

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 22 June 2017 at 10.00 am at Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Renata Hamvas (Chair)
Councillor David Hubber
Councillor Bill Williams

**OTHERS
PRESENT:** Adrian Ennis, premises licence holder, Charlie Chaplin
Donal Ennis, leaseholder, Charlie Chaplin
James Rankin, legal representative, Charlie Chaplin
Brian Coughran, Charlie Chaplin
Craig Morrison, manager, Charlie Chaplin
Ian Clements, Metropolitan Police Service
Mark Lynch, Metropolitan Police Service
Hanna Metcalfe, premises User, Mint Street Park Festival
Councillor David Noakes, ward councillor

**OFFICER
SUPPORT:** Debra Allday, legal officer
Joanne Shilton, legal officer
Helena Crossley, legal officer (observing)
Andrew Heron, licensing officer
Mark Orton, licensing officer
Mark Prickett, environmental protection 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

It was agreed that the following late and urgent items would be considered:

- An expedited review under 53A of the Licensing Act 2003 relating to the premises known as The Charlie Chaplain, Elephant and Castle, 26 new Kent Road, London SE1 (Item 6 of the agenda)
- Two temporary event notices in relation to the Mint Street Music Festival, Mint Street Park, London SE1 (Item 7 of the agenda).

The chair also advised that the order of business would be varied to hear item 7 first.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003: CAMBERWELL CBR ROOBOX, UNIT 1, VALMAR TRADING ESTATE, VALMAR ROAD, LONDON SE5 9NW

This item had been conciliated prior to the meeting.

6. LICENSING ACT 2003:THE CHARLIE CHAPLIN, 26 NEW KENT ROAD, LONDON SE1 6TJ - EXPEDITED REVIEW

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

The applicant for the review, the Metropolitan Police Service representative, addressed the sub-committee. Members had questions for the police.

The management of the premises and their legal representative addressed the sub-committee. Members had questions for the management of the premises and their legal representatives.

All parties were given five minutes for summing up.

The meeting went into closed session at 12.00pm.

The meeting resumed at 12.32pm and the chair advised all parties of the decision.

RESOLVED:

That as an interim step to promote the licensing objectives, pending the determination of the review application at the full hearing, to be held on 18 July 2017:

- The licence be suspended.

Reasons

This was a hearing to consider if it is appropriate to take interim steps to promote the licensing objectives upon receipt of an application by the Metropolitan Police Service for an expedited summary review of the premises.

The licensing sub-committee have considered the application made by the Metropolitan Police Service and supplementary evidence from the police presented at this hearing. The police advised that on 21 June 2017 the Metropolitan Police Service applied to the licensing authority for a summary review of the premises licence issued in respect of The Charlie Chaplin, 26 New Kent Road, London SE1 6TJ after a Superintendent for the Metropolitan Police force certified that the premises were associated with serious crime or serious disorder or both as a result of a serious incident that took place on Saturday 17 June 2017 at approximately 23:30.

The Police attended the premises in which two males were stabbed. Both victims were reported to be heavily intoxicated. The suspect, a patron, was also believed to be intoxicated and was seen to go behind the bar and remove a knife from the counter and stab both victims before leaving. Both victims were taken to hospital. The suspect has not as yet been identified and apprehended. The CCTV was not operational.

The representative for the police advised that the premises were previously the subject of an expedited review when a serious incident that took place on 16 March 2016 at 22:50, when a an extremely intoxicated patron became aggressive when last orders were called and left the premises, then smashed a window of the premises with a phone. Another patron then left the premises were assaulted causing significant facial injuries. The licensing Sub-committee modified the licence by imposing additional conditions.

The licensing sub-committee then heard from the manager of the premises, who advised that he had been the manager for some four years and lived on the premises. He stated that he came down from the residential premises at 20:30 hours and sat by the bar. There was two mature female staff on duty. The suspect was with another person at the other end of the bar, his colleague left the bar. The suspect then sat near the manager and had a half pint. He then had three heated conversations on his phone. The first victim, a regular of the premises then approached the suspect and said "you don't remember me?"; it wasn't heated. The suspect then asked for another half pint. The manager then advised the bar staff to refuse to serve the suspect and for the suspect to leave. At this point the suspect dashed passed the manager and grabbed the knife that was by the till. The manager tried to grab the suspect as he came past. The suspect then stabbed the first victim, and then the second. The suspect left the premises with the knife. The police were then called and the premises vacated.

The leaseholder to the premises provided much of the representation for the premises licence holder during the discussion stage of the meeting, but he had was not been present during the incident on 21 June. It was accepted that the designated premises supervisor rarely attended the premises. It was proposed following the previous review to transfer the DPS, but this had not transpired. The leaseholder accepted that access to the bar was easy due to there being no gate/hatch as an obstacle to customers. No explanation could be given for the CCTV not working apart from there being a "technical glitch", which had now been rectified. The work related violence and aggression training condition 846 had not been carried out as they were waiting for the police/licensing authority to provide details of relevant courses. Of the few courses found, they were extremely expensive and there were limited spaces available. They had carried out their

own in house training on the subject and found this helpful.

The licensing sub-committee read and heard all the evidence before them. They noted the DPS made no comment whatsoever during the course of the meeting and that he rarely attended the premises. At this stage the committee were of the view that the DPS had no effectual role in the running of the premises.

The previous expedited review had taken place in March 2016 when conditions were imposed relating the CCTV and training. The sub-committee were not satisfied with the explanation that because of a technical glitch the CCTV was not working, particularly when the premises were unable to demonstrate any regular simple maintenance or checks were being conducted of the CCTV. The explanation for the failure to comply with the condition relating to work related violence and aggression training imposed at the previous review was similarly unacceptable; it is not a matter for the police or licensing authority to provide of relevant courses.

During the meeting the manager admitted to the sub-committee that he had committed a further breach of conditions by stating that he had come down to the licensed premises that evening (21 June) at 20:30. This is a breach of condition 843 "that a personal licence holder will be on the premises at all times after 20:00 and intoxicating liquor is being offered for sale". The sub-committee considered whether to modify the licence with conditions, but due to the conditions imposed at the review which was just over a year ago, the sub-committee had no confidence that they would be complied with.

The incident on 21 June 2017 could easily have been avoided. Having been the subject to the expedited review process a year before, the premises should have been running the premises in an exemplary condition. Staff and indeed management allowing customers to charge their mobile phones behind the bar is an extremely dangerous and negligent practice and shows the poor practices being operated at the premises. It is for this reason that the sub-committee have no alternative but to suspend the licence until the full review of the licence on 18 July 2017. In the meantime, for the benefit of the premises licence holder, it is recommended that a gate/hatch be installed at the bar, evidence of operational CCTV is provided and that the necessary staff training is undertaken and documented.

In coming to this decision, the licensing sub-committee were satisfied that the interim steps set out above were appropriate and proportionate in order to promote the licensing objectives

Appeal rights

There is no right of appeal to a Magistrates' Court against the licensing authority's decision at this stage.

The premises licence holder may make representation against any interim steps imposed and a hearing to consider the representation will be held within 48 hours of receipt of the representation. The holder of the premises licence may only make further representations if there has been a material change in circumstances since the authority made its determination

Any representation should be in writing and cannot be received outside of normal office hours.

7. LICENSING ACT 2003: MINT STREET MUSIC FESTIVAL, MINT STREET PARK, LONDON SE1 - TEMPORARY EVENT NOTICES

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

The premises user addressed the sub-committee. The premises user also called upon Councillor David Noakes, a ward councillor as a witness. Members had questions for the premises user.

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

Both parties were given five minutes for summing up.

The meeting went into closed session at 10.48am.
The meeting resumed at 11.09am and the chair advised all parties of the decision.

RESOLVED:

That a counter notice not be issued under Section 105 of the Licensing Act 2003 in respect of the temporary event notice (859102) served by Hannah Metcalfe in relation to an event to be held at Mint Street Park, London SE1, between 11:00 and 19:30 on Saturday 15 July 2017.

Reasons

This was a temporary event notice (TEN 859099) given by, Hannah Metcalfe, the premises user, in respect of an event to be held at Mint Street Park, London SE1, between 11:00 and 19:30 on Saturday 15 July 2017.

The licensing sub-committee heard evidence from the premises user who advised that the event consisted of different areas with two different stages. Namely the area from the path across the park from the Quilip Street entrance to the Mint Street entrance, including the Muga area. The other is for the area from the path between Quilip Street and Mint Street to the Marshalsea Road entrance, including the wooden stage area.

The premises user also advised the sub-committee that the event was a non-profit community music festival operating from 11.00 to 19.30 which had operated similar events by way of TENS applications in 2015 and 2016. The sub committee were also informed that both previous events had been a success without any complaints or issues.

The premises user advised that a meeting would be held with the police in order to ensure that the security for the event was adequate and that any recommendations such as the proposition to increase the SIA security from two guards to four guards would be acted upon.

The premises user also assured the sub committee that the wardens and security would be briefed prior to the event and would monitor the capacity of each area to ensure that the capacity of 499 people in each area was managed in accordance with the TENS licence.

The licensing sub-committee heard evidence from the licensing officer who advised that the premises user had previously been granted a TENS licence in respect of a similar event and that no complaints were received.

The licensing sub-committee heard evidence from the environmental protection officer who advised that the application for two TENS seem to licence one larger event. The officer expressed concern that exceeding the 499 capacity limit creates a risk that licensing objectives would not be upheld. Specifically prevention of crime and disorder, public safety and the prevention of nuisance.

The licensing sub-committee accepted that the provision of TENS within the Licensing Act 2003 were vague as was the Section 182 guidance. The sub committee were sympathetic to the concerns raised in relation to the potential of premises users circumventing the 499 capacity limit by applying for multiple TENS.

The sub committee noted the recommendation made by the House of Lords Select Committee and concur with their views:

'Where it appears that notices are being given for TENS simultaneously on adjacent plots of land, resulting in effect in the maximum number exceeding the 499 person limit, we would expect the police or environmental protection officers to object and the licensing authority to issue a counter notice. We recommend that the section 182 guidance be amended to make this clear.'

Although the sub committee noted that any future TENS applications utilised in a similar manner (by either the applicant or others) should be decided by a licensing sub-committee. At this stage it was noted that the details of the report of the House of Lords Select Committee were only recommendations.

The licensing sub-committee considered all of the oral and written representations before it and noted that the event had operated successfully in both 2015 and 2016. In view of the substantial risk assessment and event plan provided by the premises user the sub committee were reassured and satisfied that there were suitable measures in place to ensure that the event would be operated responsibly and uphold the licensing objectives.

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

Where the relevant counter notice under Section 105(3) is given the premises user may appeal against the decision. Where counter notice is not given, the chief officer of the environmental protection team may appeal against that decision. The appeal must be made to the Magistrates' Court within a period of 21 days beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against. No appeal may be brought later than five working days before the day on which the event begins.

The meeting ended at 12.34pm.

CHAIR:

DATED: