated their concerns.

The licensing sub-committee also heard evidence from Southwark Council's health and safety team who advised that they had conciliated their concerns on the issue of capacity and the parties had agreed a condition in relation to this as detailed in condition 30 above.

The licensing sub-committee considered the representations from other parties, who were not in attendance. It was felt that the conditions conciliated by both the police and environmental protection team relating to concerns of crime and disorder and noise nuisance would address the concerns of the local residents and ward councillor.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives. The licensing sub-committee considered that it was appropriate and proportionate to attach these conditions in order to address the licensing objectives.

Appeal rights

That the licensee and any person who made relevant representations in relation to the application may appeal against the decision. Any appeal must be made to the magistrate court for the petty sessions area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' chief executive for the magistrates court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

The meeting closed at 12.05pm.

CHAIR:

DATED:



Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Tuesday 12 February 2013 at 10.00 am at Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

PRESENT:	Councillor Sunil Chopra (Chair) Councillor David Hubber Councillor Lorraine Lauder MBE
OTHERS PRESENT:	Pinkesh patel, applicant Michael Fish, applicant's representative Hiral Patel, applicant's witness
OFFICER SUPPORT:	Debra Allday, legal officer Joanne Devlin, legal officer (observing) Roy Fielding, licensing officer Andrew Weir, constitutional officer

1. APOLOGIES

There were none.

2. CONFIRMATION OF VOTING MEMBERS

The three members present were confirmed as the voting members.

3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

There were none.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003 - KAIVAL NEWS, 100 LORDSHIP LANE, LONDON SE22 8HF

The licensing officer presented his report. Members had no questions for the licensing officer.

The applicant's representative addressed the sub-committee. Members had questions for the applicant and the applicant's representative.

The sub-committee went into closed session at 10.15am.

The sub-committee resumed at 10.35am and the chair read out the decision of the sub-committee.

RESOLVED:

That the application by Pinkesh Kantibhai Patel for a grant of a premises licence issued under the Licensing Act 2003 in respect of Kaival News, 100 Lordship Lane, London SE22 8HF be granted as follows:

Licensable Activity	Monday to Saturday	Sunday
Sale and supply of alcohol (for consumption off the premises)	07.00 to 23.30	07.00 to 22.30
Opening hours	07.00 to 23.30	07.00 to 22.30

Conditions

The following additional conditions shall apply:

1. The premises shall operate an agecheck 'Challenge 25' policy whereby customers purchasing alcohol who look or appear to be under 25 years of age will be asked for an approved form of proof of age to verify their age. Approved forms shall include a driving licence, passport or a PASS approved proof of age card such as the Southwark proof of age (SPA) card.
2. All staff involved in the sale of alcohol shall attend a recognised training scheme which will include training in the agecheck 'Challenge 25' policy. They must obtain a certificate of competence. A record of their training, including the dates that each member of staff is trained, shall be available for inspection at the premises on request by the council's authorised officers or the police.
3. Agecheck or 'Challenge 25' signage shall be displayed at entrances to the premises, areas where alcohol is displayed for sale and at points of sale to inform customers that an agecheck 'Challenge 25' policy applies and proof of age may be required.
4. A register of refused sales of alcohol and if applicable, cigarette sales which is

clearly marked with details of the premises, address and name of licence holder shall be maintained in order to demonstrate effective operation of the policy. The register shall be available for inspection at the premises on request by the council's authorised officers or the police.

Reasons

This was an application by Pinkesh Kantibhai Patel for a grant of a premises licence issued under the Licensing Act 2003 in respect of Kaival News, 100 Lordship Lane, London SE22 8HF.

The licensing sub-committee noted that the Southwark Council trading standards team had reached a conciliation agreement with the applicant subject to conditions 1 to 4 above being implemented.

The licensing sub-committee heard evidence from the applicant and his representative, who informed the sub-committee that the applicant had a personal licence and had been running the premises for approximately five months and wished to add an off licence element to the business. The applicant intended to run the business as a family business and that whilst no full time staff would be employed, he would be assisted by his wife and father on a part time basis. Both would be trained and it was noted that his wife would shortly be taking a personal licence course. It was also noted that the applicant had four businesses and one franchise in India, being run by his brother.

The licensing sub-committee noted the objection from the local resident who was not in attendance to expand on their concerns. It was highlighted to the sub-committee that the objection related to the number of off licences in the area. However, the premises are not in a saturation zone and the council's licensing policy contains other control measures, so, if the council were concerned as to the number of off licences in the area, a saturation zone could be extended to the Dulwich area. Furthermore, it was noted that no objections were raised by the police.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives.

The licensing sub-committee considered that it was appropriate and proportionate to attach these conditions in order to address the licensing objectives.

Appeal rights

That the licensee and any person who made relevant representations in relation to the application may appeal against the decision. Any appeal must be made to the magistrate court for the petty sessions area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' chief executive for the magistrates court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

The meeting closed at 10.40am.

CHAIR:

DATED:

Item No. 7.	Classification: Open	Date: 13 March 2013	Meeting Name: Licensing Committee
Report title:		London Local Authorities Act 1991 - Standard Licensing Conditions for Premises Offering Special Treatments	
Ward(s) or groups affected:		All wards	
From:		Strategic Director of Environment and Leisure	

RECOMMENDATION

1. That the licensing committee approves the revised standard conditions for licensed special treatments establishments attached as Appendix A to this report.

BACKGROUND INFORMATION

2. Special treatment premises are licensed under the London Local Authorities Act 1991. Special treatments include the following and other treatments of a like kind:
 - Massage
 - Manicure, pedicure and artificial nail treatments
 - Acupuncture
 - Tattooing
 - Cosmetic piercing
 - Chiropody
 - Light treatments including UV sun-beds and laser treatments
 - Vapour
 - Sauna.
3. Section 10 of part 2 of the Act provides the council with the power to prescribe standard licence terms, conditions and restrictions. It also provides the ability to exclude or amend a specific condition on an individual licence. This section states that:
 - The borough council may make regulations prescribing standard conditions applicable to all, or any class of, licences, that is to say terms, conditions and restrictions on or subject to which licences, or licences of that class, are in general to be granted, renewed or transferred by them.
 - Where the borough council have made regulations under this section, every licence granted, renewed or transferred by them shall be deemed to have been so granted, renewed or transferred subject to any standard conditions applicable to it unless they have been expressly excluded or amended.
4. Since the introduction of this legislation this council has applied a set of standard general conditions to special treatments licences and supplemented these with additional conditions specific to the individual premises operation

5. The current standard conditions for special treatment premises have been in force for a number of years in Southwark and now require updating to reflect changes in legislation and industry practices.
6. This report presents proposed revised standard licence conditions which, if adopted, will apply to all special treatment licensed premises within the borough. A copy of the revised conditions is attached at Appendix A.
7. The revised conditions are based on the recommended standard conditions for special treatment premises by the London Special Treatment Working Group, of which Southwark Council is a participating member, and are considered as best practice.

KEY ISSUES FOR CONSIDERATION

Growth in the industry

8. Over recent years we have seen considerable increase in both the types of treatment being offered and the numbers of premises offering treatments. It has also seen changes in those bodies required to regulate these treatments, placing more responsibility on local authorities.
9. Examples of changes to the types of treatments on offer over this period include high risk areas such as laser treatments. Non-surgical lasers/intense pulse light systems used for hair removal was previously regulated by the Care Quality Commission but now is the responsibility of the licensing authority.
10. London has become a diverse multi-racial city with new cultures and practices arriving with the new inhabitants. Southwark itself has also changed in recent years, with Peckham in particular becoming one of the main centres for low cost nail treatments attracting clients from most parts of London.
11. Tattoos are now a common fashion accessory for a diverse London population and, with the introduction of cheap tattooing equipment available directly from the internet, more tattoo outlets are springing up across the borough to meet this demand.
12. Staff at special treatment premises are also changing with an increase of immigrant technicians who bring new techniques and challenge the traditional ways of providing special treatments in London.
13. In 2005 Southwark licensed 84 special treatment premises. By 2012 the number of special treatment premises has nearly doubled to 157. The majority of the growth has occurred in Peckham, Camberwell and Walworth.
14. The London special treatment working group lists 140 separate special treatments of which 82 are controlled by the licensing authority. This list increases every year. A list of these special treatments is provided in Appendix B for reference.

Ensuring health and safety

15. Concerns have arisen over the conduct of some premises and complaints have been received in relation to treatments that in some cases are alleged to have

not been administered properly. Such matters may have a serious impact on public health and wellbeing and appropriate measures need to be in place to ensure the proper conduct of licensed premises. This will avoid the potential for extremely dangerous practices that in some cases could give rise to infection or injury because the practices can involve contact with human bodily fluids. Amongst the more serious conditions that the public need protecting against are hepatitis and HIV.

16. Although there are some treatments are not permitted for people under the age of 18, or 16 in the case of saunas, many other treatments have no age restrictions. Complaints have been received that under 18 year old children have received treatments without parental consent and concerns have been raised that treatments restricted to adults only can be accessed by children if age controls at each premises is insufficient. The proposed conditions provided for parental consent for children for unrestricted treatments and challenge 25 scheme to ensure ages are checked.
17. There is a need to proactively control and promote the safety of the premises in which these treatments are carried out and protect the health and safety of both staff and clients who are performing or receiving treatments.
18. The revised conditions incorporate basic management controls as standard, however the control over how specific treatments are conducted and monitored is provided by joint working with the council's health and safety team. Health and safety inspections are much more complex and become subject to change as new techniques and practices are found to form part of licensing standards.
19. To support this we provide best practice guidance for each generic type of treatment which is regularly updated as best practice changes. These are sourced from the department of health and medical bodies, the chartered institute of environmental health and the health and safety executive as well as industry specific codes of practice such as the hair and beauty industry authority. Clients are directed towards these sources.
20. Conditions relating to the best practise guides for individual treatments do not form part of the standard conditions for special treatment premises, but will be put on individual licences depending on the treatments being provided. An additional list of some of the more commonly used conditions is provided for information in Appendix C for information. However, members are not asked to approve these conditions within the standard conditions.

The revised conditions

21. The conditions are to address general health and safety and underage concerns for all premises.
22. The main changes in the revised conditions are:
 - The inclusion of basic conditions on the provision of certain treatment areas
 - The introduction of trading standards approved conditions on age verification for treatments restricted to adults or requiring parental consent for children
 - The imposition of minimum standards of qualifications and experience of technicians for various treatment types.

23. These revised conditions are recommended as the basic minimum standards for management of special treatments establishments. As has been mentioned, these conditions can be adjusted or new conditions added to reflect local priorities and situations that may not be London-wide. These conditions will be supplemented by best practice guidance relevant to the treatment types for the authorisation sought at the time of application.
24. Conditions relating to underage treatments have been drafted in consultation with Southwark trading standards and also reflect industry best standards.
25. Health and safety concerns for individual premises and specific treatments will be imposed as supplementary conditions. These additional conditions, as examples in Appendix C, will not be placed on every licence.

Consultation

26. There is no requirement for consultation for standard conditions under the London Local Authorities Act 1991.
27. The council's health and safety team and trading standards team have been consulted with and contributed to the drafting of the proposed standard licensing conditions for premises offering special treatment.

Policy implications

28. These standard licence conditions are intended to help ensure the health, safety and wellbeing of the staff working in licensed special treatments establishments and the customers who use them. They provide the minimum standards considered necessary to ensure that special treatments are provided in safe and hygienic manner.

Community impact statement

29. Through the licensing process it is intended to encourage a wide and diverse range of special treatments, in which customers may have confidence that they are provided to good standards. This will be supported through advice and support for responsible operators and effective enforcement action against irresponsible operators.
30. The standard conditions also promote minimum qualification levels for operatives. This approach not only ensures that treatments provided are safe and hygienic but that operatives are suitably trained and have acquired a skills base for their future careers.
31. The new regulations, if passed, will be advertised by notice in a local newspaper and on the council's web-site. The regulations will not come into force until three months have elapsed from the date of the notice.
32. Current licence holders will be written to and informed of the changes in writing at the beginning of the three month period.

Resource implications

33. There are no new resource implications introduced by this report. The special

treatments applications processes and compliance regime plus the monitoring of treatments may be covered by the existing resources of the licensing and health and safety teams.

34. A fees structure for special treatment licence applications are currently set and were raised for this year in line with inflation levels.
35. A full review of the fees structure will be undertaken for the year 2014/15 to ensure that the fees cover all costs associated with the processing of licenses and inspection of licensed premises and to ensure that the fees continue to be in full compliance with in line with the European Services Directive.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Legal Services

36. Special treatment premises are licensed under the London Local Authorities Act 1991 ('the Act').
37. Under Part 2, Section 4 of the Act, special treatments are defined as premises intended to be used, or represented as being used for the reception or treatment of persons requiring massage, manicure, acupuncture, tattooing, cosmetic piercing, chiropody, light, electric or other special treatment of a like kind or vapour, sauna or other baths.
38. Section 6 of the Act provides that no premises shall be used in the borough as an establishment for special treatment except under and in accordance with a special treatment licence granted under this section by the borough council.
39. The revised standard conditions are attached at Appendix A.
40. The revised standard conditions can be supplemented with additional conditions specific to the individual premises operation.
41. The Act sets out the conditions that may be specified when granting a licence. These can be found under Part 2 Section 6 and include maintenance of public order and safety, the number of persons who may be allowed to be on the premises at any time, qualifications of the persons giving the special treatment and the maintenance of safe condition of means of heating the premises.
42. The Act goes onto set out grounds for refusal of an application for a special treatment licence which can be found under Section 8. These include where the premises are not structurally suitable for the purpose, the premises have been or are being improperly conducted and the means of heating the premises are not safe.
43. In accordance with Part 2, Section 10 (1) of the Act, the borough council may make regulations prescribing standard conditions applicable to all, or any class of, licenses, that is to say terms, conditions and restrictions on or subject to which licences, or licences of that class, are in general to be granted, renewed or transferred by them.
44. Under Section 10 (2) where the borough council have made regulations under this section every licence granted, renewed or transferred by them shall be

deemed to have been so granted, renewed or transferred subject to any standard conditions applicable to it unless they have been expressly excluded or amended.

45. In the event that the committee resolve to approve the revised standard conditions, in accordance with Part 1, Section 3 (1) of the Act, the council must fix a day as being the appointed day on which the standard conditions will come into effect.
46. Under Section 3 (3) the council must publish in a local newspaper notice of the passing of any such resolution and the general effect of such resolution coming into operation and the day fixed thereby.
47. The appointed day shall not be earlier than the expiration of three months from the publication of such notice.

Equality Act 2010

48. The council must have due regard to its public sector equality duty (PSED) under the Equality Act 2010, in particular the need to eliminate discrimination, harassment and victimisation, advance equality of opportunity for those with protected characteristics and foster good relations between those with and without such characteristics. The list of protected characteristics is set out in the 2010 Act.
49. Under Part 3 of the council's constitution, decisions on the council's licensing policies and registration are reserved to licensing committee.

Strategic Director of Finance and Corporate Services

50. This report recommends approval of revised standard conditions for licensed special treatments establishments. The strategic director of finance and corporate services notes that existing resources are in place within the licensing and health and safety teams to monitor these new standards.
51. The strategic director of finance and corporate services notes the council's continued commitment to not charge fees above the cost of administering this process.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
The London Local Authorities Act 1991	The Licensing Service, 3 rd Floor, Hub 2 160 Tooley Street	Name: Mrs Kirtikula Read Phone number: 020 7525 5748

APPENDICES

No.	Title
Appendix A	Standard licensing conditions in force for premises offering special treatment by London Borough of Southwark
Appendix B	A-Z of treatments/therapies as at 27 November 2012
Appendix C	Additional conditions which apply to specific treatments

AUDIT TRAIL

Lead Officer	Strategic Director of Environment and Leisure	
Report Author	David Franklin, Team Leader Licensing	
Version	Final	
Dated	28 February 2013	
Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Director of Legal Services	Yes	Yes
Strategic Director of Finance and Corporate Services	Yes	Yes
Cabinet Member	No	No
Date final report sent to Constitutional Team	28 February 2013	

REGULATIONS MADE BY SOUTHWARK COUNCIL UNDER SECTION 10(1) OF THE LONDON LOCAL AUTHORITIES ACT 1991

STANDARD LICENSING CONDITIONS IN FORCE FOR PREMISES OFFERING SPECIAL TREATMENT BY LONDON BOROUGH OF SOUTHWARK

NOTES :

- (i) Except where the context demands otherwise the singular includes the plural and the masculine includes the feminine.
- (ii) Nothing in these rules shall be construed as interfering with (i) the discretion of the licensee or his representative regarding the admission of any person or (ii) the need to strictly comply with all statutory requirements.
- (iii) These rules are divided into six parts as follows :
 - Part I - Definitions and General.
 - Part II - Rules which apply to all premises.
 - Part III - Rules which apply to all treatments.
 - Part IV - Rules which apply to safety and maintenance.
 - PART V - Rules applying to larger premises only where the Council so prescribes.
 - PART VI - Appendix A - Certification required to be available at the licensed premises.
- (iv) In these rules all references to a British Standard (BS) shall be deemed to refer to the current standard.

People with Disabilities

It is the policy of the Council that access for people with disabilities should be provided at business premises licensed for special treatment. Licensees are, therefore strongly encouraged to provide such facilities so as to enable the admission of people with disabilities and are reminded of the duties imposed by the Equalities Act 2010.

Part I Definitions and General

Definitions

In these rules, unless the context otherwise requires:-

Act means Part II of the London Local Authorities Act 1991 (as amended).

Approval of the Council or Consent of the Council means the written approval or consent of the Council as Licensing Authority in writing.

Approved, Accepted or Permitted means approved, accepted or permitted by the Council in writing.

Council means the London Borough of Southwark.

Special Treatment means massage, electric treatments, light treatments, water treatments, skin piercing and other treatments of a like kind.

Establishment for Special Treatment has the meaning set out in section 4 of the London Local Authorities Act 1991 (as amended).

Fire Authority means the Chief Officer and Chief Executive of the London Fire and Emergency Planning Authority (LFEPA).

Licence Holder/Authorised Person means a person who is responsible for compliance with the standard conditions at all times that the premises are open for business.

Licence means a special treatment licence granted under section 6 of the London Local Authorities Act 1991 (as amended).

Premises means any premises within the Council's area licensed for special treatments and includes all installations, fittings etc.

Operative – the person carrying out the special treatment and, for tattooing and body piercing premises, is an approved operative as named on the licence.

Authorised Officer means an Officer appointed by the Community Safety and Enforcement Department. (This may include officers of the London Fire and Civil Defence Authority.)

British Standard (BS) shall be deemed to refer to the current British Standard.

Public means any person other than a member of staff admitted to the licensed premises.

'Premises' means any premises within the Council's area licensed for special treatment and includes all installations, fittings and things in connection therewith

Dispensation or Modification of Rules

- (a) These rules may dispensed with or modified by the Council in any special case.
- (b) Where in these rules there is any reference to the consent of the Council being required, such consent may be given on such terms and conditions and subject to such restrictions as may be so specified.
- (c) If the licensee wishes any of the terms of the licence to be varied an application must be made to the Council and if the Council so require the application must be advertised.

PART II - RULES WHICH APPLY TO ALL PREMISES

Type of Business

1. Unless consent is given by the council the establishment shall be carried on only for the treatment or business and in the trade name of style specified in the licence and at the address mentioned. Only the special treatments listed on a special treatment licence in respect of a premises shall be undertaken at that premises.

The Licence

2. The licence, including the list of operatives and treatments, or a clear copy, shall be conspicuously exhibited at all times to the satisfaction of the Council in the premises, in such a position that it can be easily seen by all persons using the premises. The licence shall be adequately protected against theft, vandalism and defacement.

Identification of Staff

3. All staff engaged in receiving patrons or in giving treatment or in managing the premises shall wear a name badge in a manner approved by the Council. The name shown shall correspond with that shown on any certificate displayed. The name badge shall be provided to staff by the premises.

Responsibility of Licence Holder/Authorised Person

The licence holder may authorise a responsible person to be in charge of the premises during opening hours.

The licence holder/authorised person shall take all reasonable precautions for the safety of all persons using the premises and ensure compliance at all times with the relevant provisions of the Health and Safety at Work etc Act 1974, and other associated legislation.

The licence holder/authorised person shall be in charge of the premises at all times.

4. The licence holder shall take out employer's liability (where applicable) and public liability insurance cover.
5. The licence holder/authorised person shall ensure that all operatives carrying out 'special treatments' are suitably trained/qualified and evidence of such shall be submitted to the Council for approval.
6. The licence holder/authorised person shall ensure that no nuisance arises from the business, e.g. odours, noise etc.

Conduct of the Premises

7. No poster, photograph, sketch, painting, advertisement or display shall be displayed which the council regards as unsuitable for general exhibition. If the licensee is notified that the council objects to a poster, photograph, sketch, painting, advertisement or display such poster, photograph, sketch, painting, advertisement or display shall be removed.
8. The licence holder/authorised person shall ensure that no part of the premises is used by persons, for soliciting, any act of indecency or other immoral purposes.
9. The licensee shall ensure that all persons in his employ engaged in the establishment to be properly and decently attired.

Display of Tariff

10. All licensable treatment provided at the premises shall be clearly listed in a priced tariff and prominently displayed. This tariff shall also clearly show the cost of any additional service provided at the premises together with VAT thereon if applicable. A copy of the tariff shall be supplied on request to an authorised officer of the Council.

Authorised Officers

11. Authorised officers, on presentation of their written authorisations and proof of identity shall be admitted at all reasonable times to all parts of the premises.

Electricity

12. That the electrical installation for the premises, including fixed appliances shall be inspected, tested and maintained in accordance with the British Standard 7671 , or superseding regulations should they apply. A periodic inspection report shall be obtained from a 'competent person' at the appropriate intervals and submitted to the council. A competent person would be one of the following:
- i) A professionally qualified electrical engineer
 - ii) Member of the Electrical contractors Association (ECA)
 - iii) an approved contractor of the National Inspection Council for Electrical Installation Contracting (NICEIC).

Record Keeping

13. Records including name, address, age, date & type of treatment received shall be kept for all treatments, for a period of at least 3 years in regards to customers. See paragraph "Challenge 25" below for further details.
14. Any contra-indications e.g. Heart conditions, diabetes, epilepsy etc for each treatment will be discussed with the client prior to any treatment, and the client shall sign a record card to say that they have been made aware of the risks involved.
15. A record of the operative providing the treatment for each customer is to be kept.

Challenge 25

16. Any person wishing to receive a licensable treatment will need to provide proof of their age if they look under 25.
17. Licensees must advertise this policy so that all clients are made aware that they may be challenged about their age if they look under 25. Signage shall be displayed at the entrance to the premise where the treatment is to be carried out to inform customers that an agecheck "Challenge 25" applies and proof of age may be required.

Acceptable forms of ID are a photo driving licence, passport or the PASS hologram proof of age card such as the Southwark Proof of Age (SPA) card.

18. Where a challenge is made, it must be recorded in a register of refused or accepted treatments in order to demonstrate effective operation of the policy. Proof of age should also be noted on the client's record card, where appropriate. The register and client record cards shall be available for inspection at the premise by Southwark Council's authorised officers.

Maintenance

19. All systems i.e. fire safety equipment, boilers, etc provided in the premises shall be maintained regularly by competent persons, and records available on site for inspection.
20. All equipment used in connection with special treatments shall be serviced/ maintained in accordance with the manufacturers/suppliers recommendation, and records kept.
21. Bench top sterilisers shall be calibrated and maintained in accordance with the Manufacturers recommendations and records available on site.

Training

22. All persons carrying out special treatments shall have received suitable training in the treatments being undertaken and also use of any relevant equipment.
23. All persons involved with taking bookings, reception of clients or carrying out of special treatments shall be given training on the agecheck policy, "Challenge 25"
24. Written evidence of all training (including the date of that training) shall be available on the premises for inspection.

Persons who can give treatment

25. Except as provided by 26 below, treatment shall only be given by qualified persons who have been approved by the Council and in respect to whom two identical full face passport size photographs taken within the twelve month preceding the application for approval, have been submitted to the Council.
26. Treatment may also be given by other persons provided:
 - (i) the person giving treatment is under the personal supervision of a person approved by the Council; and
 - (ii) the Council's consent has first been obtained in writing and is current at the time of treatment.

It must be understood that before any new treatment or new operator is provided at the premises consent from the Council must be obtained. Council Enforcement Officers or the Police can inspect the premises and any if any treatments or operatives are being provided that are not on the licence they will be required to stop immediately and enforcement action may be taken against the licence holder that can include prosecution. This may also place the special treatments licence for the premises in jeopardy.

PART III - RULES WHICH APPLY TO ALL TREATMENTS

Restriction on Treatment

27. Unless otherwise expressly permitted by the Council, when treatment is given or is being received to any part of the body other than the neck and head or feet and legs below the knee or hands and arms and is not being so given by a fully qualified physiotherapist or other person entered on the register of the appropriate professional organisation whose qualifications have been approved by the Council, the treatment may be given only to persons of the same sex as the person giving the treatment, and persons of the opposite sex may not be present.

Personal Hygiene

28. Any person carrying out any special treatment must ensure that:

- (i) hands are kept clean and are washed immediately prior to carrying out any treatment.
- (ii) any open boil, sore, cut or other open wound is effectively covered by an impermeable dressing
- (iii) No smoking or consuming food and drink shall be undertaken during the course of the treatment.

Waste Material

29. A sufficient number of suitable receptacles with properly fitting covers shall be provided to the satisfaction of the Council for the purpose of receiving rubbish, dust and refuse from the premises. The receptacles shall be emptied whenever this becomes necessary.

Needles and sharps

30. All needles and sharps used in treatment shall be placed after use in a separate, covered and leak proof container compliant with BS 7320 and UN 3291 and shall be disposed of when full as clinical waste, and proof shall be provided as to the method of disposal to the satisfaction of the Council.

Anaesthetic

31. Administration of local anaesthetic injections other than by medically qualified practitioners is an offence. Under the Medicines Act 1968, local anaesthetic creams, sprays, gels etc. are prescription only medicines and pharmacy medicines which may only be sold by pharmacists for medical application on the patient only. Their use prior to a body piercing is therefore an offence.

Control of Substances Hazardous to Health Regulations 2002

32. Substances which fall under the above Regulations e.g. Barbicide, bleach, nail monomers etc shall be assessed in accordance with the requirements of those Regulations and all the necessary precautions taken to ensure their safe use and storage.

Aftercare

33. Each client shall be provided with written aftercare advice for each treatment they receive, and confirmation of this should be recorded on their client record card.

PART IV - Rules which apply to safety and maintenance

Maintenance of Means of Escape

34. The means of escape provided for all persons on the premises shall be maintained unobstructed, immediately available and identifiable in accordance with the approved arrangements.
35. Any mirrors, pictures, advertisements or notices which may be permitted by the Council shall be attached to or hung upon the walls in positions in which they will not be likely to cause obstruction to egress, and shall be fixed flat against the wall or kept clear of the head-line, i.e. 2 metres above the floor.
36. Advertisement boards or easels shall not be placed in positions in which they are likely to obstruct means of egress or to be overturned. Notice in writing of any proposal to rail off a portion of the premises for the accommodation of such boards or easels shall be given to the Council and the Council's prior consent obtained in the manner prescribed by regulation 21.

Maintenance of Exits

37. All exit doors shall be available for egress during the whole time that the public are on the premises.

Fire Alarms

38. Any fire alarm system shall be checked weekly to ensure it is fully operational. In addition the system shall be serviced yearly by a qualified engineer and all results recorded in the log book.

Fire Fighting Equipment

39. All fire extinguishers and fire fighting equipment shall be checked yearly by a competent person and the test date recorded on the equipment. In the case of hose reels and sprinkler systems the test results shall be recorded in the log book.

Non-Slippery Surfaces

40. All gangways and exitways and the treads of steps and stairways shall be maintained with non slippery and even surfaces.

Edges of Steps

41. The front edge of the tread of steps and stairways shall be made conspicuous, if so required by the Council.

Floor Coverings

42. All floor covering shall be so secured and maintained that they will not be likely to ruck, or to be in any way a source of danger. Any mats shall be fitted into matwells so as to be flush with the surface of the floor. Each treatment room shall be provided with suitable floor coverings which shall be maintained in a clean condition.

Curtains, Hangings, Upholstery Decorations etc

43. Only hangings, curtains, upholstery and temporary decorations, complying with the relevant British (or where appropriate European) Standard shall be used. Where

necessary these shall be periodically tested for flame resistance and re-treated as necessary to the satisfaction of the Council.

Ventilation

44. The licensee shall ensure that the premises are adequately ventilated to all areas of which the staff and clients have access. Any mechanical ventilation system shall be maintained in correct working order and shall comply with British Standard 5720, 1979. The system shall be capable of full operation during the whole of the time the public are on the premises.

- *Care should be taken to ensure that neither noise nor vibration arising from the running of the equipment will cause annoyance or discomfort.*

Sanitation

45. The licensee shall ensure that adequate sanitary accommodation is available in the premises for the free use of both staff and public and in particular shall :

- (i) maintain each sanitary convenience in clean and efficient order;
- (ii) ensure that any room which contains a sanitary convenience is suitable and sufficiently illuminated and ventilated and is kept clean;
- (iii) ensure that in the sanitary accommodation provided there are installed and maintained suitable and sufficient wash-hand basins and that each basin is provided with an adequate supply of hot and cold water at a suitably controlled temperature; together with an adequate supply of soap and suitable hand drying facilities;
- (iv) ensure that the premises are so constructed with the adequate provision of efficient drains, suitable wall, floor and ceiling finishes, etc. so that satisfactory sanitation can be maintained;
- (v) where appropriate the sanitary accommodation shall be adequately indicated.

Sanitary Condition of Premises

46. All parts of the premises and any yard of such premises shall be kept in a clean condition to the satisfaction of the Council.

