

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Friday 7 September 2018 at 10.00 am at Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Renata Hamvas (Chair)
Councillor Sunny Lambe
Councillor Maria Linforth-Hall

**OTHER MEMBERS
PRESENT:**

**OFFICER
SUPPORT:**

1. APOLOGIES

There were none.

1. 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: LONDONER KEBABS, ARCH 975, 23 DUKE STREET HILL,
LONDON SE1 2SW**

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

officer.

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

The meeting adjourned at 10.40am to allow the licensing officer to get details of the temporary event notices relating to the premises. The meeting reconvened at 11am.

The licensing officer representing the council as a responsible authority then addressed the sub-committee. Members had questions for the licensing officer.

The public health officer then addressed the sub-committee. Members had questions for the public health officer.

All parties were given five minutes for summing up.

The meeting adjourned at 11.38am for the members to consider their decision.

The meeting resumed at 12.11pm and the chair advised all parties of the sub-committee's decision.

RESOLVED:

That the application by Londoner Kebabs Limited for a premises licence issued under the Licensing Act 2003 in respect of the premises known as Londoner Kebabs, Arch 975, 23 Duke Street Hill, London, SE1 2SW is granted as follows:

Licensable Activities	Days	Hours
Late Night Refreshment	Sunday to Wednesday Thursday Friday and Saturday	12:00 to 01:00 12:00 to 03:00 12:00 to 05:00
Operating Hours	Sunday to Wednesday Thursday Friday and Saturday	12:00 to 01:00 12:00 to 03:00 12:00 to 05:00

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 during the conciliation process and the following additional conditions agreed by the sub-committee:

1. That the dispersal policy shall be kept at the premises and be made available for the authorised officers and police officers and that staff shall be trained in the policy.
2. That all staff be trained in conflict management.
3. That signs shall be clearly displayed informing patrons of the toilets in London Bridge Station.

4. That from midnight on Thursday to Saturday a minimum of one SIA door supervisor shall be employed to control the queues at the premises and for the dispersal of customers from the premises.
5. That from 23:00 the premises staff shall clear the immediate vicinity of the premises of any waste or refuse arising through the operation of the premises at least once per hour and 15 minutes after closing
6. That a temporary barrier be erected when there is a queue outside the premises subject to the applicant obtaining a street furniture licence.

Reasons

The reasons for the decision are as follows:

The licensing sub-committee heard from the licensing officer who drew the committee's attention to the fact that the police had conciliated with the applicant and agreed conditions but there were still outstanding representations from licensing and public health. He also drew the committee's attention to a premises which had been missed off the list of premises in the locality at paragraph 19 and distributed their licensing hours.

The committee then heard from the applicant who stated that they had had 20 temporary event notices (TENs) granted and there had been no incidents during the TENs. The shop is small and has a capacity of three to four customers and would operate a one in one out system to ensure it did not get too crowded. The premises had been operating for 10 years without any issues with customers, and had been dealing with patrons leaving number one bar opposite during this time. They believed that the sale of late night refreshments from their premises would assist with help patrons to be less intoxicated, for example by selling soft drinks alongside food to help with dehydration. They stated that they are not in a residential area and so any noise would not affect any local residents. They can also assist customers by calling mini-cabs for them as they do now, as mini-cabs operate locally to them. There is also the 24 hour night tube on Friday and Saturdays which would help patrons leave the area quickly. They also told the committee that they had conciliated with the police to include CCTV cameras at the premises which will assist in preventing crime and disorder. They are also aware of the women's charter and have displayed posters in the premises dealing with anti-social behaviour and harassment and staff have been trained in the women's charter.

The chair requested an adjournment for the licensing officer to review the position regarding TENs as there was no mention of TENs in the report. The licensing officer returned and gave the committee a list of TENs applied for and it became clear the applicant had applied for seven TENs over multiple days. The officer noted that there had been no complaints when the TENs were in operation.

The sub-committee questioned the applicant on how he would deal with people queuing outside who needed to use the toilet, as the premises was small and did not have one. The applicant responded that London Bridge Station provide toilet facilities, as did Number one bar where most of their patrons came from. The committee were concerned with customers waiting for food outside and loitering and the risk of anti social behaviour. The applicant stated that they currently clean outside the premises, and that there had been no anti-social behaviour during the TENs. They stated that they were considering SIA security and barriers at the moment.

The sub-committee then heard from the licensing officer, who stated that the premises was in a cumulative impact zone and she did not believe that the applicant had no rebutted the presume the licence should not be granted but appreciated that they had drafted a dispersal policy at her request. She was concerned that the premises would encourage revellers to stay in the area for longer. She noted that the hours applied for were in excess of policy hours. She stated that if the committee were minded to grant the application should would like to see a condition regarding SIA security staff and that the dispersal policy be available at the premises for officers and that officer be trained in the policy. The committee questioned the officer, and asked whether the premises not being in a residential area, and staff patrolling the queue and outside area assisted with her concerns. She stated that she would prefer to see at least one official SIA staff to control crowds of patrons. She stated the security would most likely be required in the later hours, and that requiring security early in the evening would put a financial burden on the applicant. She agreed with the chair that conflict management training would assist the staff in the shop to prevent issues escalating.

The committee then heard from public health who stated that the premises were outside of the policy hours in a cumulative impact zone an was concerned about crowds leaving the club and encouraged the committee to keep in line with the policy hours. He also was concerned that people would like Number 1 bar to get to the premises before they closed, and that a later opening hour of the premises would mean people would leave number 1 bar later and be more intoxicated.

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 a 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 been 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: UNIT 272, LONDON BRIDGE STATION, LONDON SE1 9SP

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

As the responsible authorities had largely conciliated with the applicant, the chair advised that the sub-committee would hear from the responsible authorities prior to the applicant to hear what had been agreed.

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

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

All parties were given five minutes for summing up.

The meeting adjourned at 12.58pm for the members to consider their decision.

The meeting resumed at 2.04pm and the chair advised all parties of the sub-committee's decision.

RESOLVED:

That the application made by ETM Group Limited for a premises licence to be granted under Section 17 of the Licensing Act 2003 in respect of the premises known as Unit 272, London bridge Station, London SE1 9SP is granted as follows:

Operating Hours	Sunday from 07:00 to 23:30 Monday to Wednesday from 06:00 to 23:30 Thursday to Saturday from 06:00 to 00:30
Supply of Alcohol (on the premises)	Sunday to Wednesday from 09:00 to 23:00 Thursday to Saturday from 09:00 to 00:00
Late Night Refreshment	Monday to Sunday from 23:00 to 23:30

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 during the conciliation process and the following additional conditions agreed by the sub-committee:

1. That the accommodation limit for the premises as defined on the plans shall not exceed 410 persons.
2. That a written dispersal policy provided shall be produced and implemented at the premises, with all staff trained on the most recent iteration of the policy. A record of staff training on the dispersal policy be made available to the council or police on request.

3. That between 09:00 and 10:00 hour's alcohol may only be served as ancillary to a meal.

Reasons

The reasons for the decision are as follows:

The licensing sub-committee heard from the representative for the applicant who advised that the licensing application had been made to reflect the hours granted in the planning permission which had no restriction on hours. Initially it classed as an A3 restaurant which was subsequently amended to add an A4 drinking establishment. The applicant acknowledged the concern from the responsible authorities regarding the hour for the supply of alcohol; there was considerable footfall through the station, which included many tourists, which the applicant wanted to attract. The premises operation was both marketed and priced at a level that would not attract anti-social behaviour and/or street drinkers.

The licensing sub-committee noted that the environmental protection team had conciliated with the applicant.

The licensing sub-committee noted that licensing as a responsible authority and public health had largely conciliated with the exception for the time the supply of alcohol should commence and whether it should or should not be ancillary to a table meal.

Having heard the outstanding representations, the licensing sub-committee accepted that it had to encourage tourism to the area and therefore, granted the conciliated conditions, with the requirement of alcohol being ancillary to between 09:00 and 10:00, as sought by 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:

- c) To impose conditions on the licence
- d) To exclude a 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:

- c) The licence ought not to be been granted; or
- d) 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.

7. LICENSING ACT 2003: THE PIE CART, UNIT 19, OLD JAMAICA BUSINESS ESTATE, 24 OLD JAMAICA ROAD, LONDON SE16 4AW

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 objecting to the application addressed the sub-committee. Members had questions for the local residents.

All parties were given five minutes for summing up.

The meeting adjourned at 3.36pm for the members to consider their decision.

The meeting resumed at 4.01pm and the chair advised all parties of the sub-committee's decision.

RESOLVED:

That the application by The Pie Cart Limited for a premises licence issued under the Licensing Act 2003 in respect of the premises known as The Pie Cart, Unit 19, Old Jamaica Business Estate, 24 Old Jamaica Road, London SE16 4AW is granted as follows:

Hours

Licensable Activities	Days	Hours
The provision of films	Monday to Saturday Sunday	16:00 to 23:00 16:00 to 22:30
The sale of alcohol (on and off sales)	Monday to Saturday Sunday	11:30 to 23:00 11:30 to 22:30
Operating Hours	Monday to Saturday Sunday	08:00 to 23:30 08:00 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, environmental protection team and licensing as a responsible authority during the conciliation process and the following additional conditions agreed by the sub-committee:

7. That patrons shall be directed to exit the area via the gate furthest from Eyot House after 20:00.

8. That the doors to the premises shall be closed after 22:00 except for ingress and egress.
9. That the total capacity of the premises shall be 60.
10. That a telephone number be made available to residents to contact the premises regarding any issues or complaints.
11. That outside furniture shall be lifted, not dragged, when brought inside.

