

Licensing Committee

Wednesday 4 September 2013

7.00 pm

Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

Membership

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

Councillor Abdul Mohamed
Councillor Adele Morris
Councillor Wilma Nelson
Councillor The Right Revd Emmanuel Oyewole
Councillor Lewis Robinson
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: www.southwark.gov.uk

Members of the committee are summoned to attend this meeting

Eleanor Kelly

Acting Chief Executive

Date: 27 August 2013



Licensing Committee

Wednesday 4 September 2013

7.00 pm

Ground Floor Meeting Room G02A - 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 - 4
	To approve as a correct record the Minutes of the open section of the meeting held on 12 June 2013.	
6.	MINUTES FROM THE LICENSING SUB-COMMITTEES	5 - 38
	To agree as a correct record the Minutes of the open sections of the meetings held on: 30 May 2013, 12 June 2013, 24 June 2013, 5 July 2013, 16 July 2013, 22 July 2013 and 24 July 2013.	

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7.	THE LICENSING ACT 2003 - CUMULATIVE IMPACT POLICY AREAS - SUMMARY OF 2012-2013 APPLICATION DETERMINATIONS	39 - 56
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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

9. MINUTES FROM THE LICENSING SUB-COMMITTEES

To agree as a correct record the Minutes of the closed sections of the meetings held on: 5 July 2013.

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

Date: 27 August 2013



LICENSING COMMITTEE

MINUTES of the OPEN section of the Licensing Committee held on Wednesday 12 June at 7.00pm at Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

- PRESENT:**
- Councillor Renata Hamvas (Chair)
 - Councillor Michael Bukola
 - Councillor Sunil Chopra
 - Councillor Jeff Hook
 - Councillor David Hubber
 - Councillor Lorraine Lauder MBE
 - Councillor Eliza Mann
 - Councillor Adele Morris
 - Councillor The Right Revd Emmanuel Oyewole
 - Councillor Lewis Robinson
 - Councillor Althea Smith
 - Councillor Ian Wingfield
- OFFICER SUPPORT:**
- Richard Parkins, health, safety, licensing & environmental protection unit manager
 - Debra Allday, legal officer
 - Andrew Weir, constitutional officer

1. ELECTION OF VICE-CHAIR FOR 2013-14

The chair sought nominations for vice-chair for the municipal year 2013-14. Councillor David Hubber's nomination of Councillor Jeff Hook was seconded by Councillor Sunil Chopra.

There were no other nominations.

All voting members supported the nomination and signalled their agreement to the appointment.

2. APOLOGIES

Apologies were received from Councillors Dixon-Fyle, Abdul Mohamed and Wilma Nelson.

3. CONFIRMATION OF VOTING MEMBERS

The members present were confirmed as the voting members.

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

There were none.

5. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

6. MINUTES FROM THE LICENSING COMMITTEE

RESOLVED:

That the open minutes of the committee meeting held on 13 March 2013 be agreed as a correct record and signed by the chair.

7. MINUTES FROM THE LICENSING SUB-COMMITTEES

RESOLVED:

That the open minutes of the sub-committee meetings held on 1 March 2013, 7 March 2013, 11 March 2013, 22 March 2013, 4 April 2013, 5 April 2013, 24 April 2013, 30 April 2013, 9 May 2013, 13 May 2013 and 20 May 2013 be agreed as a correct record and signed by the chair.

8. THE LICENSING ACT 2003 - PARTNERSHIP ANALYSIS OF ALCOHOL RELATED VIOLENCE SOUTHWARK 2012 AND CONSIDERATION OF CUMULATIVE IMPACT OF LICENSED PREMISES WITHIN BOROUGH AND BANKSIDE; CAMBERWELL; AND PECKHAM

The health, safety, licensing and environmental protection unit manager presented the report. Members had questions for the officer.

RESOLVED:

1. That the licensing committee noted the content of the partnership analysis of alcohol related violence in Southwark for 2012 and agreed that on the basis of the analysis, it is appropriate and necessary to maintain the existing saturation policies in:
 - a) Borough and Bankside
 - b) Camberwell
 - c) Peckham.

2. That the committee receive a further report at the next committee meeting taking a closer look at Peckham area with view to considering in greater detail whether to go out to public consultation on a realignment of the boundary to coincide with the current hot-spot mapping.
3. That the committee receive a further report at the next committee meeting analysing all licence determinations in 2012-13 within each of the current saturation areas, plus a system established to report periodically on all decisions taken within zones to committee.
4. That the committee receive an annual report to include analysis of complaints received by the council relating to noise nuisance and disturbance associated with licensed premises.

9. THE LICENSING ACT 2003 - PARTNERSHIP ANALYSIS OF ALCOHOL RELATED VIOLENCE SOUTHWARK 2012 & CONSIDERATION OF CUMULATIVE IMPACT OF LICENSED PREMISES WITHIN ELEPHANT AND CASTLE, OLD KENT ROAD AND WALWORTH ROAD / EAST STREET

The health, safety, licensing and environmental protection unit manager presented the report. Members had questions for the officer.

RESOLVED:

That the licensing committee noted the content of the partnership analysis of alcohol related violence in Southwark for 2012 and agreed that on the basis of the analysis, it is appropriate and necessary to maintain the existing saturation policies in:

- a) Elephant and Castle
- b) Old Kent Road
- c) Walworth Road / East Street.

10. GAMBLING ACT 2005 - SOUTHWARK STATEMENT OF GAMBLING LICENSING POLICY 2013-2016

The health, safety, licensing and environmental protection unit manager presented the report. Members had questions for the officer.

RESOLVED:

That the licensing committee recommended that council assembly adopts the Southwark statement of gambling licensing policy for 2013-2016 attached at Appendix A.

EXCLUSION OF PRESS AND PUBLIC

It was moved, seconded and

RESOLVED:

That the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in categories 1 and 2 of paragraph 10.4 of the Access to Information Procedure Rules of the Southwark Constitution.

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

11. MINUTES FROM THE LICENSING SUB-COMMITTEES**RESOLVED:**

That the minutes of the closed section of the meetings of licensing committee held on 11 March 2013 and 24 April 2013 be agreed as correct records and signed by the chair.

Note: At this point the committee requested a refresher training session to be provided for members after the next committee meeting, to be held on 4 September 2013, to include legislative and other updates.

The meeting closed at 8.20pm.

CHAIR:

DATED:



Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 30 May 2013 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

- | | |
|-------------------------|--|
| PRESENT: | Councillor Lorraine Lauder MBE (in the chair)
Councillor Sunil Chopra
Councillor David Hubber |
| OTHERS PRESENT: | Max Alderman, applicant
Angela Stansworth, local resident
Jin Lim, local resident
P.C. Graham White, Metropolitan Police Service |
| OFFICER SUPPORT: | Joanne Devlin, legal officer
Cynthia Barrientos, legal officer (observing)
David Franklin, licensing officer
Jayne Tear, 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. In the absence of the chair, Councillor Lorraine Lauder MBE was nominated to chair the meeting by Councillor David Hubber. This was seconded by Councillor Sunil Chopra.

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 - CO-OPERATIVE, 56-62 LORDSHIP LANE, LONDON SE22 8HJ

The licensing officer advised that this application had been withdrawn by the applicant.

6. LICENSING ACT 2003 - THE HOPE, LAND AT MELON ROAD SE15, REAR OF 45-51 PECKHAM HIGH STREET, LONDON

The licensing officer circulated a document which contained an update on the conciliation process. There was also an additional document which advised of an amendment to paragraph 8 of the report, whereby recorded music was also to be included as part of the licence application.

The meeting adjourned at 10.10am to allow the licensing officer to print extra copies of the additional papers.

The meeting reconvened at 10.20am.

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

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

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

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

The sub-committee went into closed session at 11.20am.

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

RESOLVED:

That the application submitted by Stockers LLP for a premises licence in respect of The Hope, land at Melon Road, SE15, rear of 45 – 51 Peckham High Street, London, Easting is 534062, Westing is 176727 is granted as follows:

Licensable Activity	Monday to Thursday	Friday to Sunday
Late night refreshment (indoors)	23.00 to 00.30	23.00 to 01.30
Supply of alcohol (for consumption on the premises)	10.00 to 00.00	10.00 to 01.00
Hours premises are open to the public	09.00 to 00.30	09.00 to 01.30
Recorded music (indoors)	10.00 to 00.00	10.00 to 01.00

Conditions

The operation of the premises under the licence shall be subject to relevant mandatory conditions, conditions from the operation schedule highlighted in Section P of the application form and the following conditions:

The following additional conditions developed through discussion from the original operating schedule attached to the premises application as follows:

1. That 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. That all staff involved in the sale of alcohol shall be trained in the agecheck 'Challenge 25' policy. 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. That 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. That a register of refused sales of alcohol 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.
5. That a meeting shall be held with local residents every six months to provide an opportunity for any concerns to be raised

6. That no drinks shall be permitted outside the premises after 22.00.
7. That the party ceiling/floor element between the commercial and residential premises shall be designed and constructed to provide reasonable resistance to the transmission of sound sufficient to ensure that NR20 is not exceeded due to noise from the commercial premises. A report shall be submitted to and approved in writing by the licensing authority. The approved scheme shall be constructed and tested, and the test results sent to the licensing authority prior to the commencement of the live and recorded music aspects of the license taking effect. This construction shall be permanently maintained thereafter.
8. That the main entrance door shall be fitted with an acoustic lobby of adequate weight of construction and dimensions to give sufficient residence time. The doors to the lobby shall be self closing and fitted with acoustic seals.
9. That prior to the live and recorded music aspects of the license taking effect the applicant shall have a sound limiting device fitted in the dedicated performance area of the premises. This shall be fitted by the applicant's engineer/contractor and set in conjunction with London Borough of Southwark EH&TS. (Advisory Note - it is strongly recommended that a compressor or speaker protection type of sound limiting device with in-house speakers is chosen as they do not cut off power completely and permit the removal of bass without compromising music quality.)
10. That the sound limiting device installation shall be maintained thereafter at the set level without interference by any part
11. That any additional amplification equipment imported on to the premises by third parties be connected to and use the sound limiting device and its circuits.
12. That all speakers shall be hung on anti vibration mounts or placed on anti vibration matting.
13. That all windows and doors shall remain closed during licensed entertainment, except for access and egress.
14. That prior to the live and recorded music aspects of the license taking effect the applicant shall provide a working system of internal cooling/air conditioning adequate to maintain comfortable internal temperature to ensure that windows and doors are not opened for ventilation during licensed entertainment.
15. That deliveries and collections (waste, equipment, food and drink) to the premises and the handling of glass waste shall occur between the hours of 08.00 and 18.00 on Monday to Saturday.
16. That prominent notices shall be displayed at all exits at eye level requesting patrons leave the premises quietly and respect local residents
17. 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.

18. That all CCTV footage shall be kept for a period of 31 days and shall, upon request, be made immediately available to officers of the police and the council.
19. That all staff are trained in their responsibilities under the licensing act 2003 and training records to be kept and updated every six months and shall, upon request, be made immediately available to officers of the police and the council.
20. 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.
21. That customers shall use no outside area after 22.00 other than those who temporarily leave the premises to smoke a cigarette and no more than five people at one any time.
22. That there shall be no new entry or re-entry to the premises after 00.00.
23. That drinks promotions, such as happy hours shall not be provided at the premises.
24. That the licensee shall join the pub watch scheme for the local area.
25. That a minimum of two SIA approved door supervisors will be employed from 21.00 whenever the premises is open for the sale of alcohol after midnight.
26. That illumination shall be provided to the exterior of the premises.
27. That the interior and exterior of the premises shall be covered by CCTV.
28. That the premises shall promote a local licensed taxi service.
29. That the premises shall operate an anti-drugs policy.
30. That customer departures shall be actively managed.
31. That when children are on the premises they must be accompanied by a parent or guardian at all times.

Reasons

The licensing sub-committee heard evidence from the police as a responsible authority and noted that the licensing application for The Hope was within a saturation zone.

The licensing sub-committee heard evidence from the applicant who stated that they already operate 30 public houses and have been operating for 13 years, specialising in good local pubs. The applicant said that he was aware of the saturation zone and believed The Hope would have a positive impact on the area. He provided evidence in relation to other public houses that they operate in similar areas illustrating that they are well run and believes that this experience and history demonstrates the ability to add something positive to the area of Peckham. The applicant confirmed that none of their other premises have ever been subject to a licensing review.

The applicant referred to the operating schedule and the fact that he was willing to agree to all proposed conditions, in demonstrating that there would be no negative cumulative impact on one or more of the licensing objectives. Following the conciliation meeting, the environmental protection team and the local ward councillor withdrew their representations. Furthermore, the applicant agreed to all conditions suggested by the police and the police confirmed that the only reason that their representations remained was the fact that the premises was in a saturation zone, although the police did highlight that they did not have any other concerns with the application

The licensing sub-committee heard from local residents who raised concerns with the area being a saturation zone. They also raised issue with drug dealing and street drinking in the vicinity and stated that their concern was that The Hope might attract more people to the area. Whilst the residents maintained these concerns they stated that they appreciated the applicant's conciliatory attitude.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives and is satisfied in view of the applicant's operating schedule and agreement to the conditions attached that there will be no negative cumulative impact on one or more of the 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 local justice area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' clerk 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.

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

The licensing officer advised that discussions had taken place between all parties prior to the meeting and that they had agreed to conditions to be added to the licence. The licensing officer advised that the parties agreed that there was no need to address the sub-committee and a list of the agreed conditions, signed by all parties, was circulated to the sub-committee.

RESOLVED:

The council's licensing sub-committee, having reconsidered the decision made on 30 November 2012 following the application of a review by the council's environmental protection team (EPT) made under Section 51 of the Licensing Act 2003 in respect of the premises known as The Rose Public House, 108 Forest Hill Road, London SE22 0RS and having had regard also to all other relevant representations and to agreements made by the licence holder with the EPT and with the police has decided it appropriate 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 - 00.00 premises to be closed by 00.30	08.00 - 01.00 premises to be closed by 01.30

Conditions

The following conditions shall also apply:

1. That no drinks are taken out to the front, outside, beyond 20.00.
2. That 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 of persons permitted to be outside the premises (for the purpose of smoking a cigarette) after 23.00 shall be a maximum of five.
3. That no beverages to be consumed in any outside area of the premises after 23.00.
4. That the rear door to the garden area to be alarmed after 23.00.
5. That the premises shall have a functional sound limiting device installed.
6. That any amplification equipment used on, or provided to, the premises shall be connected to and use the functioning sound limited electrical circuits at all times.
7. That the premises will have installed forced ventilation to enable the internal atmosphere to remain comfortable when licensed entertainment is occurring.
8. That when live and/or recorded music as regulated entertainment is being played in the premises, the left and right hand doors in the front façade shall effectively closed to patrons and their opening linked to a functioning security system that will give an audible alarm and the double doors to the garden in the rear façade shall also be effectively closed to patrons and their opening linked to a functioning security system that will give an audible alarm if the garden doors are opened after 23.00 hours.
9. That 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".
10. That 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

This was a hearing to reconsider the decision of the licensing sub-committee made on 30 November 2012 in respect of the premises know as The Rose Public House, 108 Forest Hill Road, London SE22 0RS.

The licensing sub-committee considered new evidence of an agreement made by the premises licence holder with the EPT and the police to reduce the activity and opening hours by a further 30 minutes and modify the conditions from the decision made on 30 November 2012.

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

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' clerk 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 12.30pm.

CHAIR:

DATED:



Licensing Sub-Committee

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

PRESENT:	Councillor Renata Hamvas (Chair) Councillor Althea Smith Councillor Adele Morris
OTHERS PRESENT:	Joanne Cripp, applicant Genevieve Glover, applicant Thomas O'Mauleoin, applicant Beverly Sawak, local resident John Hennessy, local resident Emma Reiss, local resident Nicholas Roskill, local resident Bill Dalton, local resident Anthea Dalton, local resident Roger Holden, local resident David Smith, local resident Ian Bronger, local resident F.C. Legee, local resident Alexander Blacknell, local resident Christopher Owen, local resident Andrew Blacknell, local resident Helen Owen, local resident
OFFICER SUPPORT:	Joanne Devlin, legal officer Cynthia Barrientos, legal officer (observing) Jayne Tear, 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 - ORTUS, MAUDSLEY LEARNING CENTRE, MAUDSLEY HOSPITAL, DENMARK HILL, LONDON, SE15 8AZ

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

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

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

The sub-committee went into closed session at 11.45am.

The sub-committee resumed at 12.45pm and the chair read out the decision of the sub-committee.

RESOLVED:

That the application submitted by The Maudsley Learning Centre Community Interest Company for a premises licence in respect of Ortus, Maudsley Learning Centre, Maudsley Hospital, Denmark Hill, London, SE15 8AZ is granted as follows:

Licensable Activity	Monday to Friday	Saturday	Sunday
Supply of alcohol (for consumption on the premises)	12.00 – 20.00	12.00 – 18.00	
Hours premises are open to the public	07.00 – 21.00	08.00 – 21.00	10.00 – 18.00

Conditions

a) The operation of the premises under the licence shall be subject to relevant mandatory

conditions, conditions from the operating schedule highlighted in Section M of the application form and the following conditions developed through discussion from the original operating schedule:

1. That external areas of the premises shall not be used by patrons for licensable activities after 20:00 hours.
2. That prominent notices shall be displayed at all exits requesting patrons to respect the needs of local residents and to leave the area quietly.
3. That the designated smoking area shall be situated on the façade of the premises facing towards the Maudsley Hospital Campus.
4. That with the exception of parking facilities for those who are mobile impaired there will be no mention of car parking facilities on ORTUS's website. The website and event literature will also encourage patrons to use public transport and specify that the ORTUS is within a residential area with parking reserved for resident parking permit holders.
5. That a telephone number for the duty manager of ORTUS shall be made available to residents and businesses in the vicinity via The Camberwell Society.
6. That sales of alcohol will only be to those attending pre-booked private events.
7. That the premises licence holder shall enter into an agreement with a Hackney carriage and/or private carriage firm to provide transport for patrons. When the premises licence holder has control of the gate leading from Windsor Walk they will request that patrons alight or depart from Windsor Walk. This condition will not apply to those who are mobile impaired.

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

- That deliveries and collections via Grove Lane (including waste, equipment, food, drink and glass containers) may only occur between 07.00 and 08.00, 09.00 and 15.00 and 16.00 and 18.00 Monday to Friday and on Saturday between 09.00 and 18.00.

Reasons

The licensing sub-committee heard evidence from the applicant who advised that they had engaged with residents at a recent conciliation meeting and sought to address their concerns by amending the conditions attached to the licence application. The applicant confirmed that the premises would not be used for private events such as private parties, for example birthdays and weddings and that there would be no cash bar and that the licensable activity would be ancillary to its primary purpose as a training and educational centre. The applicant emphasised the fact that the premises would not be used as a social club.

The applicant went on to state that the safety of children was paramount and agreed to amend the condition relating to deliveries to avoid school opening and closing hours. The applicant further stated that out of a total of 89 bookings only five had made enquiries in

relation to alcohol. The applicant confirmed that the centre would be used for network purposes where drinks and canapés could be served following an educational conference.

The licensing sub-committee noted that following the conciliation meeting that the environmental protection team had withdrawn their objections and that furthermore there were no objections from the police or fire brigade.

The licensing sub-committee heard from local residents whereby they raised their concerns on behalf of members of the local community specifically in relation to concerns of noise nuisance upon patrons exiting the premises. The licensing sub-committee noted that the opening hours of the premises exceed that of the application of licensable activities. The residents stated that this was a quiet residential area. However, it was highlighted that the premises does not fall into a saturation zone. Whilst residents raised concerns on the impact on the neighbourhood, the licensing sub-committee considered that the evidence provided by the applicant and concessions already made reasonably addressed the issues raised.

Whilst the residents made a specific request that the gate to Grove Lane be closed at 19.30, encouraging exit through Windsor Walk, the licensing sub-committee did not consider this to impact on the licensing objectives, given that the premises opening hours extend to 21.00. Furthermore, the applicant stated that they do not have any control over the exit and therefore could not agree to a condition that they were unable to commit to.

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 local justice area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' clerk 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 12.55pm.

CHAIR:

DATED:



Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Monday 24 June 2013 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Jeff Hook
Councillor Eliza Mann
Councillor Wilma Nelson

OTHERS PRESENT: Brook Anderson, applicant
Graham Hopkins, applicant's representative
Councillor Lewis Robinson (observing)
Councillor Toby Eckersley, ward councillor
Mike Patrick, local resident
Judith Patrick, local resident
Anna Box, local resident
G. Steel, local resident
Laurence Marsh, local resident
Christopher Sims, local resident
Lucie Sims, local resident
Brian Flannery, local resident
Linda Potter, local resident

OFFICER SUPPORT: Debra Allday, legal officer
Gavin Blackburn, planning officer
Jayne Tear, 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. In the absence of the chair, Councillor Jeff Hook, the vice-chair of the committee, took the chair for this sub-committee meeting.

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 - DEE DEE'S, 77 HERNE HILL, LONDON SE24

The licensing officer presented their report and circulated a document containing some corrections to the report which had been published in the agenda. Members had questions for the licensing officer.

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

The meeting adjourned at 11.00am to allow the licensing officer to make copies of the planning department's representation.

The meeting reconvened at 11.10am.

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

The local residents and ward councillor addressed the sub-committee. Members had questions for the local residents and the ward councillor.

The sub-committee went into closed session at 12.13pm.

The sub-committee resumed at 1.58pm and the chair read out the decision of the sub-committee.

RESOLVED:

That the application submitted by Mr Brook Anderson to vary the premises licence in respect of Dee Dee's, 77 Herne Hill, London, SE24 9NE, is only granted in part as follows:

Licensable Activity	Monday to Saturday	Sunday
Hours premises are open to the public	7.00 - 23.30	7.00 - 23.00

Conditions

The operation of the premises under the licence shall be subject to relevant mandatory conditions, conditions from the operation schedule highlighted in Section M of the

application form and the following conditions:

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

1. That the external tables and chairs to remain outside at all times and be fixed in situ.

Reasons

The licensing sub-committee heard evidence from the applicant who informed the sub-committee that the premises could accommodate 30 individuals inside and 21 persons outside and that the premises were not in the saturation zone. The applicant advised that they had had a very useful meeting with the police and the environmental protection team both of whom were not objecting to the application. The applicant emphasised that there was no intention of changing it to a nightclub or wine bar and the complaints all received were speculative and unevicenced.

The licensing sub-committee heard from an officer from the planning department who confirmed that planning permission was granted on 29 April 2013 for a change of use of the premises to incorporate class A4 (drinking establishment) and Class D2 (entertainment), with the permitted hours being a terminal hour of 23.30 (Monday to Saturday) and 23.00 (on Sunday and Bank Holidays). The planning committee reasoned that this was to mitigate against significant amenity impacts for neighbours.

The licensing sub-committee heard from other persons.

The local residents all complained of the noise coming from the property resulting in sleep deprivation. There were also complaints of the applicant advertising irresponsibly (advertising "very strong cocktails" page 58 of the open agenda). One objector who gave evidence at the sub-committee referred to a whiskey tasting promotion and another (page 61 of the open agenda) stated "...the website and other publicity which Dee Dee's has used to date promotes a three hour happy hour Monday to Friday...it has advertised "super strong cocktails"".

The licensing sub-committee were obliged to take into account the statutory guidance provided under section 182 of the Licensing Act. The guidance is clear that this licensing sub-committee are not to take into account planning issues. The licensing sub-committee also disregarded the issues relating to parking as irrelevant

The licensing sub-committee were concerned with the extension of the late night hours on this application. Whilst no complaints have been reported to either the police or the environmental protection action, 32 objections were received from objectors and this can not be overlooked. The licensing sub-committee accepted that this type of noise nuisance is of such that local residents do not feel confident in reporting it to the authorities. In particular, the licensing sub-committee were conscious of the residents at 77a Herne Hill (and the other residents in the immediate vicinity). The licensing sub-committee heard from the landlord of 77a Herne Hill, Anna Box who advised that her tenants had complained to her about the noise emanating from the premises. She stated that the tenants are obliged to wear earplugs at night, that the music was such that it could be heard through the floor boards and could be heard clearly in the flat itself. In addition there was noise caused at tidy up time by the tables and chairs on the terrace outside being dragged across the floor.

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 this condition in order to address the licensing objectives.

Should there be any future complaints, the local residents were urged to contact the council's noise team and/or the police.

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 local justice area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' clerk 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 2.04pm.

CHAIR:

DATED:



Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Friday 5 July 2013 at 10.00 am at Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor David Hubber (in the chair)
Councillor Abdul Mohamed
Councillor Adele Morris

OTHERS PRESENT: Mr D B, applicant
Michael Sharvin, applicant's representative
P.C. Ian Clements, Metropolitan Police Service

OFFICER SUPPORT: Debra Allday, legal officer
David Swaby, 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. In the absence of the chair, Councillor David Hubber was nominated to chair the meeting by Councillor Abdul Mohamed. This was seconded by Councillor Adele Morris.

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: APPLICATION FOR A PERSONAL LICENCE

The sub-committee noted the open report and considered the information in the closed agenda.

RESOLVED:

That the application for a personal licence issued under the Licensing Act 2003 be refused.

The reasons for the decision are set out in the closed minutes.

EXCLUSION OF PRESS AND PUBLIC

It was moved, seconded and

RESOLVED:

That the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in categories 1 and 3 of paragraph 10.4 of the Access to Information Procedure Rules of the Southwark Constitution.

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

6. LICENSING ACT 2003: APPLICATION FOR A PERSONAL LICENCE

The licensing sub-committee considered the closed information relating to this report.

The meeting closed at 11.50am.

CHAIR:

DATED:



Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Tuesday 16 July 2013 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Renata Hamvas (Chair)
Councillor Althea Smith
Councillor Ian Wingfield

OTHER MEMBERS PRESENT: Theo Watkins, representative from Sainsbury's
Nicola Moss, representative from Sainsbury's
Sabrina Cader, representative from Sainsbury's
P.C. Graham White, Metropolitan Police Service
Mayurkumar Dhavde, representative from Central News
Triveni Dhavade, representative from Central News
Robert Jordan, representative from Central News
Steva Radu, representative from Steva's Off Licence
Miroslav Radu, representative from Steva's Off Licence
Joseph Ejiogu, representative from Steva's Off Licence

OFFICER SUPPORT: Joanne Devlin, legal officer
Cynthia Barrientos, legal officer (observing)
Kristie Ashenden, licensing officer
Wesley McArthur, licensing officer
Jayne Tear, licensing officer
Bill Masini, trading standards officer
Andrew Weir, 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

There were none.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003: SAINSBURY'S, 157 - 168 BLACKFRIARS RD, LONDON SE1 8EZ

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

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

The police representative addressed the sub-committee. Members had questions for the police representative.

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

The sub-committee resumed at 11.23am and the chair read out the decision of the sub-committee.

RESOLVED:

That the application by Sainsbury's Supermarkets Limited for a new premises licence in respect of the premises known as Sainsbury's, 157-168 Blackfriars Road London, SE1 8EZ be granted as follows:

Licensable Activity	Monday to Sunday
Hours premises are open to the public	00.00 to 00.00
Supply of alcohol off premises	07.00 to 23.00

Conditions

The operation of the premises under the licence shall be subject to relevant mandatory conditions, conditions from the operation schedule highlighted in Section M of the application form and the following conditions:

- a) All mandatory conditions set out in the Licensing Act 2003 relating to:
 - (i) Authorisation of the retail sale of alcohol.

- b) The following additional special conditions developed through discussion from the original operating schedule attached to the application as follows:
- (i) That sales of spirits shall be in vessels sized over 30cl.
 - (ii) That no beers/ciders in single cans, bottles or multi-packs with an ABV of above 7% will be displayed/sold or offered for sale from the premises.
 - (iii) 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.
 - (iv) 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.
 - (v) That there will be no alcohol displayed within two metres of the entrance door.

Reasons

The licensing sub-committee considered the application by Sainsbury's for a premises licence in respect of the premises known as Sainsbury's, 157-168 Blackfriars Road London, SE1 8EZ.

The licensing officer highlighted the fact that the premises is within a saturation zone and the need for the applicant to satisfy the licensing sub-committee that granting this licence will not have a negative cumulative impact on one or more of the licensing objectives.

The licensing sub-committee heard evidence from the applicant who informed the sub-committee that prior to submitting the application, they liaised with the police and drafted their operating schedule in order to address any issues raised. Following submission of the application, the police raised objections and proposed three conditions to the licence in the event that such was granted. A further objection was also received from a ward councillor. However, this was withdrawn after conciliation.

In addressing how the applicant believes that the application would not have a negative cumulative impact in the area they confirmed that Sainsbury's have over 450 convenience stores nationally, a number of which are in saturation zones and further stated that the sale of alcohol plays a small part within their convenience stores. Furthermore Sainsbury's stated that there had been no issues with any of their other stores in Southwark.

The applicant stated that they pride themselves in being a responsible retailer and have for four years, operated the Challenge 25 policy and will continue to do so within this store. They further advised that all cashiers are required to achieve a 100% pass rate in regards to Challenge 25 training, which is refreshed on a six monthly basis.

In seeking to address any impact on crime and disorder in the area, as well as the installation of CCTV, Sainsbury's confirmed that no alcohol will be on display within two

metres of the premises entrance/exit.

With reference to the operating schedule and additional conditions agreed as proposed by the police and ward councillor, Sainsbury's submitted and satisfied the licensing sub-committee that in granting the licence that there would not be a negative cumulative impact upon the saturation zone.

The licensing sub-committee heard from the police who submitted crime and disorder statistics showing that in a period of six months there had been 31 incidents of shoplifting within Sainsbury's stores in Southwark. Whilst stating that several of these were alcohol related and therefore have an impact on crime and disorder in the area the police also stated that these figures were not considered as high. The applicant confirmed that they would always be willing to work with the police in order to reduce and combat crime and disorder within their stores.

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 the decision. Any appeal must be made to the magistrate court for the petty sessions area in which the licensing authority's area (or any part of it) is situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' clerk 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: CENTRAL NEWS, 68 EAST STREET, LONDON, SE17 2DQ

The licensing officer circulated a letter from the licensing team, which advised that the premises was found to be in full compliance of the conditions on its licence during an inspection on 6 July 2013.

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

The trading standards officer addressed the sub-committee. Members had questions for the trading standards officer.

The representative of Central News addressed the sub-committee. Members had questions for the representative from Central News.

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

The sub-committee resumed at 1.04pm and the chair read out the decision of the sub-committee.

RESOLVED:

That the council's licensing sub-committee, having had regard to the application by the trading standards team for a review of the premises granted under the Licensing Act 2003 to Mayurkumar Dhavde and Triveni Dhavade in respect of the premises known as Central News, 68 East Street, London SE17 2DQ and having had regard also to all other relevant representations has decided it necessary for the promotion of the licensing objectives to:

a) Suspend the licence for a period of 14 days

and

b) Modify the conditions of the licence as follows:

- (vi) That no beers/ciders in single cans, bottles or multi-packs with an ABV of above 7% will be displayed, sold or offered for sale from the premises.
- (vii) That an electronic point of sale (EPOS) system be installed at all tills on the premises and it shall be configured to prompt the operator to check proof of age when an alcoholic product is scanned. The prompt should require the operator to confirm that the purchaser is over 18 before the next item can be scanned or the transaction completed.

Reasons

This was a hearing of an application by the Southwark Council trading standards team for a review of the premises known as Central News, 68 East Street, London SE17 2DQ. This application was made under Section 51 of the Licensing Act 2003.

The licensing sub-committee heard evidence from the Southwark Council trading standards officer, the applicant for the review, who advised of three recent test purchases carried out at the premises where alcohol and cigarettes were sold to a 19 year old without challenging her age and/or asking for any identification, in breach of the premises licence conditions. The trading standards officer confirmed that out of the 63 test purchases that were carried out at the time using the same 19 year old purchaser, 32 premises refused the sales. Out of the further 32 test purchases carried out, 22 premises refused sales. The trading standards officer pointed out that despite seeking to engage in correspondence with the premises licence holders and following the third test purchase, they continued to be in breach of their licence conditions.

The premises licence was granted in 2011 whereby the licensees agreed to all license conditions imposed including to implement and maintain duties under Challenge 25 policy, including appropriate training for all staff.

The licensing sub-committee heard evidence from the representatives of Central News who stated that since the test purchases the licensees have installed the EPOS system on one of their two tills and that staff have now undergone training in respect of Challenge 25 and the licensing objectives. The licensees' representative highlighted that this is an indication of the licensees' willingness to comply with the licence conditions and confirmed that from now on ongoing training of staff would continue every four months.

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 its decision was appropriate and proportionate in order to address the licensing objectives.

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' clerk 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.

7. LICENSING ACT 2003: KIOSK 3 (STEVA'S OFF LICENCE) SHOPPING CENTRE, ELEPHANT & CASTLE, LONDON SE1 6TE

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

The trading standards officer addressed the sub-committee. Members had questions for the trading standards officer.

The representatives of Steva's Off Licence addressed the sub-committee. Members had questions for the representatives of Steva's Off Licence.

The sub-committee went into closed session at 2.07pm.

The sub-committee resumed at 2.40pm and the chair read out the decision of the sub-committee.

RESOLVED:

That the council's licensing sub-committee, having had regard to the application by the trading standards team for a review of the premises granted under the Licensing Act 2003 in respect of the premises known as Kiosk 3 (Steva's Off Licence) Shopping Centre, Elephant and Castle, London SE1 6TE and having had regard also to all other relevant representations has decided it necessary for the promotion of the licensing objectives to:

- a) Suspend the licence for a period of 28 days

and

- b) Modify the conditions of the licence by:
- i. That condition 336 be amended whereby currently after 23.00 a personal licence holder has to be on the premise at all times that alcohol is sold. The condition shall now read as follows: A personal licence holder shall be on the premises at all times that alcohol is sold.
 - ii. That no beers/ciders in single cans, bottles or multi-packs with an ABV of above 7% will be displayed, sold or offered for sale from the premises.
 - iii. That an electronic point of sale (EPOS) system be installed at all tills on the premises and it shall be configured to prompt the operator to check proof of age when an alcoholic product is scanned. The prompt should require the operator to confirm that the purchaser is over 18 before the next item can be scanned or the transaction completed.

Reasons

This was a hearing of an application by the Southwark Council trading standards team for a review of the premises known as Kiosk 3 (Steva's Off Licence) Shopping Centre, Elephant and Castle, London SE1 6TE. This application was made under Section 51 of the Licensing Act 2003.

The licensing sub-committee heard evidence from the Southwark Council trading standards officer, the applicant for the review, who advised of three recent test purchases carried out at the premises where alcohol and cigarettes were sold to a 19 year old without challenging her age and/or asking for any identification, in breach of the premises licence conditions. The trading standards officer confirmed that out of the 63 test purchases that were carried out at the time using the same 19 year old purchaser, 32 premises refused the sales. Out of the further 32 test purchases carried out, 22 premises refused sales. The trading standards officer pointed out that despite seeking to engage in correspondence with the premises licence holders and following the third test purchase, they continued to be in breach of their licence conditions.

The premises licence was granted in 2011 whereby the licensees agreed to all license conditions imposed including to implement and maintain duties under Challenge 25 policy, including appropriate training for all staff.

Following the test purchase, the trading standards officer asked for sight of the refusals book and training records, however, he was advised that these were not available and the licence holders have failed to provide any training records to date. Furthermore, trading standards noticed that there was no EPOS system in place and upon enquiry to the staff member working behind the counter, Mr Nanji, he was informed that the licence holder was out of the country and did not know when he would be returning.

The licensing sub-committee heard evidence from the representatives of Kiosk 3 (Steva's Off Licence) who advised that the licence holder was out of the country due to family matters from December 2012 until June 2013 and that during this period he had made an agreement with a Mr Khan to manage the premises. He stated that he had informed Mr

Khan not to sell alcohol from the premises. He further stated that during the period he was away he was not aware of the test purchases.

However, he confirmed that he was not contesting or denying that the breaches of licence conditions had occurred. He stated that he had been operating the premises for 16 years, with a licence to sell alcohol since 2011 and that this was the first time his licence had been reviewed.

The licence holder acknowledged that he had done wrong and would ensure compliance with all of the licence conditions and will enforce Challenge 25 policy, as highlighted in annex 2 of the premises licence in the future.

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 its decision was appropriate and proportionate in order to address the licensing objectives.

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 2.45pm.

CHAIR:

DATED:



Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Monday 22 July 2013 at 10.00 am at Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Michael Bukola
Councillor Lorraine Lauder MBE
Councillor The Right Revd Emmanuel Oyewole

OTHERS PRESENT: P. Vivegananthan, representative from Capalina News
Vijay Vivegananthan, representative from Capalina News
S. Vibulanandan, representative from Capalina News

OFFICER SUPPORT: Cynthia Barrientos, legal officer
Dorcas Mills, licensing officer
Paul Gander, trading standards 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. In the absence of the chair, Councillor Lorraine Lauder was nominated to chair the meeting by Councillor Michael Bukola. 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 - IVY HOUSE COMMUNITY PUB, 40 STUART ROAD, LONDON SE15 3BE

The chair advised that this item had been conciliated.

6. REGISTRATION UNDER THE MANUFACTURE AND STORAGE OF EXPLOSIVES REGULATIONS 2005 - CAPALINA NEWS, 365 WALWORTH ROAD, SE17

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

The trading standards officer addressed the sub-committee. Members had questions for the licensing officer.

The representatives from Capalina News addressed the sub-committee. Members had questions for the representatives from Capalina News.

The licensing sub-committee went into closed session at 10.55am.

The licensing sub-committee resumed at 11.40am and the chair read out the decision of the sub-committee.

RESOLVED:

That the application by the licensing unit, following a request from the council's trading standards team for the refusal of the registration under the Manufacture and Storage of Explosives Regulations 2005 made by Capalina News, 365 Walworth Road, London SE17 2AL is granted.

Reasons

This was an application by the licensing unit, following a request from the council's trading standards team for the refusal of the registration under the Manufacture and Storage of Explosives Regulations 2005 made by Capalina News, 365 Walworth Road, London SE17 2AL.

The licensing sub-committee heard evidence from the licensing officer, the applicant for the refusal. She advised the sub-committee that there had been a previous registration in the name of Mr Viveganathan, which was revoked in 2009. A further application for registration was granted in September 2012 and was recently revoked on 22 March 2013 following concerns from trading standards about the unsafe storage of explosives in a basement which had been subject to flooding. The licensing officer advised that on 6 June 2013, a new application for registration was made in the name of Mrs Punitharega Viveganathan.

The licensing sub-committee also heard from the Southwark Council trading standards team. The trading standards officer stated that there was no evidence that Mrs Viveganathan had any management experience. He referred to the recent visits of the health and safety officers and the food safety officers, all of whom noted that she was not

present at the premises during these visits and that all contact had been with Mr Vivegananthan. The officer further stated that the Camelot retailer registration form had Mr Vivegananthan as the owner and manager of the premises and that there was no mention of Mrs Vivegananthan.

The officer submitted that Mrs Vivegananthan did not have the required knowledge or management responsibility to be granted the registration.

The licensing sub-committee heard from the representative from Capalina News who stated that it was a small family business run by the owner, Mr Vivegananthan. It was stated that Mr Vivegananthan had appointed his wife, Mrs P Vivegananthan to deal with the management and administration of the business. The representative advised that a letter had been sent to trading standards confirming this position.

The representative advised that following advice from the council that they had abandoned the storage room in the basement of the premises and no longer intended to use this. They further stated that a new storage area had been prepared at the rear of the premises which had a separate locked area in which they proposed to store the fireworks. However, this had yet to be inspected.

The sub-committee, having heard all the evidence before them, were not satisfied that Mrs Vivegananthan was a fit and proper person to hold a registration. Therefore, the application for refusal is granted.

Appeal rights

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 Secretary of State for Works and Pensions. Any appeal must be commenced by notice of appeal given by the appellant to the Secretary of State for Works and Pensions within the period of 28 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

Any appeal should be addressed to the Secretary of State for Works and Pensions, Caxton House, Tothill Street, London SW1H 9DA.

The meeting closed at 11.45am.

CHAIR:

DATED:



Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Wednesday 24 July 2013 at 10.00 am at Ground Floor Meeting Room G01A - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Renata Hamvas (Chair)
Councillor David Hubber
Councillor Wilma Nelson

OTHERS PRESENT: Chris Wilson, local resident
Rebecca Bennet, local resident
Councillor Fiona Colley, ward councillor
Nick Hanton, representative from Punch Taverns
Ted Hedges, representative from Punch Taverns
Dean Hedges, Representative from Punch Taverns
Nick Rowlandhill, Representative from Punch Taverns
Mathew Phipps, Representative for Punch Taverns
P.C. Graham White, Metropolitan Police Service

OFFICER SUPPORT: Debra Allday, legal officer
Jayne Tear, 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

Councillor Renta Hamvas advised that she lived in the locality of the premises and that this premises was one of several local pubs. However, she did not frequent this premises and therefore had no interests which would prejudice her.

5. LICENSING ACT 2003: THE WAVERLEY ARMS, 202 IVYDALE ROAD, LONDON SE15 3BU

The licensing officer circulated a document containing six extra representations as due to the speed that this item had to be heard there was no deadline for receiving representations in this case.

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

The representative from the police addressed the sub-committee. Members had questions for the police representative.

The local residents supporting the premises addressed the sub-committee. Members had questions for the local residents.

The representative of the Waverley Arms addressed the sub-committee. Members had questions for the representative of the Waverley Arms.

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

The sub-committee resumed at 11.48am and the chair read out the decision of the sub-committee.

RESOLVED:

That the council's licensing sub-committee having considered the review of the premises licence in accordance with Section 167 of the Licensing Act 2003, following the issue of a closure order made by the Camberwell Green Magistrates' Court under Section 165(4) of the Act in respect of the premises known as the Waverley Arms, 202 Ivydale Road, London, SE15 3BU and having had regard also to all relevant representations has decided it necessary for the promotion of the licensing objectives to:

- a) Order the premises to remain or to be closed until that time unless such conditions as may be specified in the order are satisfied.
and
- b) Modify the conditions of the licence as follows:
 - i) A personal licence holder will be on the premises Sunday to Thursday from 4pm to closing and at all times on Friday and Saturday that intoxicating liquor is being supplied.

- ii) That all staff are trained in their responsibilities under the Licensing Act 2003 and training records to be kept and updated every six months and shall, upon request, be made immediately available to officers of the police and the council.
- iii) The premises shall install a CCTV system capable of capturing a clear identifiable facial image of all persons entering the premises, coverage shall include all public areas inside and outside of the premises. The CCTV system shall be maintained and kept in good working order and in operation at all times the premises are in operation under its licence. The CCTV footage will be kept for a minimum of 31 days and shall be made available upon request to police or other authorised persons.
- iv) A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times the premises is open to the public. This staff member must be able to show the Police or other authorised officer recent data or footage with the absolute minimum of delay when requested.
- v) An incident log shall be kept at the premises, and made available on request to an authorised officer of Southwark Council or the Police, which will record the following:
 - All crimes reported to the venue
 - All ejections of patrons
 - Any complaints received
 - Any incidents of disorder
 - All seizures of drugs or offensive weapons
 - Any faults in the CCTV system
 - Any refusal of the sale of alcohol
 - Any visit by a relevant authority or emergency service.

Reasons

This was a review of the premises licence granted under the act to Punch Taverns PLC in respect of the premises known as the Waverley Arms, 202 Ivydale Road, London SE15 3BU.

The licensing sub-committee heard evidence from the police who submitted a representation to the review following an incident on 12 July 2013 when police were called to the premises in respect of a serious disturbance. During the course of the incident a large number of patrons/witnesses to the incident had been drinking inside the premises and investigating officers described them as being too intoxicated to provide the police with any assistance. The police advised that the premises did not have any CCTV inside or covering the outside of the premises.

It was noted by the licensing sub-committee that both the environmental protection team and the licensing unit had replied to the consultation but had no comments to make about the application.

The licensing sub-committee noted that there were 14 representations from other persons in support of the premises and the management of the premises. The licensing sub-committee heard oral representations from two of these other persons who both stated that the premises was a well run community pub in which they felt safe and that the Waverley Arms was a real asset to the community. The incident of the 12 July 2013 was described as a one off incident caused by strangers to the premises who had previously been barred.

The licensing sub-committee noted the written representation from an other person in support of the review.

The licensing sub-committee heard evidence from the representative from Punch Taverns PLC who did not challenge the events that took place on 12 July 2013. Since the incident 10 days ago the premises have been closed. Whilst the manager of the premises had now been discharged from hospital, he was not in attendance as he was still recuperating. Over the course of the last 10 days discussions had taken place with the police and a CCTV system had now been installed and all members of staff have been trained to use it. The representative also stated that there would be an increase in the number of personal licence holders by two. Whilst the incident of 12 July 2013 was extremely serious, they concurred with the police that this was a one off incident and that the conditions as set out above should be imposed to deter a similar incident occurring.

In reaching this decision the sub-committee had regard to all the relevant considerations.

The licensing sub-committee considered that this decision was appropriate and proportionate and would address the licensing objectives.

Appeal rights

This decision is open to appeal by:

The applicant for the review

The premises licence holder

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' clerk 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:

The end of the period for appealing against this decision or

In the event of any notice of appeal being given, until the appeal is disposed of.

The meeting closed at 11.52am.

CHAIR:

DATED:

Item: 7.	Classification: Open	Date: 4 September 2013	Meeting Name: Licensing Committee
Report title:		The Licensing Act 2003 – Cumulative Impact Policy Areas – Summary of 2012-2013 Application Determinations	
Wards or groups affected:		Cathedral; Chaucer; Grange; Riverside; Camberwell Green; Brunswick Park, South Camberwell, Faraday, Peckham; Livesey; The Lane and Nunhead.	
From:		Strategic Director of Environment and Leisure	

RECOMMENDATION

1. That the committee notes the summary of outcomes in respect of licence applications made in 2012-2013, falling within the council's current cumulative impact policy (CIP) areas.

BACKGROUND INFORMATION

2. Guidance issued by the Home Office under s182 of the Licensing Act 2003, establishes that licensing authorities may introduce special 'saturation policies' where the authority believes there are problems in its area resulting from the cumulative impact of licensed premises.
3. This authority currently has three CIPs in place. These cover:
 - Borough and Bankside (established in November 2009 and extended in April 2011)
 - Camberwell (established in November 2008)
 - Peckham (established in November 2008 and extended in November 2009).
4. Decisions to establish each of the CIPs were taken following consideration of available current information sources and public consultation. The primary source of information throughout has been the annual partnership analysis of alcohol related violence and crime and disorder within Southwark.
5. On 12 June 2013, the committee considered the partnership analysis for 2012. Upon consideration of this report the committee decided to maintain each of the CIPs, with further analysis of the situation within the Peckham area sought (Note: This information is in preparation and will be returned to the committee at it's next meeting in December 2013).
6. The committee also asked for a summary of the outcomes of all applications for new and varied premises licence / club premises certificates made in 2012-2013, falling within the council's CIPs. This report fulfils that request.
7. The committee are asked to note the content of the report.

KEY ISSUES FOR CONSIDERATION

Summary of outcomes

8. The full summary of outcomes of licence applications falling within the council's three current CIPs, received during the course of 2012-2013, is attached at appendix A. A breakdown of outcomes by area follows.

The Borough and Bankside Cumulative Impact Area

9. A map of the current Borough and Bankside special saturation policy area is provided at Appendix B to this report. The boundary of the saturation area is defined as follows - Starting at the Lambeth border by the Thames and following the route southward to the Waterloo Road / St George's Circus / Borough Road / Borough High Street / Long Lane / Crosby Row / Snowsfields / Bermondsey Street then directly north to the river frontage and westward back to the Lambeth border. The policy currently applies to night-clubs / public houses & bars / restaurants & cafes / off-licences, supermarkets and grocers.
10. This is the largest of the 6 areas currently either subject of a saturation policy or under monitor. The area is densely filled with shops, restaurants and bars. Many hold late licences. At the time of the most recent partnership analysis there were some 249 premises licensed under the 2003 Licensing Act for either the sale or supply of alcohol; the provision of regulated entertainment; or the provision of late night refreshment within the boundary of the saturation area.
11. During the course of 2012-2013, a total of 37 applications for new premises licences/club premises certificates and variations were received within this area. Of these:
 - 29 applications (78%) were subject of representations
 - 15 of the contested applications (52% of the contested applications) were successfully conciliated and were granted subject to agreements reached, by the Head of Service
 - 1 contested application was rejected by the Head of Service (as it had been made as a variation and was decided to constitute a substantial change requiring a new premises licence application)
 - 1 contested application was granted in error by the Head of Service when a single representation was overlooked (the error was subsequently addressed with the business and individual concerned. The application related to a time-limited licence for an existing relocated business displaced during the Olympic period, which was accepted to offer limited additional cause for concern)
 - 12 of the contested applications (41% of the contested applications) were referred to the licensing sub-committee for determination at a public hearing
 - 9 applications (75% of the 12 applications referred) were granted or part-granted by the sub-committee
 - 2 applications (16.6% of the 12 applications referred) were refused by the sub-committee
 - 1 application (8% of the 12 applications referred) due to be considered by the sub-committee was withdrawn
 - 7 applications (19% of the 37 applications) received no representations and were granted by the Head of Service

- 1 application was withdrawn as it was made within the wrong borough.

The Camberwell Cumulative Impact Area

12. A map of the Camberwell saturation area is provided at appendix C to this report. The boundary of the policy area begins at Camberwell New Road at the junction with Wyndham Road and progresses through Camberwell Road / Bowyer Place / Edmund Street / Benhill Road / Wilson Road / Graces Road / Graces Mews / Camberwell Grove (via alley) / Grove Lane / De Crispigny Park / Denmark Hill following the Lambeth boundary to Coldharbour Lane / Denmark Road / Flodden Road and Camberwell New Road to the start. The classes of premises to which the policy currently applies are night-clubs; public houses and bars; off-licences, grocers, supermarkets, convenience stores and other similar premises.
13. The saturation area is concentrated around the Camberwell Green crossroads. It incorporates numerous public houses, bars and restaurants in a relatively small area. At the time of the most recent partnership analysis, there were 67 premises licensed under the 2003 Licensing Act for either the sale or supply of alcohol; the provision of regulated entertainment; or the provision of late night refreshment trading within the Camberwell area.
14. During the course of 2012-2013, a total of 3 applications for new premises licences/club premises certificates and variations were received within this area. Of these:
 - 3 applications (100%) were subject of representations
 - 2 applications (66.6%) were successfully conciliated and were granted subject to agreements reached, by the Head of Service
 - 1 application (33.3%) was referred to the licensing sub-committee for determination at a public hearing and this was granted, with conditions;

Peckham saturation area

15. A map of the Peckham saturation area is provided at appendix D. The boundary of the Peckham saturation area commences on Peckham High Street at the junction with Kelly Avenue and progresses to Gattonby Street / Sumner Road / Jocelyn Street / cross Peckham Hill Street / Goldsmith Road / Meeting House Lane / Consort Road / Heaton Road / Sternhall Lane / McDermott Road / Macted Road / Bellenden Road / Chadwick Road / Lyndhurst Way / Peckham Road to the junction with Talfourd Road and back to Peckham High Street. The classes of premises within the area to which the policy applies are: night-clubs; public houses / bars; off-licences, grocers, supermarkets, convenience stores and other similar premises.
16. The Peckham saturation zone centres around Peckham High Street and Rye Lane and extends over a mixed residential and commercial area, with many public houses, late night eateries and convenience stores. At the time of the most recent partnership analysis there were 57 premises licensed under the 2003 Licensing Act for either the sale or supply of alcohol; the provision of regulated entertainment or the provision of late night refreshment trading within the Peckham saturation area.

17. During the course of 2012-2013, a total of 14 applications for new premises licences/club premises certificates and variations were received within this area. Of these:
- 12 applications (86% of the 14 applications received) were subject of representations
 - 6 applications (50% of the 12 contested applications) were successfully conciliated and were granted subject to agreements reached, by the Head of Service
 - 6 applications (50% of the 12 contested applications) were referred to the licensing sub-committee for determination at a public hearing
 - 6 applications (100% of the applications referred to the sub-committee) were granted or part-granted by the sub-committee, subject to conditions
 - 2 applications (14%) received no representations and were granted by the Head of Service.

Special saturation policies dealing with the cumulative impact of a concentration of licensed premises

18. The cumulative impact of a concentration of licensed premises is dealt with under sections 13.19 through to 13.38 of the Guidance to the Act produced by the Home Office (last revision published October 2012).
19. A CIP may be declared where there is an evidence base showing that a significant concentration of licensed premises in an area is impacting upon the licensing objectives and the addition of each further licence is likely to have a disproportionate impact on crime and disorder, or nuisance.
20. Essentially, the evidence base needs to:
- Be factual, quantitative, and proximate;
 - Demonstrate a positive correlation between alcohol / entertainment / late night refreshment premises, and crime and disorder and nuisance issues within the particular areas under consideration; and
 - Examine trends over a period of time.
21. The existence of a local special policy does not affect the right of any person to apply for a licence under the Act nor to have that application considered. However, the introduction of a CIP has the effect of introducing a rebuttable presumption that a licence application should be refused, if a representation is received, either from a responsible body or an 'other person', referring to the existence of the local special policy.
22. The existence of the policy is brought to the attention of all prospective applicants within the boundary of the policy area upon their first contact with the council. They are provided with a copy of the latest local partnership analysis and advised that they should address within their application, how they intend to ensure that their premises, if licensed, will not add to the current local concerns.
23. When a representation is received, the council's conciliation process continues to be offered to the applicant in the normal way. If conciliation is requested and an agreed outcome can be reached to the satisfaction of all parties involved, then the application is granted, subject to the terms of the agreement reached.

If no agreement is concluded then the matter is reported to the sub-committee for determination at a public hearing.

24. If no representation is received then the application remains to be granted, subject to the mandatory licence conditions and other conditions consistent with the applicant's operating schedule.
25. The absence of a special policy does not prevent any responsible authority or interested party making representations on a new application for the grant, or variation, of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.

Community impact statement

26. Saturation policies have the potential to place a check on identified and escalating concerns relating to crime and disorder, anti-social behaviour and nuisance. In doing so a policy may also contribute toward reducing the fear of crime and making Southwark a better place to live, work and visit.
27. While, conversely, saturation policies may also impact on business growth and development of the area concerned, it should be understood that the existence of a policy does not prevent responsible operators from becoming established within the area or from developing existing businesses. However, operators will have to demonstrate that their business proposals do not further impact on the identified concerns within the locality.
28. The existence of a special policy does not automatically mean that applications made within a special policy area will be refused.

Resource implications

29. This report does not contain any new resource implications. Work undertaken in relation to the maintenance of CIPs may be contained within existing resources.

Consultations

30. No public consultations have taken place as part of the preparations of this report.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Legal Services

31. The Licensing Act 2003 ("the 2003 Act") does not contain specific statutory provisions relating to the review and revision of cumulative impact policies and procedures, the council must have regard to the general requirements of the 2003 Act and the statutory guidance issued by the Secretary of State under s.182 of the 2003 Act.
32. S.5(4) of the 2003 Act states that the council must keep its licensing policy and therefore, its procedures, under review and make appropriate revisions where necessary. This is reflected in paragraph 13.31 of the guidance.
33. A CIP must never be absolute, i.e. cannot have a blanket policy to refuse all applications but rather a rebuttable presumption that they will be refused. Each

application will have to be considered on its own merits and should only be refused if after receiving representations, the licensing authority is satisfied that the grant of the application would undermine the promotion of the licensing objectives and, that necessary conditions would be ineffective in preventing the problems involved.

34. Where a notice of a hearing is given to an applicant, the licensing authority is required under the Licensing Act 2003 (Hearings) Regulations 2005 to provide the applicant with copies of the relevant representations that have been made. Under paragraph 9.34 of the guidance, in determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:
- The steps that are appropriate to promote the licensing objectives
 - The representations (including supporting information) presented by all the parties
 - The Guidance
 - Its own statement of licensing policy.
35. With the exception to the obligations under the Licensing Act 2003 (Hearings) Regulations 2005 that representations can only be withdrawn up to 24 hours prior to the first day of any hearing (if they are withdrawn after this time, the hearing must proceed and the representations may be withdrawn orally at that hearing), an application within one of the council's CIP area can be subject to the conciliation process.

Strategic Director of Finance & Corporate Services (E&L/13/022)

36. The strategic director of finance and corporate services notes this report summarises licence applications made in 2012-13. As stated in paragraph 29 this report does not in itself incur any additional revenue or capital costs.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Licensing Act 2003 Associated secondary regulations Home Office Guidance to the Act Southwark Statement of Licensing Policy Latest partnership analysis reports	The Health Safety Licensing & Environmental Protection Unit, Hub C, Third Floor, 160 Tooley Street. London, SE1 2QH	Name: Mrs Kirty Read Phone number: 020 7525 5748

APPENDICES

No.	Title
Appendix A	Summary of application outcomes 2012-2013
Appendix B	Borough and Bankside cumulative impact policy map
Appendix C	Camberwell cumulative impact policy map
Appendix D	Peckham cumulative impact policy map

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Leisure	
Report Author	Richard Parkins; Health Safety Licensing & Environmental Protection Unit Manager	
Version	Final	
Dated	22 August 2013	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Legal Services	Yes	Yes
Strategic Director of Finance & Corporate Services	Yes	Yes
Cabinet Member	No	No
Date final report sent to Constitutional Team	22 August 2013	

APPENDIX A

Licensing Act 2003 - Outcomes of Licence Applications in Saturation Areas 2012-2013

Date	Premises name	Premises address	Applicant	Premises type	Application type (New or Variation)	Licensable activities (Alcohol On / Alcohol Off / Regulated Entertainment / Late Night Refreshment)	Representations from Responsible Authorities	Representations from local community (including ward councillors)	Determined by (either Licensing Sub-Committee / Successful conciliation / Head of Service - Not opposed)	Outcome
Borough & Bankside										
Apr-12	House of Switzerland	Cathedral's Square, Montague Close, London, SE1	House of Switzerland	Olympic House	New (Time-limited)	Alcohol (On) Regulated entertainments	TS EPT Police	None	Sub-Committee	Issued with conditions
May-12	Arches 49-51,	Rear of 100 Union Street, London SE1 0NW	Lake Estates Ltd	Bar - Multi purpose venue	New	Alcohol (On) regulated entertainment	Police Lic EPT Planning H&S	None	Sub-Committee	Withdrawn
May-12	M. V. Harmony	KINGS REACH, River Thames, Below Waterloo Bridge, London	Sodexo Ltd	E23 Vessels / Boats / Ships	New	Alcohol (On) regulated entertainment	None	None	Head of Service	Rejected - out of borough
May-12	Wineworld (London) PLC	11 Southwark Street, London, SE1 1RQ	Wineworld (London) PLC	Pop-Up off-licence following displacement of business during Olympics	New	Alcohol (On and Off)	None	1 other person	Head of Service	Agreed amended application with conditions
May-12	Unknown Name	Basement And Ground Floor, 73-75 Union Street, London, SE1 1SG	Shabul Hussain Khan	F77 Alcohol Sold	New	Alcohol (On) LNR	TS	2 other persons	Head of Service	Agreed amended application with conditions

Date	Premises name	Premises address	Applicant	Premises type	Application type (New or Variation)	Licensable activities (Alcohol On / Alcohol Off / Regulated Entertainment / Late Night Refreshment)	Representations from Responsible Authorities	Representations from local community (including ward councillors)	Determined by (either Licensing Sub-Committee / Successful conciliation / Head of Service - Not opposed)	Outcome
May-12	Laithwaites Wine	Ground Floor, 1 Cathedral Street, London, SE1 9DE	Thomas Groves Clo Direct Wines Ltd	Pop-Up off-licence following displacement of business during Olympics	New	Alcohol (On and Off)	None	1 other person	Head of Service	Granted (in error)
May-12	Southwark Rooms	Shakespeare Tavern, 60 Southwark Street, London, SE1 1UN	Jordan Hallows	F26 Restaurant / Cafe	Variation	Alcohol (On & Off) regulated entertainment LNR	TS EPT Planning Lic	1 other person	Head of Service	Agreed amended application with conditions
May-12	Tate Modern	53 Bankside, London, SE1 9TG	Board of Trustees of Tate Galleries	E02 Art Gallery	Variation	Alcohol (On & Off) regulated entertainment LNR	None	1 other person	Head of Service	Rejected - Substantial change
May-12	Number 10 Bermondsey St	10 Bermondsey Street	10 Bermondsey St Ltd	Multi purpose venue in railway arch / tunnel	New	Alcohol On / All regulated entertainments	Police EPT Planning	6 other persons	Sub-Committee	Issued with reduction in hours and conditions
Jun-12	New Forest Cider	1-2 Rochester Walk, London, SE1 9AF	Barry John Chissell Topp	F20 Off Licence	Vary	Alcohol (On and Off)	Police	1 other person	Head of Service	Agreed amended application with conditions
Jun-12	The Thames Festival Trust	Queens Walk, Bankside and Tate Modern, SE1	The Thames Festival Trust	L09 Highway	New (Time-limited)	Alcohol (On & Off) regulated entertainment	None	None	Head of Service	Granted by default
Jun-12	LSBU Students Union	103 Borough Road, SE1	London South Bank University	Student Union	Provisional statement	Alcohol (on) Regulated entertainemnt LNR	Police EPT Lic	1 other person	Sub-Committee	Granted with conditions

Date	Premises name	Premises address	Applicant	Premises type	Application type (New or Variation)	Licensable activities (Alcohol On / Alcohol Off / Regulated Entertainment / Late Night Refreshment)	Representations from Responsible Authorities	Representations from local community (including ward councillors)	Determined by (either Licensing Sub-Committee / Successful conciliation / Head of Service - Not opposed)	Outcome
Jun-12	M V Diamond	KINGS REACH, River Thames, Below Waterloo Bridge, London	City Cruises Ltd	E23 Vessels / Boats / Ships	New	Alcohol (on) Regulated entertainment LNR	Police Planning EPT TS	1 other person	Sub-Committee	Granted with conditions
Jul-12	Nandos	Railway Arch 86, Scoresby Street, London, SE1 0XN	Nando's Chickenland Ltd	F26 Restaurant / Cafe	New	Alcohol (On) LNR	H&S	4 other persons	Sub-Committee	Granted with conditions
Jul-12	The Goldsmith	96 Southwark Bridge Road, London, SE1 0EF	Punch Taverns PLC	F24 Public House / Wine Bar	Variation	Alcohol (On & Off) regulated entertainment LNR	H&S	None	Head of Service	Agreed amended application with conditions
Jul-12	Novotel London Blackfriars	46 Blackfriars Road, London, SE1 8NZ	Accor UK Business and Leisure Hotels Limited	Hotel	New	Alcohol (On) regulated entertainment LNR	Police EPT	None	Head of Service	Agreed amended application with conditions
Jul-12	Ibis London Blackfriars	49 Blackfriars Road, London, SE1 8NZ	Accor UK Business and Leisure Hotels Ltd	Hotel	New	Alcohol (On & Off) regulated entertainment LNR	Police EPT	None	Head of Service	Agreed amended application with conditions
Jul-12	M&S Simply Food	Unit 5, London Bridge Railway, Railway Approach, London, SE1 9SP	Select Service Partner Limited	F10 Grocery	New	Alcohol (Off)	None	None	Head of Service	Granted by default
Jul-12	Delice De France / Breadbox	Street Record, Railway Approach, London	Select Service Partner Limited	F21 Other Foods	New	LNR	None	None	Head of Service	Granted by default

Date	Premises name	Premises address	Applicant	Premises type	Application type (New or Variation)	Licensable activities (Alcohol On / Alcohol Off / Regulated Entertainment / Late Night Refreshment)	Representations from Responsible Authorities	Representations from local community (including ward councillors)	Determined by (either Licensing Sub-Committee / Successful conciliation / Head of Service - Not opposed)	Outcome
Aug-12	YWCA Central Club	73-81 Southwark Bridge Road, London, SE1 0NQ	YWCA Central Club	Gym - Café	New	Alcohol (On) regulated entertainment LNR	Police H&S	None	Head of Service	Agreed amended application with conditions
Aug-12	The Market Hall	16-26 Borough High Street, London, SE1 9QG	The Trustees of the borough Market Southwark	F77 Alcohol Sold	New	regulated entertainment	Police H&S	None	Head of Service	Agreed amended application with conditions
Sep-12	The Chamber of Shipping	First Floor, 30 Park Street, London, SE1 9EQ	The Chamber of Shipping Ltd	F78 Food Business - Office	New	Alcohol (On) Recorded music	TS	1 other persons	Sub-Committee	Granted with conditions
Sep-12	The View from The Shard	32 London Bridge Street, London	Shard Viewing Gallery Management Limited	Functions	New	Alcohol (On & Off) regulated entertainment LNR	EPT Lic	None	Head of Service	Agreed amended application with conditions
Sep-12	Del Mercato	Arch 192, Park Street, London, SE1 9BU	Del Mercato Restaurants (Vinum Restaurants Ltd)	F26 Restaurant / Cafe	New	Alcohol (on) Regulated entertainments LNR	None	6 other persons	Sub-Committee	Granted in part with conditions
Sep-12	Wine Pantry Limited	Ground Floor, 1 Cathedral Street, London, SE1 9DE	Wine Pantry Limited	Off licence	New	Alcohol (on & Off) recorded music	None	None	Head of Service	Granted by default
Dec-12	Oblix	The Shard, 32 London Bridge Street, London, SE1 9SY	Wildfire Entertainment Ltd	F26 Restaurant / Cafe	New	Alcohol (On & Off) regulated entertainment LNR	None	None	Head of Service	Granted by default

Date	Premises name	Premises address	Applicant	Premises type	Application type (New or Variation)	Licensable activities (Alcohol On / Alcohol Off / Regulated Entertainment / Late Night Refreshment)	Representations from Responsible Authorities	Representations from local community (including ward councillors)	Determined by (either Licensing Sub-Committee / Successful conciliation / Head of Service - Not opposed)	Outcome
Dec-12	Upper Crust	London Bridge Station, Unit B, London Bridge Railway Station, Station	SELECT SERVICE PARTNERS LIMITED	F26 Restaurant / Cafe	New	LNR	None	None	Head of Service	Granted by default
Feb-13	Pavilion B	Bankside 4, SE1	Conran Albion	F26 Restaurant / Cafe	New	Alcohol (On & Off) LNR	Police	14 other persons	Sub-Committee	Granted with conditions
Mar-13	Shangri-La Hotel The Shard	The Shard, 31 St Thomas Street, London, SE1 9RY	Shangri-La Hotels PTE Limited	Hotel	New	Alcohol (On & Off) regulated entertainment LNR	Police EPT H&S	None	Head of Service	Agreed amended application with conditions
Mar-13	Nero Express	Unit A, The Shard Tower, London Bridge Station, Station Approach, Lond	NERO HOLDINGS LTD	Coffee shop	New	LNR	None	None	Head of Service	Granted by default
Mar-13	Windmill Taverns	49 The Cut, London, SE1 8LF	WINDMILL TAVERNS LIMITED	Public House	New	Alcohol (On & Off) LNR	Police	1 other person	Head of Service	Agreed amended application with conditions
Mar-13	Wagamama	1A Bank End, London, SE1 9BU	Wagamama Limited	F26 Restaurant / Cafe	Variation	Increase licence area & Add Alcohol (Off & Off)	H&S	1 other person	Head of Service	Agreed amended application with conditions
Mar-13	Cafe Del Aziz	5 Canvey Street, London, SE1	Del Aziz Ltd	F26 Restaurant / Cafe	Variation	Extend alcohol licensed hours (On and Off)	EPT Police	3 other persons	Sub-Committee	Granted with conditions

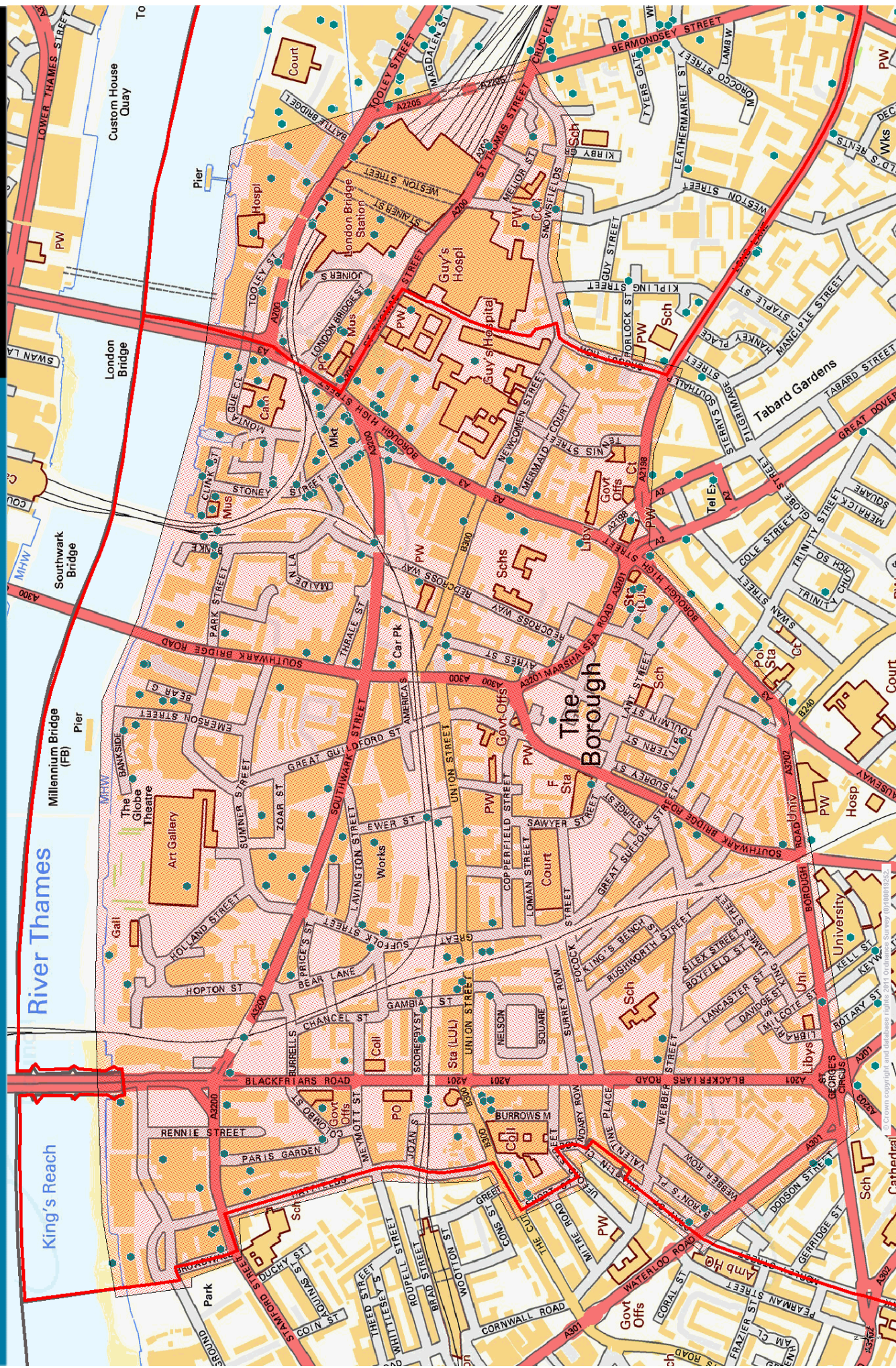
Date	Premises name	Premises address	Applicant	Premises type	Application type (New or Variation)	Licensable activities (Alcohol On / Alcohol Off / Regulated Entertainment / Late Night Refreshment)	Representations from Responsible Authorities	Representations from local community (including ward councillors)	Determined by (either Licensing Sub-Committee / Successful conciliation / Head of Service - Not opposed)	Outcome
Mar-13	Hutong	Floor 33, Unit 5, 32 London Bridge Street, London, SE1 9SY	Hutong Ltd	Restaurant / Bar	New	Alcohol (On & Off) regulated entertainment LNR	H&S	None	Head of Service	Agreed amended application with conditions
Mar-13	Aqua	Floor 31, Units 1 & 2, 32 London Bridge Street, London, SE1 9SY	Aqua Brit Ltd	Restaurant / Bar	New	Alcohol (On & Off) regulated entertainment LNR	H&S	None	Head of Service	Agreed amended application with conditions
Mar-13	Londis	53 Borough High Street, London, SE1	Shahid Akhtar	F10 Grocery	Variation	Extend alcohol licensed hours (Off) & amend conditions	Police EPT TS	1 other person	Sub-Committee	Refused other than conditions amended
Mar-13	Jazz Convenience Store	69-71 Union Street, London, SE1 1SG	Nasim Ali	F10 Grocery	Variation	Extend alcohol licensed hours (Off) & amend conditions	EPT Police	None	Sub-Committee	Refused other than conditions amended
Camberwell										
Apr-12	The Planet Nollywood	319 Camberwell Road, London, SE5 0HQ		F24 Public House / Wine Bar						
Jul-12	Kentucky Fried Chicken	35 Camberwell Church Street, London, SE5 8TR	Kentucky Fried Chicken (GB) Ltd	F31 Takeaway	Variation	Extend LNR	None	1 other person	Sub-committee	Granted with conditions
Aug-12	Old Dispensary	325 Camberwell New Road, London, SE5 0TF		F24 Public House / Wine Bar						

Date	Premises name	Premises address	Applicant	Premises type	Application type (New or Variation)	Licensable activities (Alcohol On / Alcohol Off / Regulated Entertainment / Late Night Refreshment)	Representations from Responsible Authorities	Representations from local community (including ward councillors)	Determined by (either Licensing Sub-Committee / Successful conciliation / Head of Service - Not opposed)	Outcome
Peckham										
Apr-12	The CLF Art Cafe	Unit A1.1, A2.1, & A3.1, 133 Copeland Road, CIP House,, Copeland ind	Micheal Smith and Saija Kamarainen	Multi-purpose arts venue	New	Alcohol (On) Regulated entertainments	TS EPT Lic Police	None	Head of Service following conciliation	Agreed amended application with conditions
Apr-12	De Buka	34 Peckham High Street, London, SE15 5DP	Clara Osebinwinde	F26 Restaurant / Cafe	New	Alcohol (On and off) LNR	None	None	Head of Service - no representations	Agreed
Apr-12	Frank's Cafe	Levels 7 - 10, Peckham Multi-Storey Car Park, 95A Rye Lane, London, SE	Frank's Café Ltd	F26 Restaurant / Cafe	New	Alcohol (on) regulated entertainments	H&S Lic Planning EPT	None	Sub-committee	Granted with conditions
Apr-12	Rye Express	Unit 1, 137-139 Rye Lane, London, SE15 4ST	Naseem Sameer	F20 Off Licence Variation		Alcohol (Off)	Police TS	None	Head of Service following conciliation	Agreed amended application with conditions
May-12	3D Restaurant	1 The Market, Choumert Road, London, SE15 4SG	Afees Hassan	F26 Restaurant / Cafe	New	Alcohol (On) Recorded music LNR	Police TS Lic	None	Head of Service following conciliation	Agreed amended application with conditions
Jun-12	Ceekay Supermarket	18 Peckham High Street, London, SE15 5DT	Abiola Wasiu Olowu	F30 Supermarket	New	Alcohol (Off)	TS Police	None	Head of Service following conciliation	Agreed amended application with conditions

Date	Premises name	Premises address	Applicant	Premises type	Application type (New or Variation)	Licensable activities (Alcohol On / Alcohol Off / Regulated Entertainment / Late Night Refreshment)	Representations from Responsible Authorities	Representations from local community (including ward councillors)	Determined by (either Licensing Sub-Committee / Successful conciliation / Head of Service - Not opposed)	Outcome
Jul-12	The Last Refuge Arts	Unit 9a, 133 Copeland Road, London, SE15 3SN	Last Refuge Arts	Café / Bar	New	Alcohol (On) regulated entertainments	TS Police H&S	3 other persons	Head of Service following conciliation	Agreed amended application with conditions
Jul-12	T & S Afro Cosmetics and Food Wine	213A Rye Lane, London, SE15 4TP	Mr T Thanabalasingham and Mr T Savagi	F10 Grocery	Variation	Extend alcohol (off) add non-standard times amend conditons	Police	1 other person	Sub-committee	Granted with conditions
Oct-12	Unknown (Not operated)	Unit 5, 12-16 Blenheim Grove, London, SE15 4QL	James Fisher	L14 Vacant Building	New	Alcohol (On) Recorded music	EPT H&S	2 other persons	Sub-Committee	Granted with conditions
Oct-12	Canavans Peckham Pool Club	188 Rye Lane, London, SE15 4NF	Kieran Canavan	E11 Leisure / Sports Centre (pool club)	Variation	Add regulated entertainments. Extend alcohol (On) licensed hours. Amend conditions	Police EPT TS Lic H&S Planning	1 other person	Sub-committee	Granted in part with conditions
May-12	Payless	94-96 Pelican House, Peckham Road, SE15	Mohammad Zaheer Ali	F10 Grocery	New	Alcohol (Off)	Police	2 other persons	Sub-committee	Granted with conditions
Jan-13	Anderson & Co	139 Bellenden Road, London, SE15 4DH	Lisa Anderson	F26 Restaurant / Cafe	New	Alcohol (On) Recorded music	None	None	Head of Service - no representations	Agreed
Mar-13	Cost price Peckham Refreshment Rooms Ltd	151A Rye Lane, London, SE15 4TL	Amanual Fissehaye	F10 Grocery	New	Alcohol (Off)	Police TS	None	Head of Service following conciliation	Agreed amended application with conditions
Mar-13		Unit 4, 12-16 Blenheim Grove, SE15	James Fisher	F26 Restaurant / Cafe	New	Alcohol (On)	EPT	3 other persons	Sub-committee	Agreed with conditions

Date 12/16/2013

Borough and Bankside Saturation Area 2013



Scale 1:5441

Date 12/16/2013

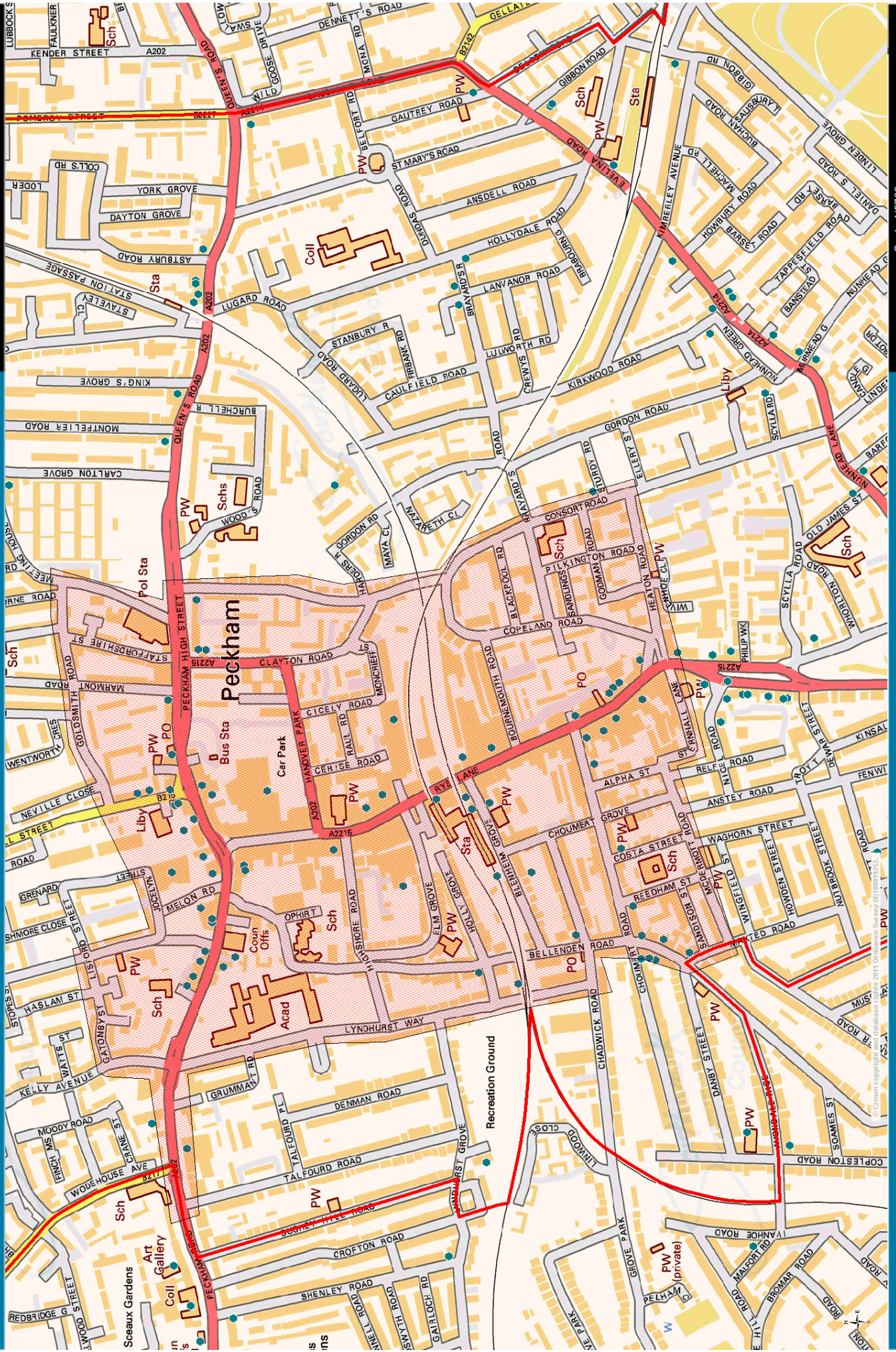
Camberwell Saturation Area 2013



Scale 1:5441

Date 22/8/2013

Peckham Saturation Area 2013



Scale 1:5789

Item No. 8.	Classification: Open	Date: 4 September 2013	Meeting Name: Licensing Committee
Report title:		Scrap Metal Dealers Act 2013	
Ward(s) or groups affected:		All	
From:		Strategic Director of Environment & Leisure	

RECOMMENDATIONS

1. That the licensing committee notes the content of this report, including the timetable for implementation of the new licensing regime under the Scrap Metal Dealers Act 2013.
2. That the licensing committee notes that a proposed fees schedule for licences under the Act will be considered by the leader of the council under the IDM process, following a variation of delegation.
3. That the licensing committee notes the intention that, in advance of formal amendment to the council constitution, all cases where it is proposed to either reject, revoke or vary an application for a licence under the Act will be put to the licensing sub-committee for consideration.

BACKGROUND INFORMATION

4. Metal theft has, in recent years, had a wide ranging impact on communities, businesses and local authorities. We have seen disruption to public transport services, energy supplies and telecommunications; lead stolen from church roofs; manhole covers and street signs stolen and war memorials desecrated. A survey conducted by the Local Government Association (LGA) in early 2012 showed that seven out of ten councils had been the victims of metal theft. The Home Office has estimated that there were 80,000 – 100,000 reported metal theft offences in 2010/11 alone, with estimated costs to the UK economy of up to £260 million per year. These thefts have also had the effect of highlighting how ineffective the regulation of scrap metal dealers under current legislation, dating from the 1960s, had become.
5. In 2012, the government took some initial steps toward addressing the issue. The Legal Aid, Sentencing and Punishment of Offenders Act 2012 saw police powers of entry into scrap metal sites amended; financial penalties for offences under the existing law increased; and cash payments for scrap metal made illegal.
6. More recently, on 28 February 2013, The Scrap Metal Dealers Act 2013 received Royal Assent. The Act repealed the current Scrap Metal Dealers Act 1964 and Part 1 of the Vehicles (Crime) Act 2001 and brought forward a revised regulatory regime for the scrap metal dealing and vehicle dismantling industry.
7. The Scrap Metal Dealers Act 2013 (Commencement and Transitional provisions) Order 2013 (made on 6 August 2013) confirmed that the main provisions of the Act come into effect as of 1 October 2013. Relevant provisions enabling local

licensing authorities to set fees and charges become effective as of 1 September 2013. Provisions relating to enforcement and offences under the Act come into effect as of 1 December 2013.

8. Overall responsibility falls under the Home Office. However, the Act maintains local authorities as the principal regulator of these industries and provides a basis for better regulation, through increased regulatory powers for both the local authority and police.
9. This report explains the new licensing regime and the proposed transitional arrangements. As these have been confirmed at short notice the report also asks the committee to note arrangements for establishing a fees schedule and interim arrangements for determining applications where it is likely that representations must be heard.

KEY ISSUES FOR CONSIDERATION

Key provisions of the new licensing regime

Licences

10. The Act makes it a requirement for a scrap metal dealer to hold a licence in order to carry on in business as a dealer. It is an offence to carry on a business without firstly obtaining a licence. Any person convicted can be fined at level 5 on the standard scale. Appendix A to this report provides further information on relevant definitions.
11. The Act creates two separate categories of scrap metal licences – a site licence and a collector’s licence.
 - A site licence allows the dealer to carry on business at any authorised site
 - The collector’s licence covers dealers who do not have a site but regularly collect through door to door collections.
12. Licences will be issued by the local authority in which the site is located or in which the collector operates. If a dealer intends to work from more than one local authority area, relevant licences will have to be obtained from each authority. A dealer may only hold either a site or collector’s licence in any individual authority’s area. Applications for a licence must be accompanied by full personal and business details (see Appendix A) and the relevant fee.

Suitability of the applicant

13. Local authorities must be satisfied that an applicant is a suitable person to operate as a scrap metal dealer before they may issue any licence.
14. When determining whether an applicant is suitable, a local authority may have regard to any information that it considers relevant. Full detail is provided within Appendix A to this report. However, relevant matters will include applicant’s behaviour in the operation of their business, alongside matters such as whether the dealer (or proposed site manager under a site licence) has been convicted of relevant offences or subject of relevant enforcement action. Prior refusals or revocations of scrap metal licences or environmental permits may also be taken into account.

15. To assist in determining this 'suitability test', a local authority can consult with other local authorities; the Environment Agency or Natural Resources Wales; and with the police. Agreement has also been reached between the Home Office and Disclosure Scotland allowing applicants for a scrap metal dealer's licence to apply for a Basic Disclosure as part of the application process.

Licence determinations

16. Licences granted will be valid for three years and may be renewed or varied or revoked. If an applicant or named site manager has been or is convicted of a relevant offence the local authority may add conditions requiring that:
- The dealer must not receive scrap except between 0900 and 1700 on any day
 - That all scrap metal received must be kept in the form in which it is received for a specified period, not exceeding 72 hours, beginning with the time when it is received.
17. Where a council proposes to reject an application for a licence or revoke it or vary it, the applicant has to be notified and offered the opportunity to make representations and given at least 14 days to indicate that they wish to do so. If the applicant indicates that they wish to make representations, a further period of time must be given for these to be provided. If the applicant wishes to make oral representations then an opportunity to appear before the licensing committee must be afforded to them.
18. Any decision to refuse, revoke or vary any application must be accompanied by detailed reasons. In such cases, the applicant has right of appeal within 21 days from the date on which they were notified of the decision. Appeals against a decision are made to the local magistrates' court.
19. Record of all individuals and businesses licensed as scrap metal dealers is required to be maintained upon a central register, to be hosted by the Environment Agency. Dealers are obliged to inform the local licensing authority of any material change of information supplied in connection with an application and local authorities are obliged, in turn, to notify the Environment Agency.

Licence compliance

20. In order to comply with their licence, any licensed dealer must:
- Display a copy of the relevant licence, in a prominent position, at each site or in any vehicle they use in the course of their business
 - Verify the full name and address of anyone they receive scrap metal from by checking documents, data or other information from a reliable and independent source
 - Pay for scrap metal by means of non-transferable cheque or electronic transfer of funds only
 - Maintain full records of any scrap metal received or disposed of in the course of their business (see Appendix A).
21. Failure to comply with any of the above requirements constitutes an offence under the Act.

Enforcement

22. Police officers and authorised local authority officers have the right to enter and inspect a licensed site at any reasonable time provided they have given notice. Where giving notice would prevent the officers concerned checking that the legislation has been complied with, or they have tried to give notice but have failed, then they can still enter the site. These rights do not extend to any residential premises, however, and neither can force be used to gain entry.
23. Where needed, a warrant allowing the use of force to gain entry can be obtained from a magistrate. Anyone obstructing an officer's right of entry or failing to produce a record is guilty of an offence.
24. Police officers or authorised local authority officers also have power to issue a closure notice on a non-residential premises being used as an unlicensed scrap metal dealer's site. The closure notice has to be given to the site manager and any other person who appears to be a director or manager of the business or anyone who occupies another part of any building or structure. A police officer or the council can cancel a closure notice through a cancellation notice.
25. Having issued a closure notice, an officer may apply to a magistrate for a closure order. An order cannot be applied for until a week after the closure notice was made or once more than six months have passed from the date when the notice was given. A magistrates' court may make an order where it is satisfied that a closure notice has been given and the premises continues to be used as a dealer's site or there is a reasonable likelihood it will in the future. The closure order can require the site to be immediately closed, for the dealer to stop using it in the course of their business, or for a sum to be retained by the court until requirements of the court have been met. The making of a closure order may be appealed to the Crown Court.
26. Failure to comply with a closure order is an offence and an authorised officer may enter a premises and do anything necessary to ensure compliance with a closure order.

Transitional arrangements

27. In order to allow local authorities to process applications for scrap metal dealers licences without existing business being in a position where they cannot operate, the Home Office is implementing a transitional process.
28. The following timetable for transition is confirmed:
 - Local authorities may set a licence fee from 1 September 2013.
 - The main provisions of the Act commence on 1 October 2013, including the offence of buying scrap metal for cash.
 - Dealers and motor salvage operators registered immediately before 1 October 2013 will be deemed to have a licence under the Act from 1 October 2013, provided the dealer submits an application for a licence on or before 15 October 2013. In such case their deemed licence will last until the council either issues them with a licence or gives notice of the decision to refuse a licence. However, they will be able to continue trading pending an appeal against the decision not to grant a licence.

- Where a dealer submits an application on or before 15 October 2013 but does not supply all the required information with the application form then the deemed licence remains in effect after 15 October 2013.
- Where a dealer with a deemed licence fails to submit an application on or before 15 October 2013 the deemed licence will lapse on 16 October 2013.
- Other scrap metal dealers, not previously registered, will be able to apply for a licence from 1 October 2013, but will have to wait until a licence is granted before they can legally trade.
- Local authorities will complete suitability checks on applicants and decide whether to issue licences. The Local Government Association (LGA) recommends that decisions on whether to grant or refuse a licence to previously registered dealers are made before 1 December 2013.
- All other enforcement provisions within the Act commence on 1 December 2013.

Meeting the timetable

29. In lieu of guidance from the Home Office, the LGA has taken on a co-ordination role to help achieve consistency in application of the new licensing regime. This authority is having regard to guidance received from the LGA. This is to include guidance on setting fees for licences under the Act.
30. Final preparations to ensure that all involved parties understand their responsibilities and roles under the Act are in hand. These include:
 - Local operators will be informed of the transitional arrangements; the steps they must take to ensure continuity of business; and the steps this council will take to determine their applications.
 - Application forms, process and procedure, together with guidance notes will be confirmed and issued.
 - Staff will receive full training on the Act.
 - Partner services will be contacted and communication channels confirmed.
 - Officers will be formally authorised.
31. A schedule of fees will also be confirmed to come into effect as of 1 October 2013. Fees will be calculated in accordance with Home Office and LGA guidance, when received, and will be considered by the Leader of the Council under the IDM process through a 'variation to delegation'.
32. Currently there are nine scrap metal dealers registered under the current regime. It is expected that each of these will wish to continue their business into the new regime and that a few new operators may apply.
33. As has been noted, the Act requires representations against an intention to refuse an application or revoke or vary a licence to be heard by a licensing committee. It is our intention (consistent with other licensing regimes) that any intention to refuse, revoke or vary will be put to a licensing sub-committee. It is not anticipated that this legislation will generate significant amounts of business for the committee. However, the procedure to be followed at any such hearing will be discussed in full with the committee before the first case arises.

Policy implications

34. It is anticipated that the introduction of this new licensing regime has the potential

to make a significant contribution in dealing with metal theft and the impacts of metal theft in the borough.

35. The action taken also supports this council's fairer future principles:
- Making Southwark a place to be proud of – By establishing a lawful framework enabling rigorous enforcement against illegal operators in support of legitimate operators and the local community.
 - Spending money as if it were from our own pocket – By ensuring that the community impacts and costs of metal theft are minimised.

Community impact statement

36. The council, as local licensing authority, has a duty under the Act to implement, administer and enforce the new scrap metal dealers licensing regime.
37. This includes a duty to consider each application for a licence put to it. In doing so, the council must comply with the provisions of the Act and operate within the parameters of the Act.
38. In accordance with the rules of natural justice each application put to the council will be considered upon its own merits with all relevant matters taken into account.
39. As such, the licensing regime, as set down, provides for a fair and consistent basis for consideration of applications. The provisions of the law are intended to provide both protections for lawful business operators and for the local community.
40. Where the council is minded to refuse an application for a licence or vary or revoke any existing licence, the operator will be given the opportunity to make representations and be heard by the council's licensing sub-committee. In the event that the council confirms any decision to refuse, vary or revoke a licence there is a right of appeal.
41. All enforcement activities under the Act will be considered in accordance with the council's enforcement policy. Enforcement activities will be directed to where they are necessary and carried out on a fair and consistent basis.
42. The implementation of this legislation is seen as a necessary step in order to combat the impacts of metal theft on the community. Consideration has been had as to the potential for discrimination, inequality of opportunity or preventing good relations between different people and all appropriate opportunities to prevent this have been taken.

Financial implications

43. The work involved in establishing process, procedure and practice for consideration of scrap metal dealers licences and associated enforcement will be absorbed within the council's environmental health and trading standards business unit's licensing team.
44. There is potential for additional income to be generated through scrap metal dealers' licence fees. The amount cannot be estimated until government guidance on fee setting has been issued and considered. The income generated

will be used to recover any additional costs incurred for administering and enforcing the licensing scheme.

Consultation

45. No consultation has been undertaken in preparation of this report. The new licensing regime is being established at short notice in accordance with issued guidance.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Legal Services

46. The Scrap Metal Dealers Act 2013 repeals the Scrap Metal Dealers Act 1964 and Part 1 of Vehicles (Crime) Act 2001 and provides a revised regulatory regime for the scrap metal dealing and vehicle dismantling industries.
47. The Act completely replaces the previous registration process local authorities operated for scrap metal dealers. Local authorities will now be the principal regulator responsible for the licensing of scrap metal dealers and the enforcement of the licensing regime, alongside the police.
48. The Act provides that an application for a licence must be accompanied by a fee that will be set locally by the local authority, on a cost recovery basis. The local authority will have a duty to have regard to the guidance issued by the Secretary of State which outlines the issues that should be considered by local authorities when setting the fee and what activities the fee can cover. The guidance is being issued in two stages. At the time of writing only the first stage has been published. Regard will be had to the guidance when this is fully available.
49. Other key features of the Act include:
- Creating a central public register of all individuals and businesses licensed as scrap metal dealers;
 - Widening the definition of scrap metal to include motor salvage operators;
 - All individuals and businesses to complete an enhanced application process to obtain a scrap metal dealer licence, which gives a local authority power to refuse unsuitable applicants;
 - Giving local authorities the power to revoke scrap metal dealer licenses;
 - Requiring sellers of metal to provide personal identification at the point of sale, which is recorded by the scrap metal dealer;
 - Providing new powers for the police and local authorities to enter and inspect scrap metal sites; and
 - Extending the offence of buying metal with cash to itinerant metal collectors.

Strategic Director of Finance and Corporate Services (E&L/13/023)

50. The strategic director of finance and corporate services notes this report on the new licensing regime under the Scrap Metal Dealers Act 2013 and the financial implications in paragraphs 43-44.
51. This update report does not, in itself, incur any additional revenue or capital costs as preliminary work will be contained within existing resources. Further analysis

will be done to determine potential fee income to offset associated costs, which will be incorporated in any IDM reports to the leader of the council.

Background Papers	Held At	Contact
Scrap Metal Dealers Act 2013	Health Safety Licensing & Environmental Protection Unit, 160 Tooley Street, London, SE1 2QH	Name: Mrs Kirty Read Phone number: 020 7525 5748
LGA Guidance	As above	As above

APPENDICES

No.	Title
Appendix A	Scrap Metal Dealers Act 2013 – relevant extracts

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment & Leisure	
Report Author	Richard Parkins, Health Safety Licensing & Environmental Protection Unit Manager	
Version	Final	
Dated	22 August 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	22 August 2013	

APPENDIX A**Scrap Metal Dealers Act 2013 – Relevant Extracts****Definitions****‘Carrying on business as a scrap metal dealer’ (Section 21(2)-21(7) and 22(4))**

21(2) A person carries on business as a scrap metal dealer if the person –

- (a) Carries on a business which consists wholly or partly in buying or selling scrap metal, whether or not the metal is sold in the form in which it was bought, or
- (b) Carries on business as a motor salvage operator (so far as that does not fall within paragraph (a)).

21(3) For the purposes of subsection (2)(a), a person who manufactures articles is not to be regarded as selling scrap metal if that person sells scrap metal only as a by-product of manufacturing articles or as surplus materials not required for manufacturing them.

21(4) For the purposes of subsection (2)(b), a person carries on business as a motor salvage operator if the person carries on a business which consists—

- (a) Wholly or partly in recovering salvageable parts from motor vehicles for re-use or sale and subsequently selling or otherwise disposing of the rest of the vehicle for scrap,
- (b) Wholly or mainly in buying written-off vehicles and subsequently repairing and reselling them,
- (c) Wholly or mainly in buying or selling motor vehicles which are to be the subject (whether immediately or on a subsequent re-sale) of any of the activities mentioned in paragraphs (a) and (b), or
- (d) Wholly or mainly in activities falling within paragraphs (b) and (c).

‘Scrap metal dealer’ (S.21(5))

21(5) “Scrap metal dealer” means a person who is for the time being carrying on business as a scrap metal dealer, whether or not authorised by a licence.

‘Scrap metal’ (S.21(6)-21(7))

21(6) “Scrap metal” includes—

- (a) Any old, waste or discarded metal or metallic material, and
- (b) Any product, article or assembly which is made from or contains metal and is broken, worn out or regarded by its last holder as having reached the end of its useful life.

21(7) But the following are not scrap metal—

- (a) Gold,
- (b) Silver, and
- (c) Any alloy of which 2 per cent or more by weight is attributable to gold or silver.

'Mobile collector' (S.22(4))

22(4) 'Mobile collector' means a person who –

- (a) Carries on business as a scrap metal dealer otherwise than at a site; and
- (b) Regularly engages, in the course of that business, in collecting waste materials and old, broken, work out or defaced articles by means of visits from door to door.

Suitability (Sections 3(1)-3(2) and 3(4)-3(5))**Suitable person to hold a licence (individuals) (S.3(1)-3(2))**

- 3(1) A local authority must not issue or renew a scrap metal licence unless it is satisfied that the applicant is a suitable person to carry on business as a scrap metal dealer.
- 3(2) In determining whether the applicant is a suitable person, the authority may have regard to any information which it considers to be relevant, including in particular:
- (a) Whether the applicant or any site manager has been convicted of any relevant offence;
 - (b) Whether the applicant or any site manager has been the subject of any relevant enforcement action;
 - (c) Any previous refusal of an application for the issue or renewal of a scrap metal licence (and the reasons for the refusal);
 - (d) Any previous refusal of an application for a relevant environmental permit or registration (and the reasons for the refusal);
 - (e) Any previous revocation of a scrap metal licence (and the reasons for the revocation);
 - (f) Whether the applicant has demonstrated that there will be in place adequate procedures to ensure that the provisions of this Act are complied with.

Suitable person to hold a licence (company) (S.3(4))

- 3(4) In determining whether a company is a suitable person to carry on business as a scrap metal dealer, a local authority is to have regard, in particular, to whether any of the following is a suitable person:
- (a) Any director of the company;
 - (b) Any secretary of the company;
 - (c) Any shadow director of the company (that is to say, any person in accordance with whose directions or instructions the directors of the company are accustomed to act).

Suitable person to hold a licence (partnership) (S.3(5))

- 3(5) In determining whether a partnership is a suitable person to carry on business as a scrap metal dealer, a local authority is to have regard, in particular, to whether each of the partners is a suitable person.

Applications (Schedule 1 Section 2)

Information to be provided with the application (Sch.1 S2)

- 2(1) A licence is to be issued or renewed on an application, which must be accompanied by:
- (a) If the applicant is an individual, the full name, date of birth and usual place of residence of the applicant,
 - (b) If the applicant is a company, the name and registered number of the applicant and the address of the applicant's registered office,
 - (c) If the applicant is a partnership, the full name, date of birth and usual place of residence of each partner,
 - (d) Any proposed trading name,
 - (e) The telephone number and e-mail address (if any) of the applicant,
 - (f) The address of any site in the area of any other local authority at which the applicant carries on business as a scrap metal dealer or proposes to do so,
 - (g) Details of any relevant environmental permit or registration in relation to the applicant,
 - (h) Details of any other scrap metal licence issued (whether or not by the local authority) to the applicant within the period of 3 years ending with the date of the application,
 - (i) Details of the bank account which is proposed to be used in order to comply with section 12 (scrap metal not to be bought for cash etc), and
 - (j) Details of any conviction of the applicant for a relevant offence, or any relevant enforcement action taken against the applicant.
- 2(2) If the application relates to a site licence, it must also be accompanied by—
- (a) The address of each site proposed to be identified in the licence (or, in the case of an application to renew, of each site identified in the licence whose renewal is sought), and
 - (b) The full name, date of birth and usual place of residence of each individual proposed to be named in the licence as a site manager (other than the applicant).
- (3) If the application relates to a site licence, the references in sub-paragraph (1)(g), (h) and (j) to the applicant are to be read as including any individual proposed to be named in the licence as a site manager.

Records (Sections 13 – 15)

Records: Receipt of metal (S13)

13(1) This section applies if a scrap metal dealer receives any scrap metal in the course of the dealer's business.

13(2) The dealer must record the following information:

- (a) The description of the metal, including its type (or types if mixed), form, condition, weight and any marks identifying previous owners or other distinguishing features;
- (b) The date and time of its receipt;
- (c) If the metal is delivered in or on a vehicle, the registration mark (within the meaning of section 23 of the Vehicle Excise and Registration Act 1994) of the vehicle;

- (d) If the metal is received from a person, the full name and address of that person;
- (e) If the dealer pays for the metal, the full name of the person who makes the payment acting for the dealer.

13(3) If the dealer receives the metal from a person, the dealer must keep a copy of any document which the dealer uses to verify the name or address of that person.

13(4) If the dealer pays for the metal by cheque, the dealer must keep a copy of the cheque.

13(5) If the dealer pays for the metal by electronic transfer:

- (a) The dealer must keep the receipt identifying the transfer, or
- (b) If no receipt identifying the transfer was obtained, the dealer must record particulars identifying the transfer.

Records: Disposal of metal (S.14)

14(1) This section applies if a scrap metal dealer disposes of any scrap metal in the course of the dealer's business.

14(2) For these purposes metal is disposed of:

- (a) Whether or not it is in the same form in which it was received;
- (b) Whether or not the disposal is to another person;
- (c) Whether or not the metal is dispatched from a site.

14(3) Where the disposal is in the course of business under a site licence, the dealer must record the following information:

- (a) The description of the metal, including its type (or types if mixed), form and weight;
- (b) The date and time of its disposal;
- (c) If the disposal is to another person, the full name and address of that person;
- (d) If the dealer receives payment for the metal (whether by way of sale or exchange), the price or other consideration received.

14(4) Where the disposal is in the course of business under a collector's licence, the dealer must record the following information:

- (a) The date and time of the disposal;
- (b) If the disposal is to another person, the full name and address of that person.

Records: Supplementary (S.15)

15(1) The information mentioned in sections 13(2) and (5) and 14(3) and (4) must be recorded in a manner which allows the information and the scrap metal to which it relates to be readily identified by reference to each other.

15(2) The records mentioned in section 13(3) and (4) must be marked so as to identify the scrap metal to which they relate.

15(3) The dealer must keep the information and other records mentioned in sections 13(2) to (5) and 14(3) and (4) for a period of 3 years beginning with the day on which the metal is received or (as the case may be) disposed of.

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Andrew Weir Tel: 020 7525 7222

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