

## Licensing Sub-Committee

Minutes of the Licensing Sub-Committee held on Monday 12 June 2017 at 10.00 am  
at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

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**PRESENT:** Councillor Renata Hamvas (Chair)  
Councillor Lorraine Lauder MBE  
Councillor Maria Linforth-Hall

**OTHERS  
PRESENT:** Michael Buckworth, representative for the applicant  
David Mold, representative for the applicant  
Paramjit Kaur, applicant  
Naresh Kumar, applicant  
Tanus Uppal, local resident  
Prasath Uthatarajai, local resident  
Gianwes D'Angelo, local resident  
Angie Dixon, local resident  
Tim Wood, local resident  
Joseph Bonner, local resident  
Jack Wilkinson, local resident  
Keslen Brown, local resident  
Kenneth Powell, local resident  
Graham White, local resident  
Julien Wolfson, local resident

**OFFICER  
SUPPORT:** Debra Allday, legal team  
Andrew Heron, licensing team  
Wesley McArthur, licensing team  
Mark Prickett, licensing team  
Jayne Tear, licensing team  
Bill Masini, trading standards team  
Tim Murtagh, constitutional team

### 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.

The clerk advised that the following late and urgent items had been circulated on a supplemental agenda:

Licensing Act 2003: Flat Iron Square, Union Street, London SE1 – Temporary Event Notice 858857

Licensing Act 2003: Redcross Way (South) Redcross Gardens, London SE1 – Temporary Event Notice 858862

Licensing Act 2003: Flat Iron Square, Union Street, London SE1 – Temporary Event Notice 858875

Licensing Act 2003: Union Street, London SE1 – Temporary Event Notice 858890

Licensing Act 2003: Flat Iron Square, Union Street, London SE1 – Temporary Event Notice 858913.

## **4. DISCLOSURE OF INTERESTS AND DISPENSATIONS**

Councillor Maria Linforth-Hall, declared a non pecuniary interest in item 8, as she knew the applicant, Mr Tim Wood.

## **5. LICENSING ACT 2003: ZIA LUCIA, 35-37 TOWER BRIDGE ROAD, LONDON SE1 4TL**

The licensing officer explained that representations in the report from the Police and trading standards officers had been withdrawn with added conditions accepted by the applicant. This had followed a letter from the applicant offering concessions.

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

An objector present addressed the sub-committee. There were no questions from members to the objector.

The meeting went into closed session at 11.05am.

The meeting resumed at 11.45am. The chair did not read out the decision of the sub-committee as none of the parties were present.

## **RESOLVED:**

That the application made by Zia Lucia 2 Ltd., for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Zia Lucia, 35-37 Tower Bridge Road, London SE1 4TL be granted as follows:

### **Licensable activity -**

The supply of alcohol (for consumption on premises), shall be limited to Monday to Sunday from 11.00 to 22.30.

The provision of regulated entertainment in the form of recorded music (indoors), shall be limited to Monday to Sunday from 11.00 to 23.00

Opening hours, shall be limited to Monday to Sunday from 11.00 to 23.00.

### **Conditions**

The operation of the premises under the licence shall be subject to relevant mandatory conditions, conditions derived from the operation schedule highlighted in Section M of the application form, the conditions agreed with the Metropolitan Police Service and trading standards during the conciliation process and the following additional conditions agreed by the sub-committee:

1. That intoxicating liquor shall not be sold or supplied on the premises otherwise than to person(s) eating food there and for consumption by such person(s) as ancillary to their meal.
2. That customers and staff shall only use the outside area to the front of the premises to smoke a cigarette and no more than 5 people at any one time. No drinks shall leave the premises.
3. That external waste handling, collections, deliveries and the cleaning of external areas shall only occur between the hours of 08.00 and 20.00.
4. That no music will be played in the rear room.
5. That the rear doors and windows shall remain closed at all times after 21.00 hours except in emergencies.
6. The external courtyard will not be accessed after 21.00 hours except in emergencies.
7. No customers are to access the external courtyard at any time except for emergencies.
8. The applicant must sign the women's safety charter, namely:
  - 8.1 Prominently display high visibility posters in the venue which discourage harassment and encourage reporting.
  - 8.2 To take every report of harassment and sexual intimidation seriously and take appropriate action.

8.3 To take active steps to support persons who report harassment or sexual intimidation that might take place in their premises.