Reasons

The reasons for the decision are as follows:

The licensing sub committee heard from the licensing officer who explained that 7 representations had been received from local residents and that party 4 had permission to represent parties 2,3,5. He also distributed further documents to the committee including supporting evidence from party 4, the agreed conditions with responsible authorities and an area map and the dispersal policy. All responsible authorities had been conciliated.

The sub committee then heard from the applicant. The applicant stated that they had been operating as a bakery for three years, as a café for one year and now wished to extend their offering to have drinks offering. They wanted the flexibility to host events such as conferences, films and meetings. It was noted that the police had made little comment on the application apart from confirmation of conditions, that they had reduced their hours by half an hour in line with other similar premises in the area. The main issue had been dispersal issues which had now been conciliated. The responsible authority “experts” had conciliated and were now happy with the application.

The premises was outside the cumulative policy zone and whilst the area was classified as residential, the actual premises was set back from the road and part of an industrial estate and not near a street. Measures had been put in place regarding off sales to ensure that they were sold in sealed containers and so the risk of litter from cups being discarded was minimal. The premises was also next to a train line going into one of the busiest stations in the country and so the area could not be deemed a quiet area; the applicant did not accept that noise from outside the premises would or could harm local residents. There would be no speakers outside of the premises and only smokers would be allowed outside after 10pm. He also stated that some representations from local residents had been based on misinformation for example, the premises would be a 24/7 bar. Anti-social behaviour and disorder had not been mentioned by the police and the applicant had paid due care and attention to meeting the concerns of local residents such as via the conditions and dispersal policy.

The licensing sub-committee questioned the applicant. They were concerned that there was only one toilet. The applicant explained that he occasionally brought in a hired toilet for events he knew would be larger but was not proposing building a secondary toilet. He also stated that one toilet had sufficed so far for the temporary events that had been held. The applicant was asked of the proposed business model and whether it would be a food led establishment or alcohol led. To this, the applicant explained that they wanted the flexibility to offer alcohol with food for events, or just have drink led events. They wanted to make the most use of the space available, but expected business would be 70% food and 30% alcohol. At present the premises operated hours until approximately 17:00 hours. The

applicant was asked if the doors could be closed to minimise any noise later in the evening the applicant stated that the premises may become stuffy.

The sub-committee heard from the objectors. Objector 4 spoke on behalf of objector 1 who was also present. The objector stated that he had provided photographs to show the committee how close the premises was to his property and possible areas of anti-social behaviour. They also highlighted the council's core value of treating members of the public as if they were a member of their own family and submitted that granting the application would not be doing so. Objector 4 also drew the committee's attention to paragraph 37 to promote the licensing objectives and 39 to protect the public, submitting that if the premises licence application was granted, the committee would have failed in this duty. The objector also stated that they lived on the seventh floor and noise often echoed up from the premises during previous temporary event notices. Currently, residents could enjoy peace and quiet in the evenings and could currently open their windows, but when the TEN was operating, the windows had to be closed due to noise which was not enjoyable in the extremely hot weather.

The objector then drew the committee's attention to section 5, paragraph 111 of Southwark's licensing policy and stated that the applicant had made no attempt to research the area of deal with the communities concerns as they had made no attempt to deal with the impact on local residents.

The committee asked if there had been issues with the premises currently, which the objectors confirmed there had not, apart from the TENs when music was played externally. This had now been addressed in the conciliated conditions. The applicant also drew the committee's attention to the fact that music would be in control of the management, and the applicant owned only small non-commercial speakers to play background music inside. Concerning dispersal from the premises, the agreed that patrons would be asked to leave and directed to the gate furthest from local residents.

The committee was still concerned with the number of toilets. The applicant tried to reassure the committee that so far for 95% of event, one toilet had been adequate and a second toilet had been brought in if deemed necessary. The sub-committee were also concerned about the capacity and the effect this could have on noise and toilet use. The committee therefore recommended that the applicant continued to risk assess the need for additional toilets for events as necessary.

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:

- e) To impose conditions on the licence
- f) To exclude a 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:

- e) The licence ought not to be been granted; or
- f) That on granting the licence, the licensing authority ought to have imposed different

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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.

Meeting ended at 4.05 pm

CHAIR:

DATED:

[CABINET ONLY]

DEADLINE FOR NOTIFICATION OF CALL-IN UNDER SECTION 21 OF THE OVERVIEW AND SCRUTINY PROCEDURE RULES IS MIDNIGHT, [DATE].

THE ABOVE DECISIONS WILL NOT BE IMPLEMENTABLE UNTIL AFTER THAT DATE. SHOULD A DECISION OF THE CABINET BE CALLED-IN FOR SCRUTINY, THEN THE RELEVANT DECISION WILL BE HELD IN ABEYANCE PENDING THE OUTCOME OF SCRUTINY CONSIDERATION.