

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Tuesday 18 July 2017 at 10.00 am at Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Renata Hamvas (Chair)
Councillor Lorraine Lauder MBE
Councillor Adele Morris

OTHERS PRESENT: James Rankin, legal representative, Charlie Chaplin
Donal Ennis, management, Charlie Chaplin
Brain Coughlan, management, Charlie Chaplin
Craig Morrison, management, Charlie Chaplin
P.C. Graham White, Metropolitan Police Service

OFFICER SUPPORT: Debra Allday, legal officer
Andrew Heron, licensing officer
Andrew Weir, constitutional officer
David, Franklin, licensing responsible authority

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:THE CHARLIE CHAPLIN, 26 NEW KENT ROAD, LONDON SE1 6TJ - REVIEW

The licensing officer presented their report. They advised that he premises and the police had been in discussions regarding conditions and had come to an agreement.

The licensing sub-committee heard from the legal representative and the management of the premises. Members had questions for the legal representative and the management of the premises

The licensing sub-committee heard from the Metropolitan Police Service representative. Members had questions for the police representative.

Both parties were given five minutes for summing up.

The meeting went into closed session at 10.59am.

The meeting resumed at 11.08am 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 Metropolitan Police for a review of the premises licence in respect of the premises known as The Charlie Chaplin, 26 New Kent Road, London SE1 6TJ and also having had regard to all other relevant representations has decided it necessary for the promotion of the licensing objectives to:

To modify the licence to add the following conditions:

1. That the designated premises supervisor be removed.
2. That at least one SIA registered door supervisor will be engaged when the premises are in operation Friday, Saturday and when operating after 00:15. They will be employed at all times after 21:00 until the end of business and all patrons have vacated the premises. They will be engaged to monitor admission and re-admissions to the premises, security, protection, screening, dealing with conflict and to ensure that conditions related to the use of the outside area are adhered to and that the dispersal policy for the premises is implemented.
3. That the operating hours to the premises will be reduced to 00:00 on Sunday to Thursday with all licensable activities ceasing 30 minutes before hand.
4. That all staff including management on duty at the premises shall not consume alcohol or be intoxicated whilst working.
5. That there is at least one member of staff trained in first aid on the premises during opening hours
6. That the CCTV is checked on a daily basis to ensure that it is operational and a log is maintained of the daily checks. These shall be made available to the police and authorised council officers immediately upon request.

7. That the hatch/gate at the bar shall remain closed at all times save for access or ingress.
8. That no fruit knife (or any other knife/weapon) will be allowed within the premises and/or kept behind the bar area.
9. That condition 842 be amended to: That a member of staff, who is trained in the use of the CCTV and able to view and download images to a removable device on request of police or council officer, should be available to attend the premises within two hours when it is open.
10. That pursuant to Section 53D(2)(c) of the Licensing Act 2003, the interim steps imposed on 27 June 2017 are also modified to read the same (as above).

Reasons

The reasons for this decision are as follows:

The licensing sub-committee heard from the Metropolitan Police Service representative, the applicant for the review who advised that the police had conciliated with the premises.

The licensing sub-committee heard from the licensing officer representing the council as a responsible authority who supported the Metropolitan Police Service's application. They informed the sub-committee that whilst the conditions agreed between the police and the premises supported the licensing objectives, they were only strong if the management implemented them stringently.

The licensing sub-committee noted the written representation from the health and safety officer.

The representative from the premises informed the sub-committee that whilst this was an isolate incident, they recognised that there were aggravating points. They acknowledged that if the CCTV had been operating correctly, the identity of the assailant would have been known far quicker. In response to this, the premises had the CCTV system overhauled to the satisfaction of the police and council. Staff had previously failed to undertake training in respect of dealing with work related violence and aggression. This was completed on 23 June 2017, the day after the suspension was imposed as an interim step. The previously open access to the bar area had now been closed and finally the fruit knife previously stored behind the bar had been removed. There had also been a suggestion that the staff were intoxicated when the police first arrived at the scene.

The representative directed the sub-committee to the statement of one of the officers who first arrived on the scene where they confirmed "I did not consider the bar staff or landlord to be intoxicated or drunk" (page 43 of the agenda).

The representative advised that the conditions agreed with the police would address all of the sub-committee's concerns and promote the licensing objectives.

The licensing sub-committee considered all the written and oral evidence before it and concluded that the incident of 17 June 2017 could have been completely avoided if the management of premises had been more vigilant particularly in allowing customers behind the bar so they could charge their mobile phones and where there was access to a knife.

There were also aggravating features in particular the premises failure to implement conditions imposed at the previous review in April 2016 following a serious assault that took place on 16 March 2016. This, the sub-committee find unacceptable.

Whilst the sub-committee accept the conditions as agreed between the Metropolitan Police Service and the premises, should the premises be associated with any further incidents of serious crime and/or serious disorder, a future licensing sub-committee may question the confidence in the management's ability to run the premises and subsequently be inclined to revoke the licence.

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

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

The interim steps are open to appeal by:

- a) The chief officer of police for the police area in which the premises is situated; or
- b) The holder of the premises licence

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.

Meeting ended at 11.12 am

CHAIR:

DATED: