

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 3 September 2020 at 10.00 am at Online/Virtual: please contact andrew.weir@southwark.gov.uk for a link to the meeting and the instructions for joining the online meeting

PRESENT:

Councillor Adele Morris
Councillor Sirajul Islam

**OTHER MEMBERS
PRESENT:**

**OFFICER
SUPPORT:**

1. APOLOGIES FIELD_PAGE_RANGE

This was a virtual licensing sub-committee meeting.

The chair explained to the participants and observers how the virtual meeting would run. Everyone then introduced themselves.

Apologies were received from Councillor Lorraine Lauder MBE. Councillor Sunny Lambe attended as the reserve member.

1. CONFIRMATION OF VOTING MEMBERS FIELD_PAGE_RANGE

The voting members were confirmed verbally, one at a time.

**3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT
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The chair accepted the following item as late and urgent:

- the summary review of the premises licence issued in respect of the premises

known as the George Canning, 123 Grove Lane, London SE5 8BG.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS FIELD_PAGE_RANGE

There were none.

5. LICENSING ACT 2003: ABUNDANT BLESSING KITCHEN, 213 WALWORTH ROAD, LONDON SE17 1RL FIELD_PAGE_RANGE

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

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

The licensing sub-committee noted the written representation from the licensing responsible authority.

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

The ward councillor, Councillor Martin Seaton, supporting the application addressed the sub-committee. Members had questions for the ward councillor.

All parties were given up to five minutes for summing up.

The meeting adjourned at 11.25am for the sub-committee to consider its decision.

The meeting reconvened at 12.05pm and the chair advised all parties of the decision.

RESOLVED:

That the application made by Abundant Blessing Kitchen Limited for a premises licence to be granted under s.17 of the Licensing Act 2003 in respect of the premises known as Abundant Blessing Kitchen, 213 Walworth Road, London SE17 1RL is granted as follows:

Hours

Activity	Hours
The sale by retail of alcohol (on sales only):	Monday to Thursday: 11:00 to 00:30 Friday to Sunday: 11:00 to 01:30
The provision of late night refreshment (indoors only):	Monday to Thursday: 23:00 to 00:30 (Indoor/Restaurant), Monday to Thursday: 23:00 to and 00:45 (Takeaway). Friday to Sunday: 23:00 to 01:30 (Indoor/Restaurant) Friday to Sunday: 23:00 to and 05:00

	(Takeaway).
The provision of regulated entertainment in the form of recorded music (indoors):	Monday to Thursday: 23:00 to 00:30 Friday to Sunday: 23:00 to 01:30
Opening hours	Monday to Thursday: 11:00 to 01:00 Friday to Sunday: 11:00 to 05:15

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:

- i. That intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking a substantial table meal, and by consumption by such persons as an ancillary to their meal.
- ii. That there be an accommodation limit of 60 for the premises
- iii. That a written dispersal policy is provided and held with the premises licence.

Reasons

The reasons for the decision are as follows:

The representative for the applicant advised the licensing sub-committee that the application was for a small restaurant surrounded by commercial buildings and whilst the hours exceeded those in Southwark's statement of licensing policy, an email had been sent to the responsible authorities amending the hours of operation, with the exception of the take away service which would remain available until 05:00 hours.

The representative for the applicant stated the premises at 209 Walworth Road had a licence until 05:00 hours, demonstrating that exceptions to the policy were permitted. Further, neither of the representations from the responsible authorities undermined the licensing objectives and therefore, it was possible to make an exception to Southwark's licensing policy, given the exceptional circumstances of being in a pandemic; without the extended hours, the business was unlikely to succeed.

The licensing sub-committee then heard from the representative for the police who reminded the members of the sub-committee that the premises were situated within the major town centre of Walworth Road as defined in Southwark's statement of licensing policy and raised concerned 24 hours opening. The officer also raised concern of the premises proximity to residential dwellings.

The licensing sub-committee noted the content of the representation from licensing as a responsible authority who was unable to attend the meeting. The officer raised concerns similar to those raised by the police, regarding hours and the licensing policy. Concerns were also raised regarding the enforceability of a premises licence, when there already existed one in the name of Malata Supermarket. In response to the existing licence held

by Malata Supermarket, the representative for the Applicant agreed that they would try and locate the licence holder and have them, surrender the licence.

The licensing sub-committee then heard from the ward councillor, Martin Seaton, who supported the application; he encouraged investment in the area and wanted the applicant's venture to thrive and employ local people. He stated that there was no evidence that problems existed on the Walworth Road and the closing hours policy detailed in the licensing policy could potentially be damaging to local economy.

The members of the sub-committee were understanding to the application and the challenges that it faced given that it was submitted in the midst of the pandemic on 14 July 2020, when the applicant was confident that her venture would be a success. Whilst neither Elephant and Castle nor the Walworth Road Town Centre formed part of a cumulative impact area, they had been part of a "watch area" for at least four years, whereby the licensing committee considered data from the partnership to allow it to determine whether the threshold had been met for these areas to form a new cumulative watch area.

Similarly, the closing hours detailed in the statement of licensing policy had been established on evidence and statutory consultation. Concerning the licence at 209 Walworth Road, this had been granted in 2007, prior to the introduction of recommended closing hours into Southwark's statement of licensing policy.