Treatment Room

47. Each treatment room shall :

- (i) be maintained in a clean and structurally sound condition;
- (ii) be adequately illuminated and ventilated;
- (iii) be provided with suitable wash-hand basin or basins readily accessible to each treatment room with a suitable supply of hot and cold water, together with soap and either a supply of disposable towels or a clean towel at all times.
- (iv) suitable and sufficient means for heating to a reasonable room temperature, appropriate for the treatment provided, shall be maintained;
- (v) where more than one person is being treated in a room, it shall be provided with suitable screening to maintain privacy.

Cleanliness

48. Proper means to the satisfaction of the Council shall be provided for securing the cleanliness of all instruments, towels, materials and equipment used in the establishment and for their safe disposal.

Lighting

49. The owner, occupier or any other person concerned in the conduct or management of the premises licensed for special treatment shall ensure that adequate lighting is maintained to the satisfaction of the Council in all parts of the premises to which public and staff have access and is in operation continuously during the whole time the premises are open to the public.
50. The general lighting shall be maintained alight and the lighting to "EXIT" or "WAY OUT" notices shall not in any circumstances be extinguished or dimmed while clients are on the premises, provided that so long as there is sufficient daylight in any part of the premises, artificial light need not be used in that part.

Electrical Installation

51. The electrical installation for the premises and any equipment used therein shall be maintained in a safe working condition, as prescribed by the Electricity at Work Regulations 1989, and the current edition of the Regulations for electrical installations issued by the Institute of Electrical Engineers.

Heating

52. All parts of the premises regularly occupied by the public or employees shall be heated to the satisfaction of the Council.

Portable Heating Appliances

53. Portable heating appliances shall not be used at the premises except with the prior consent of the Council.

Gas Cylinders

54. Appliances utilising cylinders or containers of gas under pressure (apart from CO² cylinders and hand held aerosols) shall not be used on the premises except with the prior consent of the Council and in accordance with such conditions as the Council may consider necessary.

NOTE: the use of liquid petroleum gas in cylinders is unlikely to be approved.

Gas Installations

55. The gas installation shall comply with the Gas Safety Regulations 1972 as amended by the Gas Safety (Installation and Use) Regulations 1984, or superseding regulations should they apply.

Gas Meter and Electrical Intake Enclosures

56. Any gas meter or electricity meter enclosure provided shall be used exclusively for the accommodation of the meter and its connections and the area around the equipment, whether enclosed or not shall be kept clear and unobstructed.

PART V - CONDITIONS APPLYING TO LARGER PREMISES ONLY WHERE THE COUNCIL SO PRESCRIBES

Electrical Certificates

57. Unless otherwise decided by the Council an inspection certificate, as prescribed in the current edition of the Regulations for electrical installations issued by the Institute of Electrical Engineers, for the electrical installation associated with the premises licensed for special treatment and any equipment used therein shall be submitted to the Council at least annually or such other time as specified on the certificate. The certificate shall be signed by a qualified engineer.

NOTE: Certificates submitted under this regulation are retained by the Council.

58. The Council normally requires that any such certificate shall be signed by the Corporate Member of the Institute of Electrical Engineers, or by a contractor currently enrolled with the National Inspection Council for Electrical Installation Contracting, or by a suitable qualified representative of a Supply Authority or, with the prior approval of the Council, other persons deemed competent.

Escape Lighting

59. The escape lighting installation, including its load, shall not be altered without the consent of the Council.
60. Any escape lighting battery shall be fully charged before the admission of patrons.
61. If the patrons have left the premises they shall not be re-admitted until normal lighting has been fully restored and the battery or batteries fully recharged.
62. The escape lighting installation shall be tested at least once every 6 months in accordance with BS 5266 Part I and a copy of the certificate retained on the premises.
63. In the event of the failure of the normal system of lighting, (i) where the escape lighting has a 1 hour capacity the public shall be required to leave the building within a maximum period of 30 minutes and (ii) where the escape lighting has a 3 hour capacity the public shall be required to leave the building within a maximum period of 1 hour and shall not be re-admitted until the lighting from the system has been fully restored and the battery fully recharged.

Diagram of Wiring

64. Where required by the Council a diagram and/or schedule indicating clearly the arrangements of the circuits, the position of the distribution boards and the sizes of the cables shall be provided on the premises.

Installation for Unlicensed Portions of Premises

In cases in which the premises form part of larger premises, the electrical services for such part shall not be used for any purpose in connection with the remaining parts of the premises, except with the consent of the Council and in accordance with any conditions of such consent.

PART VI - CERTIFICATION REQUIRED TO BE AVAILABLE AT THE LICENSED PREMISES**Electricity**

65. All applicants and licence holders are required to hold valid documentation confirming the safety of the fixed wiring throughout the premises. All works must be carried out by a competent electrical engineer in accordance with the Electricity at Work Regulations 1989. e.g. NICEIC 'Periodic Inspection Report For An Electrical Installation'.

Sterilisers

66. All applicants and licence holders are required to hold valid documentation confirming the safety/calibration of all sterilisers which are used in connection with the business e.g. autoclaves, ultrasonic cleaners, ultra violet cabinets etc. All works must be carried out by a competent engineer.

Controlled Waste

67. All applicants and licence holders shall hold a copy of the licence of the contractor who is removing the controlled waste.

68. Copies of transfer documents for the removal of controlled waste should also be held.

Insurance

69. A copy of the employers liability (where applicable) and public liability certificates should be available for inspection.

Training

70. All certificates of qualification relevant to the licensed treatments shall be available for inspection.

A-Z OF TREATMENTS/THERAPIES
as at 27 November 2012

Part II section 4 of the London Local Authorities Act 1991 defines a special treatment as follows:

Massage, manicure, acupuncture, tattooing, cosmetic piercing, chiropody, light, electric, vapour, sauna or other baths or treatments of a like kind.

The treatments marked with an * are not a special treatment unless they are carried out in conjunction with a massage.

The treatments marked with a ° are not a special treatment unless they are carried out with the use of a laser.

This list is produced by the ‘London Special Treatment Group’ made up of representatives from the majority of the 32 London Boroughs and is updated approximately once a quarter.

TREATMENT	LICENSABLE SPECIAL TREATMENT	DECISION DATE	CATEGORY
ACUPRESSURE	Yes	17.6.2004	Massage
ACUPUNCTURE	Yes	17.6.2004	Acupuncture
ALEXANDER TECHNIQUE	No	17.6.2004	
ANTHROPOSPHICAL MEDICINE	Yes	17.6.2004	Massage
AROMATHERAPY (see Meta Aromatherapy)	Yes	17.6.2004	Massage

AURICULAR ACUPUNCTURE(see Acupuncture)			
AUTOGENIC TRAINING	No	17.6.2004	
AYURVEDIC MEDICINE	Yes	17.6.2004	Massage
BACH FLOWER REMEDIES	No	17.6.2004	
BATES METHOD	No	17.6.2004	
BEADING	Yes	17.6.2004	Cosmetic Piercing
BI AURA THERAPY	No	5.2.2008	
BIORESONANCE THERAPY	No	22.11.2007	
BIO SKIN JETTING	Yes	19.7.2006	Cosmetic Piercing
BLEACHING	No	17.6.2004	
BODY MASSAGE	Yes	18.5.2006	Massage
BODY PIERCING	Yes	18.5.2006	Cosmetic Piercing
BODY TALK	Yes	23.10.2008	Massage
BODY WRAPS/ENVELOPMENT	No	18.1.2005	
BOTOX	No	17.6.2004	

BOWEN TECHNIQUE	Yes	17.6.2004	Massage
BRANDING	No	17.6.2004	
(BSSF) BE SET FREE FAST	No	23.10.2008	
BUTEYKO	No	22.11.2007	
CHAMPISSAGE (Indian Head Massage)	Yes	17.6.2004	Massage
CHEMICAL /FRUIT PEELS	No	17.9.2012	
CHIROPODY /Podiatry)	Yes	18.1.2005	If HPC registered a licence is not required
CHIROPRACTIC	Yes	18.1.2005	If HPC registered a licence is not required
CHOLESTEROL TESTING	No	23.5.2007	
COLLAGEN IMPLANTS (Cosmetic Fillers)	No	17.6.2004	
COLONIC IRRIGATION	No	17.6.2004	
COLOUR THERAPY (Chromatherapy)	Yes	17.6.2004	Light
CRANIOSACRAL THERAPY	No	17.6.2004	
CRYOTHERAPY(chamber therapy)	No	24.4.2008	

CRYSTAL/ELECTRO CRYSTAL HEALING	No	22.11.2007	
CUPPING	No	21.7.2005	
DERMAL ANCHORS	Yes	10.3.2011	Cosmetic Piercing
DERMABRASION	No	10.3.20211	
DERMAROLLER	No	10.3.2011	
DETOX BOX (see Sauna)	Yes	14.11.2006	Sauna
DO IN	No	17.6.2004	
DRACULA THERAPY (Stimulated Self Serum Skin The	No	30.11.2010	
DRY NEEDLING	Yes	5.8.2010	Acupuncture
ELECTROLYSIS (Hair Removal)	Yes	17.6.2004	Cosmetic Piercing
ADVANCED ELECTROLYSIS (Moles , Warts, Skin Tags)	Yes	21.7.2005	Cosmetic Piercing
(EFT) EMOTIONAL FREEDOM TECHNIQUE	Yes	23.10.2008	Massage
ENDERMOLOGIE	Yes	18.5.2006	Electric
EYEBROW TREATMENTS	No	18.1.2005	

EYELASH TREATMENTS	No	17.6.2004	
* FACIALS (inc peels)	No	19.7.2006	Only licensable if combined with a facial Massage or lasers
FACIAL STEAMERS	Yes	16.6.2011	Vapour
FAIRBANE METHOD/TANGENT METHOD	Yes	17.6.2004	Massage
FARADISM	Yes	17.6.2004	Electric
FELDENKRAIS	No		
FISH PEDICURES	Yes	16.6.2011	Baths
FLOATATION TANK	Yes	17.6.2004	Baths
FOOT DETOX	Yes	17.6.2004	Electric/Baths
FREEWAY - CER	Yes	23.10.2008	Massage
GALVANISM	Yes	17.6.2004	Electric
GLUCOSE TESTING	No	23.5.2007	
GRINBERG METHOD	Yes	23.10.2008	Massage
GYRATORY MASSAGE	Yes	17.6.2004	Massage
HALOTHERAPY /SPELIOTHERAPY	Yes	23.10.2008	Vapour

HELLERWORK	No	17.6.2004	
HENNA TATTOOS	No	18.1.2005	
HERBAL MEDICINE	No	18.1.2005	
HERBAL MOLE REMOVAL	No	8.9.2011	
HIGH FREQUENCY	Yes	17.6.2004	Electric
HIRUDOTHERAPY(leech therapy)	No	8.9.2011	
HOLISTIC MASSAGE	Yes	18.5.2006	Massage
HOMEOPATHY	No	18.1.2005	
HOPI EAR CANDLES(See Thermo Auricular Therapy)			
HOT AIR MASSAGE	Yes	23.10.2008	Massage
HYALURONIC ACID (Cosmetic fillers)	No	17.6.2004	
HYDROTHERAPY	Yes	17.6.2004	Baths
HYPNOTHERAPY	No	17.6.2004	
INDIAN HEAD MASSAGE (see Champissage)			
INFRA RED	Yes	17.6.2004	Light

IRIDOLOGY	No	17.6.2004	
KEN EYERMAN TECHNIQUE	Yes	23.10.2008	Massage
KINESIOLOGY	No	18.1.2005	
KIRILIAN PHOTOGRAPHY	Yes	5.2.2008	Electric
KOREAN HAND THERAPY	Yes	17.6.2004	Acupuncture
LASERS/INTENSE PULSE LIGHT	Yes	17.6.2004	Light
LEECH THERAPY (Hirudotherapy)			
LIPO LASER (IPL/LASER)			
LUMI LIFT/LUMI FACIALS	Yes	23.10.2008	Electric / Light
MANICURES	Yes	17.6.2004	Manicures
MANUAL LYMPHATIC DRAINAGE	Yes	17.6.2004	Massage
MARMA THERAPY	Yes	17.6.2004	Massage
MERIDIAN THERAPIES (see EFT, TAT, BSFF, TFT , Freeway –cer)			
META AROMATHERAPY	Yes	22.11.2007	Massage
METAMORPHIC TECHNIQUE	Yes	17.6.2004	Massage

MICRO CURRENT THERAPY / non surgical face lifts)	Yes	18.1.2005	Electric
MICRODERMAL ANCHORS	Yes	23.10.2008	Cosmetic Piercing
MICRO –DERMABRASION	No	21.7.2005	
MICROPIGMENTATION (semi-permanent make up)	Yes	17.6.2004	Tattooing
MOXIBUSTION	Yes	18.1.2005	Acupuncture
N.A.E.T (Namripad Allergy Elimination Technique)	Yes	21.7.2005	Acupuncture
NAIL EXTENSIONS	Yes	17.6.2004	Manicures like kind
NATUROPATHY	No	18.1.2005	
NO HANDS MASSAGE	Yes	23.10.2008	Massage
NON SURGICAL FACE LIFTS (Microcurrent)			
NORRIS TECHNIQUE	No	18.1.2005	
OSTEOMYOLOGY	Yes	5.5.2009	Massage/Acup uncture
OSTEOPATHY	Yes	18.1.2005	If HPC registered a licence is not required
OXYGEN THERAPY – (Oxygen Bars only)	Yes	5.2.2008	Vapour
PEDICURE	Yes	17.6.2004	Manicures like kind

PHYSIOTHERAPY	Yes	17.5.2005	If HPC registered a licence is not required
PODIATRY (Chiropody)			
POLARITY THERAPY	Yes	17.6.2004	Massage
QI GONG	Yes	17.6.2004	Massage
RADIO FREQUENCY		To be discussed 8.12.2011	
RADIONICS	No	17.6.2004	
REFLEXOLOGY	Yes	17.6.2004	Massage
REMEDIAL MASSAGE			
REIKI	No	17.6.2004	Licensable if carried out with a massage
ROLFING	Yes	17.6.2004	Massage
SAUNA	Yes	17.6.2004	Sauna
SCARIFICATION	No	19.7.2006	
SCENAR THERAPY	Yes	22.11.2007	Electric
SCHMAIZING	No	19.7.2006	
SCLEROTHERAPY	Yes	17.6.2004	By Medical Practitioners Only
SEMI PERMANENT MAKE UP			

(Micropigmentation)			
SHIATSU	Yes	17.6.2004	Massage
SPA	Yes	17.6.2004	Baths
SPORTS MASSAGE	Yes	18.5.2006	Massage
SPRAY TANNING	No	21.7.2005	
STEAM ROOM/BATH	Yes	18.1.2005	Vapour/Bath
STONE THERAPY	Yes	17.6.2004	Massage
SUGARING	No	17.6.2004	
(TAT) TAPAS ACUPRESSURE TECHNIQUE	Yes	23.10.2008	Massage
TATTOO REMOVAL	Yes	21.7.2005	Cosmetic Piercing/ Tattooing
TATTOOING	Yes	17.6.2004	Tattooing
TEETH WHITENING	No	16.11.2006	
TEMPTOOING	Yes	24.4.2008	Tattooing
(TFT) THOUGHT FIELD THERAPY	No	23.10.2008	
THAI MASSAGE	Yes	18.5.2006	Massage
THALASSATHERAPY	Yes	17.6.2004	Baths

THERAPEUTIC/HOLISTIC MASSAGE	Yes	14.9.2006	Massage
* THERMO AURICULAR THERAPY (Hopi Ear Candles)	No	17.6.2004	Licensable if carried out with a facial massage
THREADING	No	17.6.2004	
TONGUE SPLITTING	No	23.10.2008	
TONING BEDS	No	18.4.2006	
* TRICHOLOGY	No	18.1.2005	Licensable if carried out with a head massage
TUI – NA	Yes	17.6.2004	Massage
ULTRA SONIC	Yes	19.7.2006	Electric
ULTRA SOUND	No	10.3.2011	
ULTRA VIOLET TANNING	Yes	18.1.2005	Light
VACUUM SUCTION	No	17.6.2004	
WAXING	No	17.6.2004	

Additional conditions which apply to specific treatments

Ultra Violet Tanning Equipment

- a) No persons under the age of 18 shall be permitted to use tanning equipment.
- b) Prior to the use of tanning equipment a record card shall be completed & signed by the user to acknowledge that they have been made aware of and understand the contra-indications associated with ultra violet radiation, particularly with regard to drugs and medical conditions. A record of the frequency of visits shall also be recorded.
- c) The tanning equipment to be cleaned after each use and regularly maintained and serviced in accordance with manufacturers recommendations.
- d) Staff to be trained in how to answer questions or give advice on how the equipment works, skin types, medical condition, skin photosensitisation, eye protection, age limit, duration and frequency of sunbed sessions.
- e) The manufacturers schedule of exposure to be displayed and implemented and a notice to be displayed informing of instructions for use and how to use the sunbed safely
- f) Facilities should be provided to customers to remove perfume/ cosmetics before use e.g shower, wash hand basin, wipes etc
- g) Users of tanning equipment shall have access to an emergency assistance device, which is connected to the reception area

Eye Protection

The licensee shall provide suitable and sufficient eye protection to persons receiving sun tanning treatment.

Tattooing

Semi-permanent make up / micro-pigmentation

- a) No tattoo shall be carried out on a client who has not reached their 18th Birthday in accordance with the Tattooing of Minors Act 1969. It should be noted it is a criminal offence to tattoo a minor.
- b) Only tattooists approved and registered by the council can undertake tattooing. All tattooists must be vaccinated against Hepatitis B and vaccination record card should be made available to an authorised officer.
- c) Staff should wear protective clothing/ disposable apron and use single disposal gloves whilst carrying out the treatment.
- d) All walls, floors, surfaces, seating etc shall be made of washable material. All surfaces that are used during treatments, including treatment chair/couches should be cleaned and disinfected between each use.
- e) Prior to treatment every client shall read and sign a consent form, which contains details of medical history, name, address, age etc. Photographic proof of age may be

requested and details should be entered onto the consent form. (see "Challenge 25" above for more detail). These forms shall be kept on the licensed premises for a period of at least 3 years, and be available for inspection at all times.

e) Under the Controlled Waste Regulations 1992 and the Environmental Protection Act 1990 operatives/licence holders have a duty of care to ensure that all clinical waste i.e. used dressings, swabs etc (infected or not) and used needles are collected and disposed of by a licensed contractor. A waste transfer document shall be available at the premises for inspection.

The clinical waste bags shall be yellow and marked as 'Biohazard – clinical waste' and whilst awaiting collection should be stored in a secure area.

f) Sharps containers shall comply with the British Standard BS7320 and UN3291 and carry the 'kitemark'. Sharps containers should be sited above floor level and below shoulder level.

g) An accessible wash hand basin should be fitted within the operating area provided with hot and cold running water, preferably by mixer taps. Liquid soap and a paper towel dispenser should also be fitted in this area.

h) In addition to the wash hand basin, a deep sink with hot and cold running water should be provided exclusively for washing used equipment, this should be fitted in a separate 'dirty' area away from the clean operating area.

i) Any items not made of disposable material should be manually cleaned in the sink before undergoing the ultrasonic process, cleaning should occur below water level rather than under running water. Staff should wear suitable aprons etc during this process if there is a risk of splashing.

j) Following the manual cleaning the instruments should be put through a cycle in the ultrasonic cleaner, the lid should remain closed whilst the machine is in operation. Items should be rinsed thoroughly on completion of the cycle. The detergent solution should be renewed at least weekly.

k) Re-usable Instruments should then be sterilised in a bench top autoclave; if using a non-vacuum type then the instruments should be placed **UNWRAPPED** in the autoclave. On completion of the cycle the instruments should be placed in an airtight plastic container and if not used within 3 hours they must be re-sterilised.

Micro-pigmentation: some tools used for micro-pigmentation cannot withstand the sterilisation method by autoclave - but the needles must be disposed off between each client and the remaining parts of the equipment can be cleaned and disinfected using the 5 stage disinfection method as detailed in HSE lac 14/1.

Any equipment which has parts that: May become contaminated with pigment during use and are regarded as reusable but are not capable of being steam sterilised: or are regarded as re-usable but are not able to withstand the 5 stage cleaning method should not be used.

l) If a vacuum type autoclave is used then instruments should be wrapped/pouched prior to sterilisation. A drying cycle is required to ensure that the pouches etc are not left in a damp condition. The pouches remain sterile for up to 6 months.

m) Autoclaves should be run daily on a test cycle to ensure the machine is working correctly, door seals etc should be checked weekly. The autoclave should be maintained/serviced in accordance with the manufacturer's recommendations and written evidence should be available on site.

n) Needles, pigment caps, razors and wooden spatulas are single use only and must be disposed of as clinical waste after use.

o) Written procedures on disinfection, dealing with needles/ sharps injuries and blood spillages should be available on site.

p) All equipment that has or may have been contaminated with blood , however small should be disposed of as clinical waste or cleaned and sterilized.

q) Pigments should be purchased from reputable suppliers and supplied with data sheets stating metal impurities and sterility

r) A written aftercare leaflet shall be given to each client

Electrolysis

a) Individual pre-wrapped sterilised needles shall be used and disposed of as clinical waste after each client.

Body Piercing

a) A piercing may only be performed by an approved operative who is named on the licence.

b) With the exception of those on the nipple and genitals, piercings may be carried out on persons under 16 provided there is written parental/guardian consent.

c) With the exception of those on the nipple and genitals, where the person is between the age of 16 and 18, piercings may be carried out provided there is either proof of age checks in accordance with the Challenge 25 procedure outlined above or with written parental/guardian consent.

d) A piercing may be done on anyone over 18 though it must be done in accordance with "Challenge 25" procedures outlined above under the heading "Challenge 25".

e) Prior to treatment **every** client or parent/guardian shall read and sign a consent form, which contains details of name, address, age etc. These records shall be kept for at least 3 years and be available for inspection at the premises.

f) Single use disposable gloves made from non latex or a synthetic alternative (nitrile or vinyl gloves are recommended) must be worn during the procedure. These must be disposed of as clinical waste.

g) The following guns are approved for ear piercing, **Inverness, Coren, Caress, Caflon, Studex, Tripps and Poly Dots Cassette.**

h) The following guns are approved for nose piercing, **Studex.**

i) Jewellery fitted with a stud shall not be used in nose piercing.

- j) A written aftercare leaflet for all piercings shall be given to each client.
- k) It is recommended that operatives are immunised against Hepatitis B.
- l) It is recommended that operatives hold a valid first aid certificate.
- m) Administration of local anaesthetic injections other than by medically qualified practitioners is an offence.
- n) Under the Medicines Act 1968, local anaesthetic creams, sprays, gels etc. are prescription only medicines and pharmacy medicines which may only be sold by pharmacists for medical application on the patient only. Their use prior to a body piercing is therefore an offence.
- o) All walls, floors, surfaces, seating etc shall be made of washable material.
- p) Under the Controlled Waste Regulations 1992 and the Environmental Protection Act 1990 operatives/licence holders have a duty of care to ensure that all clinical waste i.e. used dressings, swabs etc (infected or not) and used needles are collected and disposed of by a licensed contractor a waste transfer document shall be available for inspection.
- q) The bags shall be yellow and marked as 'Biohazard – clinical waste' and whilst awaiting collection should be stored in a secure area.
- r) Sharps containers shall comply with the British Standard BS7320 and UN3291 and carry the 'kitemark'. Sharps containers should be sited above floor level and below shoulder level.
- s) An accessible wash hand basin should be fitted within the operating area provided with hot and cold running water, preferably by mixer taps. Liquid soap and a paper towel dispenser should also be fitted in this area.
- t) In addition to the wash hand basin, a deep sink with hot and cold running water should be provided exclusively for washing used equipment, this should be fitted in a separate 'dirty' area away from the clean operating area.
- u) Used instruments should be manually cleaned in the sink before undergoing the ultrasonic process, cleaning should occur below water level rather than under running water. Staff should wear suitable aprons etc during this process if there is a risk of splashing.
- v) Following the manual washing, the instruments should be put through a cycle in the ultrasonic cleaner, the lid should remain closed whilst the machine is in operation. Items should be rinsed thoroughly on completion of the cycle. The detergent solution should be renewed at least weekly.
- w) Instruments should then be sterilised in a bench top autoclave, if using a non vacuum type then the instruments should be placed **UNWRAPPED** in the autoclave. On completion of the cycle the instruments should be placed in an airtight plastic container and if not used within 3 hours they must be re-sterilised.

If a vacuum type autoclave is used then instruments should be wrapped/pouched prior to sterilisation. A drying cycle is required to ensure that the pouches etc are not left in a damp condition. The pouches remain sterile for up to 6 months.

x) Autoclaves should be run daily on a test cycle to ensure the machine is working correctly, door seals etc should be checked weekly. The autoclave should be maintained/serviced in accordance with the manufacturer's recommendations and written evidence should be available on site.

y) Needles, gloves etc are single use only and must be disposed of as clinical waste after use.

z) Any jewellery which contains more than 0.05% nickel shall not be used, as this may cause an allergic reaction.

aa) All jewellery shall be sterilised in the autoclave prior to use in the piercing.

Artificial Nails

a) The condition of the client's nails should be examined prior to any treatment and if there is any presence or suspicion of any infection etc they should be referred for medical treatment.

b) All operatives shall be qualified to a minimum requirement of S/NVQ VRQ and BTEC, Level 2 and/or 3 standard or an acceptable equivalent which is approved by the Council. Copies of qualifications shall be available for inspection at the premises. Also see j).

c) An assessment shall be carried out of all products used in connection with the treatment e.g. Acetone, Ethyl Methacrylate etc under the Control of Substances Hazardous to Health Regulations 2002. Copies of safety data sheets for all products used shall be available on the premises.

d) Products containing Methyl Methacrylate (MMA) are subject to an occupational exposure limit and research has shown that regular exposure to them can cause respiratory etc sensitisation. The use of a suitable alternative product should be considered e.g. Ethyl Methacrylate (EMA).

e) All products used in the premises should be stored in suitably labelled containers, specifying details of contents, supplier etc.

f) The premises should be suitably ventilated to minimise the exposure of chemicals by the operative and public. Suitably ventilated treatment tables or other local exhaust ventilation which removes the fumes from the source are the best way of achieving this. The local exhaust ventilation should be fitted with a filter which will trap the dust or alternatively if there is a very strong smell of monomer or solvent then a carbon filter could be used for dust and smell.

g) Floor coverings shall be made of impervious material which can be easily cleaned.

h) Any cotton wool etc which has come into contact with nail liquids should be disposed of in suitably covered receptacles

- i) Dispensed nail liquids shall be kept in covered containers at all times when not in use.
- j) Electric drills may only be used by suitably trained operatives, written evidence of training should be available on site. Electric drills should only be used on the artificial nail and not on the clients nail. Drill bits etc shall be cleaned between use on each client.
- k) Disposable equipment such as nail files may not be used on more than on client.

Moles

Moles shall be treated only in accordance with directions given by a registered medical practitioner with reference to each person to whom treatment is given. A record shall be kept by the licensee of every instance of treatment of moles, such record shall include the name and address of the medical practitioner by whom such treatment was prescribed, the names of the persons giving and receiving such treatment and the date of such treatment; such record shall be produced on demand of an inspector appointed by the Council.

Sauna

- a) A thermometer shall be provided indicating the temperature inside the sauna.
- b) An emergency button shall be provided on the sauna, which is connected to a reception or other staffed area.
- c) A clock shall be visible to users, from inside the sauna.
- d) The temperature control device shall not be accessible to users of the sauna.
- e) The hot coals in the sauna shall be protected by a guard rail or barrier.
- f) Shower facilities shall be provided close to the sauna.
- g) A supply of fresh drinking water shall be available close to the sauna.
- h) Safety guidelines on the use of the sauna shall be displayed nearby.

Heated Spa Baths

- a) Children under 15 are prohibited from a spa bath.
- b) The Spa Water should be suitably managed to prevent the growth of legionella bacteria in accordance with Approved Code of Practice L8 'The control of Legionella bacteria in Water systems.
- c) Water tests shall be carried out at 2 hourly intervals to ascertain the chlorine or bromine, pH etc levels of the water. A written scheme for controlling the risk from disease causing micro-organisms should be in place, including measures to take in the event of unsatisfactory water tests and microbiological levels. The maximum bather load of the spa should be determined and a procedure in place to ensure it is not exceeded.

- d) The spa shall be fitted with an automatic close down device, which operates approx every 15 minutes for a period of 5 minutes.
- e) Safety guidelines on the use of the spa shall be displayed nearby. Microbiological analysis should also be carried out by a UKAS accredited laboratory every month and legionella samples taken every quarter.
- f) An emergency button shall be provided on the spa, which is connected to a reception or other staffed area. The person with day to day responsibility for the pool management must have suitable training e.g. ISRM pool plant management qualification.
- g) Shower facilities shall be provided close to the spa and clients should be encouraged to shower before entering the spa bath
- h) A supply of fresh drinking water shall be available close to the spa.

Floatation Tank

- a) Shower facilities shall be provided close by the equipment.
- b) A supply of fresh drinking water shall be provided near to the equipment.
- c) The water shall be filtered and purified between clients.

LICENSING COMMITTEE DISTRIBUTION LIST (OPEN)**MUNICIPAL YEAR 2012-13**

NOTE: Original held by Constitutional Team; all amendments/queries to
Andrew Weir Tel: 020 7525 7222

Name	No of copies	Name	No of copies
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Councillor Michael Bukola	1	Debra Allday, Legal Services	1
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Councillor David Hubber	1	Andrew Weir, Constitutional Team	10
Councillor Lorraine Lauder MBE	1		
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Councillor Adele Morris	1		
Councillor Wilma Nelson	1		
Councillor The Right Revd Emmanuel Oyewole	1	Total: 28	
Councillor Althea Smith	1	Date: 5 March 2013	
Councillor Ian Wingfield	1		