8.4 To train all front of house staff to address women's safety and harassment.

8.5 To take active steps to ensure women leave the venue safely.

## **Reasons**

The applicant addressed the sub-committee and advised that the proposed business would be a high class restaurant selling pizzas. Premises are on the ground floor of a property onto Tower Bridge Road. The premises are open plan with a closed kitchen in the middle of the floor plan. There are residential premises both in the building in which the restaurant operates and in the immediate vicinity. The applicant advised that they were extremely conscious of the local residents and the need not to disturb them, it was for this reason that they had conciliated with responsible authorities. The applicant advised that they were agreeable to additional conditions being added to the premises licence.

The licensing sub-committee heard from local resident (party F) objecting to the application who advised that the area where the premises were located are entirely residential. The applicant had advised that the premises could accommodate 80 persons, and in the resident's view, this was a large premises. The bedroom in the resident's property was approximately 15 feet away from the premises and as such, would have a big impact on him and his family's lives. Whilst the resident did not have any objection to a restaurant operating at the premises, it was felt the premises in its current application would undermine the licensing objectives, in particular the prevention of public nuisance: local residents would be disturbed by music being played between 11.00 and 23.00 hours each day, music would be audible through the doors and windows and the use of the external courtyard would affect the quality of sleep.

It was noted that the police and trading standards had conciliated their objections with the applicant.

The licensing sub-committee considered all of the oral and written representations before it and accepted that the concerns raised about the air-conditioning unit was a planning matter, the rest of the concerns could be conditioned, which was agreeable to the applicant.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives and considered that this decision was appropriate and proportionate.

## **Appeal rights**

The applicant may appeal against any decision:

- a) To impose conditions on the licence.
- b) To exclude licensable activity or refuse to specify a person as premises supervisor.

Any person who made relevant representations in relation to the application who desire to contend that:

- a) The licence ought not to be granted; or
- b) That on granting the licence, the licensing authority ought to have imposed different or additional conditions to the licence, or ought to have modified them in a different way

may appeal against the decision.

Any appeal must be made to the Magistrates' Court for the 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.

**6. LICENSING ACT 2003: BEST FOOD & WINE, 171 QUEENS ROAD, LONDON SE15 2ND - TRANSFER APPLICATION**

The legal officer advised that the objections to the transfer had been withdrawn and conditions conciliated as part of the review.

The chair advised that this item had now been withdrawn.

**7. LICENSING ACT 2003: BEST FOOD AND WINE, 171 QUEENS ROAD, LONDON SE15 2ND - REVIEW**

The licensing officer explained that conditions had been agreed between the Police, trading standards and the applicant.

The trading standards officer explained that in view of the transfer with conditions, trading standards were content to withdraw the review application.

There were no questions from members to officers.

The applicant explained that he was satisfied with the proposed arrangements.

The meeting went into closed session at 12.15pm.

The meeting resumed at 12.17pm. The chair did not read out the decision of the sub-committee as none of the parties were present.

**RESOLVED:**

That the licensing sub-committee, having considered an application made under Section 51 of the Licensing Act 2003 by the council's trading standards service for the review of the premises licence issued in respect of the premises known as Best Food and Wine, 171 Queens Road, London SE15 2ND and having had regard to all other relevant representations has decided it necessary for the promotion of the licensing objectives to:

Modify the conditions of the licence as follows:

1. That should Ajanthini Arulrajah and Geethanjali Arulrajah terminate the lease between them and Naresh Kumar and Paramjit Kaur dated 3 May 2017 to the

premises before its expiry (3 May 2037) by serving a break notice, the premises licence holder will surrender the premises licence to the licensing authority on expiry of the break notice.

2. That all the previous management of Best Food and Wine; namely Naresh Kumar and Paramjit Kaur have no involvement in the operation of the premises licence.
3. No beers, lagers or ciders in single cans, bottles or multi-packs with an ABV of more than 6.5% will be displayed, sold or offered for sale from the premises unless written permission has been given by Metropolitan Police licensing, Southwark trading standards or Southwark licensing. A copy of that permission must be retained with the licence and be immediately available for inspection by any reasonable authority.
4. Alcohol shall not be sold in an open container or be consumed in the licensed premises and no container of an alcoholic drink shall be opened by anyone on the premises.
5. An approved CCTV system shall be installed at the premises that records clear images of both the interior and exterior of the premises. It shall be designed, installed and maintained in compliance with the Information Commissioner's Office (ICO) code of practice relating to closed circuit television (CCTV). The CCTV installed inside the premises shall be positioned to capture the sale of alcohol and tobacco products. The CCTV system shall have a minimum of 31 days recording facility and will be maintained in full working order at all times and be continually recording at all times the premises are in use under the licence. The CCTV system must be capable of capturing a clear facial image of every person who enters the premises. All CCTV footage shall be kept for a period of thirty one (31) days and shall, upon request, be made immediately available to the Police and / or authorised officers from Southwark Council.
6. At least one member of staff working at the premises shall be fully conversant in the correct operation of the CCTV and be able to demonstrate its operation on immediate request by Police and / or authorised officers from Southwark Council.
7. The premises shall operate an age check 'Challenge 25' policy. That a challenge 25 scheme shall be maintained at the premises requiring that staff selling alcohol request that any customer who looks under 25 years old, and who is attempting to purchase alcohol, provides valid photographic identification proving that the customer is at least 18 years old. Valid photographic identification is composed of a driving licence, passport, UK armed services ID card and any proof of age standards (PASS) accredited card such as the proof of age London (PAL) card.
8. All staff involved in the sale of alcohol shall be trained in the prevention of sales of alcohol to underage persons, and the challenge 25 scheme. The training will include an understanding of the licensing objectives in the Licensing Act any relevant associated legislation. A record of such training shall be kept / be accessible at the premises at all times and be made immediately available for inspection at the premises to council or police officers on request. The training record shall include the trainee's name (in block capitals), the trainer's name (in block capitals), the signature of the trainee, the signature of the trainer, the date(s) of training and a declaration that the training has been received. There shall be refresher training given to each member of staff at least every six months and this shall be documented.

9. Clearly legible signs shall be prominently displayed where they can easily be seen and read by customers stating to the effect that a challenge 25 policy is in operation at the premises, that customers may be asked to provide proof and stating what the acceptable forms of proof of age are. Such signage shall be displayed at all entrances, points of sale and in all areas where alcohol is displayed for sale. The signage shall be kept free from obstructions at all times.
10. A register of refused sales of alcohol shall be maintained in order to demonstrate effective operation of the challenge 25 policy. The register shall be clearly and legibly marked on the front cover as a register of refused sales, with the address of the premises and with the name and address of the licence holder. The register shall be kept / be accessible at the premises at all times. On a monthly basis, the designated premises supervisor (DPS) shall check the register to ensure it is being properly completed. The DPS shall sign and date the register to that effect and where appropriate take corrective action in a timely manner if the register is not being completed correctly. The register shall be made immediately available for inspection at the premises to council or police officers on request.

### **Reasons for the Decision**

It was noted that the day before the licensing sub-committee meeting on 4 May 2017, a transfer of the premises licence had been submitted. The Metropolitan Police raised concern of the transfer because the premises licence becomes effective immediately (until the police submit an objection). The review application was therefore postponed as the transfer application had an immediate and direct impact on the review and to provide the Metropolitan Police the opportunity to object to the transfer. The police reviewed the transfer application and were satisfied that it was a legitimate application. On that basis, trading standards and all of the responsible authorities that had submitted written representations in support of the review had conciliated with the premises licence holder and the licensing sub-committee were satisfied that the conciliated conditions would address the breaches identified in the review application.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives and considered that this decision was appropriate and proportionate.

### **Appeal rights**

This decision is open to appeal by either:

- 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.

**8. LICENSING ACT 2003: FLAT IRON SQUARE, UNION STREET, LONDON SE1 - TEMPORARY EVENT NOTICE 858857**

Items 8, 9, 10, 11, and 12 were taken together.

The sub-committee noted that the representations submitted by the Environmental Protection Team were not objections to the type of event or reasons for the event but were objections to the method by which the event had been applied to be licensed. It was deemed that as the representations were not direct objections to the event, they were not considered to be valid objections and as such it was not necessary for the sub-committee to consider whether to issue a counter notice to the Temporary Event Notices. Items 8, 9, 10, 11 and 12 were therefore not considered and the TENS stood.

In light of the Environmental Protection Teams representations, the chair requested that in future, applicants submitting applications for small events that formed part of a larger single event be advised to apply for a time limited application for a time limited licence.

**9. LICENSING ACT 2003: REDCROSS WAY (SOUTH) REDCROSS GARDENS, LONDON SE1 - TEMPORARY EVENT NOTICE 858862**

See the explanatory note under item 8 of these minutes.

**10. LICENSING ACT 2003: FLAT IRON SQUARE, UNION STREET, LONDON SE1 - TEMPORARY EVENT NOTICE 858875**

See the explanatory note under item 8 of these minutes.

**11. LICENSING ACT 2003: UNION STREET, LONDON SE1 - TEMPORARY EVENT NOTICE 858890**

See the explanatory note under item 8 of these minutes.

**12. LICENSING ACT 2003: FLAT IRON SQUARE, UNION STREET, LONDON SE1 - TEMPORARY EVENT NOTICE 858913**

See the explanatory note under item 8 of these minutes.

The meeting ended at 12.28pm.