In the circumstances, based on the current economic situation and the supporting representation from the ward councilor, the licensing sub-committee are agreeable to grant this premises licence based on the conciliated terms as detailed in the applicant's email of 28 August 2020.

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: GEORGE CANNING - 123 GROVE LANE, LONDON, SE5 8BG
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The meeting adjourned at 12.10pm for a comfort break. The meeting reconvened at 12.20pm.

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

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

The premises licence holder and the designated premises supervisor of the George Canning addressed the sub-committee. Members had questions for the premises licence holder and the designated premises supervisor.

Both parties were given up to five minutes for summing up.

The meeting adjourned at 1.15pm for the sub-committee to consider its decision.

The meeting reconvened at 1.36pm and the chair advised all parties of the decision.

RESOLVED:

That as an interim step the premises licence be suspended to promote the licensing objectives pending the determination of the review application at the full hearing to be held on 24 September 2020.

Reasons

On 1 September 2020 the Metropolitan Police Service applied to Southwark's licensing authority for the summary review of the premises licence issued in respect of the premises known as the George Canning, 123 Grove Lane, London SE5 8BG having certified that the premises was associated with serious crime, serious disorder or both.

The representative for the police explained to the licensing sub-committee that on Monday 31 August 2020 at approximately 02:50 hours a fight started inside the George Canning at 123 Grove Lane, London SE5 8BG when the victim sustained a broken jaw and was stabbed in the stomach. The premises should have been

closed to the public at 00.30 hours with alcohol ceasing at 00.00 hours. The incident was described as a “lock in” and a number of people present including witnesses were customers of the premises. Three suspects were arrested at the premises shortly after this incident, including a member of staff. Neither the licence holders/management contacted police. A witness called police stating that there was a fight at the pub. Police attended the original call and spoke to staff at the premises but nothing was disclosed to police on arrival.

A further call to police was made by a member of the public at 03:04 hours, about the victim, who had been found lying on the pavement just outside the Lettsom Estate, Camberwell Grove SE5. The informant was woken up by the victim calling for help, shouting he had been stabbed. Police attended the pub and found the manager in an alley next to pub. The victim stated that the incident occurred inside The George Canning public house. When officers attended the premises it was being cleaned up by the staff. The victim stated that there were about 4-5 people in the pub at the time of the incident.

The police requested to view the premises CCTV of the incident. The manager initially denied being able to show the officers the CCTV but later admitted that he could and led the police to the office to view the footage. The manager was described as being intoxicated, his speech is slurred and he appears unsteady on his feet. Officers then went into the kitchen area of the pub they found two suspects hiding in the darkness. Both were arrested on suspicion of assault.

CCTV was subsequently viewed and seized by CID officers which showed an incident at 02:20 hours when a female, being the girlfriend of the victim assaulting him, (and being a suspect arrested). Then between 02:50 hours and 03:00 hours it shows a melee; the victim punching a suspect and three people dragging him to ground. The CCTV also shows the victim emerging from the premises with a blood stained top. The weapon was not located at the premises and is believed to have been disposed of prior to police arrival. The victim then left the premises and was found by a member of the public after hearing his calls for help.

The representative for the police explained that there was a link between the licensee for George Canning and the old Charlie Chaplin public house in 2017. The Charlie Chaplin was subject to an expedited review when two intoxicated males were stabbed, and the landlord was described as inebriated at the time.

The licensing sub-committee then heard from both the premises licence holder, Donal Ennis and the designated premises supervisor (DPS), Brian Coughlan. It was explained by the licensee that he had not seen the CCTV and was relying on information received from the DPS, Brian Coughlan. The licensee was able to clarify that the premises was closed and that there had not been a “lock in” after hours. He also stated that there had been an assault and a patron informed the police of this. Because the licensee had not seen the CCTV footage, he was unable to explain how a stabbing had occurred. Neither the manager, Gavin Curran nor the DPS, Brian Coughlan were working that evening. As a result of the incident, the manager to the premises had been suspended. Since the restrictions

had been lifted by the Government as a result of the pandemic, the opening of the premises had been delayed as the premises had been refurbished and it was the intention of it becoming a food led establishment. When asked about training the licensee confirmed that training had been given about the guidance for pubs issued by the government. The licensee also stated he was also willing to work with the responsible authorities and that he was agreeable to reduce the hours the premises was open.

The licensing sub-committee carefully considered both the oral and written evidence submitted and agreed that the incidents were entirely preventable. The premises should have been closed to the public at 00:30 hours, yet members of the public were in the premises 03:00 hours. No plausible explanation was given why members of the public were in the premises so long after the closing. Neither the licence holder, DPS nor manager were working at the premises on the evening of 31 August/1 September 2020. Unless evidence is produced to the contrary, the sub-committee did not accept that a member of staff contacted the police and preferred the police evidence it was a member of the public contacted the police. When the police attended the premises, it was noted that members of staff had cleaned the scene meaning the loss of forensic evidence. Finally, the manager who was said to not be on duty at the time of the incident was intoxicated and it is believed complicit in trying to cover up the incident and/or at least provide a place for two suspects to hide from police.

As a result, the Licensing Sub-Committee was of the view that the most appropriate course of action was to suspend the premises licence.

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.

Meeting ended at Time Not Specified

CHAIR:

DATED:

[CABINET ONLY]

DEADLINE FOR NOTIFICATION OF CALL-IN UNDER SECTION 17 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.