

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Friday 22 March 2019 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Renata Hamvas (Chair)
Councillor Dora Dixon-Fyle (reserve)
Councillor Adele Morris

OTHER MEMBERS PRESENT: Councillor Richard Leeming

OFFICER SUPPORT: Debra Allday, legal officer
Raymond Binya, environmental protection officer
David Franklin, licensing team leader
Andrew Heron, licensing officer
Wesley McArthur, licensing officer
Jayne Tear, licensing officer as a responsible authority
Andrew Weir, constitutional officer

1. APOLOGIES

Apologies were received from Councillor Eliza Mann. Councillor Dora Dixon-Fyle attended as the reserve member.

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

The chair accepted the following item as late and urgent:

Licensing Act 2003: Luxford Bar, 610 Old Kent Road London SE15 1JB (expedited review).

At this point the chair advised that the order of business would be varied to consider item 7 first followed by item 6 and then item 5.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003: DULWICH PICTURE GALLERY - GALLERY ROAD, LONDON, SE21 7AD

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

The licensing sub-committee heard from the applicant and their witnesses, a trustee and a ward councillor. Members had questions for the applicant and their witness.

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

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

The licensing sub-committee heard from local residents objecting to the application and the legal representative representing a group of local residents objecting to the application.

The licensing sub-committee heard from a local resident supporting the application. Members had questions for the local resident.

All parties were given five minutes for summing up.

The meeting adjourned at 3.30pm for the sub-committee to consider its decision.

The meeting reconvened at 4.32pm.

At the time of advising of the decision it was realised that there had been some confusion regarding the application in relation to the outside space.

The meeting adjourned at 4.45pm for the sub-committee to consider adjourning to 26 March 2019, in order to allow for clarification in relation to the outside space.

The meeting reconvened at 5.05pm and the chair advised all parties of the decision:

RESOLVED:

That the meeting be adjourned to 10am on 26 March 2019 in order to give all parties an opportunity to comment on the issue of the outside space. Representations must specifically address Areas 1 and 2 on the plan, due to ambiguity surrounding their usage; and the installation of temporary structures, namely the pavilion and marquee.

6. LICENSING ACT 2003: MM FACTORY, 1 WALWORTH SQUARE, LONDON SE17 1GA

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 a local resident objecting to the application. Members had questions for the local resident.

Both parties were given five minutes for summing up.

The meeting adjourned at 12.31pm for the sub-committee to consider its decision.

The meeting reconvened at 12.43pm and the chair advised all parties of the decision.

RESOLVED:

That the application made by MM Factory (EP) Limited for a premises licence to be granted under Section 17 of the Licensing Act 2003 in respect of the premises known as MM Factory, 1 Walworth Square, London, SE17 1GA be granted as follows:

Licensable activity	Hours
The supply of alcohol to be consumed on & off premises	Sunday to Thursday from 08:00 to 22:30
The supply of alcohol to be consumed on & off premises	Friday to Saturday from 08:00 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 and the conditions agreed with the Metropolitan Police Service, licensing authority and trading standards during the conciliation process.

Reasons

The reasons for the decision are as follows:

The sub-committee heard representations from the applicants and considered a representation from a member of the public.

The sub-committee were mindful of the representation from the local resident but felt that their concerns and the relevant licensing objectives were sufficiently allayed by the

conditions agreed between the responsible authorities and the applicant. The application was therefore granted as requested following conciliated terms from the responsible authorities.

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.

7. LICENSING ACT 2003: LUXFORD BAR, 610 OLD KENT ROAD LONDON SE15 1JB

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

The legal representative for the Metropolitan Police Service addressed the sub-committee.

The police advised that they had some sensitive information they wished to provide to the sub-committee. The sub-committee agreed to hear this.

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 category 7 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.

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

The meeting then went back to open session once the sub-committee had heard the sensitive information.

Members had questions for the police and their legal representative.

The police and their legal representative were given five minutes for summing up.

The meeting then adjourned at 11.23am for the sub-committee to consider its decision.

The meeting reconvened at 11.26am and the chair advised everyone of the decision of the sub-committee.

RESOLVED:

That the premises licence to Luxford Bar, 610 Old Kent Road, London SE15 1JB be suspended with immediate effect as interim steps to promote the licensing objectives pending the determination of the review application at the full hearing, to be held on 18 April 2019.

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 legal representative for the police advised that on 21 March 2019 the Metropolitan Police Service applied to the licensing authority for a summary review of the premises licence issued in respect of the premises known as 610 Old Kent Road, London SE15 1JB after a Superintendent for the Metropolitan Police Service certified that in his opinion the premises are associated with serious crime or serious disorder or both.

On 2 December 2018 the police attended the premises in response to a female claiming she had been assaulted by her ex-partner. She claimed that she was thrown to the ground by her hair outside of club after being punched by the same suspect inside the venue. CCTV was requested but Police were informed that there was no coverage of the area where the incident took place. The external CCTV footage "stopped" at the time the victim and her ex partner left the premises. The victim later advised police that staff at the premises had been persuaded to delete the footage.

On 1 January 2019 Police were attended the premises following a male being stabbed in the abdomen resulting in a lacerated bowel and artery. This incident is still the subject of police investigation.

A stepped approach in working with the premises has failed and further breaches of the premises licence have been witnessed. On 2 February 2019 officers from the Night Time Economy Team visited the premises and found two breaches of the premises licence, namely condition 289 (CCTV to be kept for 31 days) and condition 336 (A personal licence

holder shall be on the premises at all times after 8pm when intoxicating liquor is being supplied).

On 16 March 2019 officers from the night time economy team visited the premises and found two breaches of the premises licence, namely, condition 289 (CCTV to be kept for 31 days) and condition 336 (That a personal licence holder shall be on the premises at all times after 8pm when intoxicating liquor is being supplied).

On both occasions the same manager was on duty at the premises and warned of the need to rectify the breaches and served a Section 19 Closure Notice was served.

There is also a history of non-compliance at the premises.

The licensing sub-committee then went into a closed session and heard confidential information from the police.

The licensing sub-committee were satisfied that there has been serious crime committed inside this premises where a victim was stabbed. Whilst measures have been discussed to counter the possibility of further incidents the premises is continues to be poorly managed and operating in breach of the premises licence with defective CCTV and no personal licence holder on the premises.

The licensing sub-committee having read and heard all the evidence. before them 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.

The meeting ended at 5.10 pm.

CHAIR:

DATED:

