

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Wednesday 26 October 2011 at 10.00 am at Ground Floor Meeting Room G02B - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Ian Wingfield (Chair)
Councillor Eliza Mann
Councillor Althea Smith

OTHERS: Vikki Hanspal, applicant
Chris Akass, applicant
Thomas O'Mauleoin, applicant's solicitor
Peter Curtain, objector
Rebecca Eames, objector
Sarah Wyndham Lewis, objector
Alexandra Wyatt, objector
Cecilia Foley, objector
Michael Davis, objector
Katie Wright, objector
Jessica Beattie, objector
Sophie Wright, objector
Mark Roelofsen, objector
PC Tom Leits, observing
PC Graham Hislop, observing
PC Keith Dempster, observing
Nigel Ow, applicant
Julie Friel, applicant
James Hatts, objector

OFFICER SUPPORT: Felix Rechtman, legal services
Kristie Ashenden, licensing team
Tracy McCarthy, licensing team
Andrew Weir, constitutional team

1. APOLOGIES

Apologies were received from Councillor Sunil Chopra.

2. CONFIRMATION OF VOTING MEMBERS

The three members present were confirmed as voting members. In the absence of the chair of the licensing committee, Councillor Ian Wingfield was nominated, seconded and appointed as chair for this sub-committee.

3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

The chair informed the meeting that the order of business would be varied in order to consider item 6 of the agenda first.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003 - SIMON THE TANNER, 231 LONG LANE, LONDON, SE1 4PR

The sub-committee reconvened at 12.35pm.

The licensing officer presented her report. Additional papers of the premises were circulated by the licensing officer. The members had no questions for the officer.

The applicants addressed the sub-committee. Members had questions for the applicant.

The local resident then addressed the sub-committee. Members had questions for the local resident.

All parties were given five minutes to sum up. At 1.20pm the meeting went into closed session to consider the application.

At 1.47pm the meeting resumed and the chair read out the decision as follows:

RESOLVED:

Decision

That the application by Moontide Limited for a variation of premises licence in respect of the premises known as Simon the Tanner, 231 Long Lane, London, SE1 4PR be approved as follows:

Licensable Activity	Monday to Thursday	Friday	Saturday	Sunday
E. To allow the provision of live music indoors	19:00 – 22:00	19:00 – 22:00	19:00 – 22:00	19:00 – 22:00
I. To allow the provision of facilities for making music indoors:	19:00 – 22:00	19:00 – 22:00	19:00 – 22:00	19:00 – 22:00
L. To extend the hours permitted for late night refreshments:		23:00 – 00:00	23:00 – 00:00	

Licensable Activity	Monday to Thursday	Friday	Saturday	Sunday
M. To extend the hours permitted for the sale / supply of alcohol on the premises:		23:00 – 00:00	23:00 – 00:00	
O. To extend the opening hours of the premises:		10:00 – 00:10	10:00 – 00:10	

Conditions

The following conditions will apply in addition to all mandatory conditions:

1. That no drinks will be allowed outside after 10:00pm seven days a week.
2. That sufficient signs be placed around the pub to encourage people to be quiet and to leave quietly.
3. That management inform residents of a dedicated telephone number to deal with residents' complaints.
4. That condition 109 be amended to include 'Permitted hours as stated elsewhere on this licence' and that 'a to f' and 'i to x' be removed.
5. That condition 122 be removed as redundant.
6. That condition 127 be removed as redundant.

Reasons

The sub-committee heard submissions from the applicant that the variation sought will have no adverse impact on the licensing objectives.

In view of the objections received to this application the applicant advised the sub-committee that they are no longer seeking a variation for the sale of alcohol Sunday to Thursday but that their application is now limited to seeking one extra hour for selling alcohol only on Friday and Saturday.

The applicant also submitted that the sought licence to play live music will be limited to a use of a piano one day a week between 7:00pm and 10:00pm but as the applicant is still undecided about the day for such piano use, they are asking for such licence to cover seven days a week.

The sub-committee heard from a resident that there were some existing issues of noise outside the premises and issues with people gathering on the pavement outside of the pub.

The resident advised the committee that they have yet to raise any official complaints in that respect and he personally never discussed any of these issues with the pub management.

The resident did confirm that some residents' meetings had been held in the pub and that generally residents were not opposed to the pub being there.

In response to the residents' issues, the applicant offered to add the additional conditions 1-3, as specified above, to their existing licence, in addition to the mandatory conditions.

On the basis of the above the sub-committee resolved to grant the variation allowing the playing of live music as applied for and further resolved to vary the licence to allow sale of alcohol on Friday and Saturday until midnight.

Appeal rights

That the licensee and any person who made relevant representations in relation to the application may appeal against the decision. Any appeal must be made to the magistrate court for the petty sessions area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the designated officer 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 - MAINRAY HOUSE, 124C BERMONDSEY STREET, LONDON, SE1 3TX

The legal officer addressed the sub-committee and the interested parties present. He reminded them that this was a quasi-judicial sub-committee. He also advised that the premises was not in a saturation zone and that this sub-committee could not consider any planning issues with regard to this application.

The licensing officer presented her report. The members had no questions for the officer.

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

The local residents then addressed the sub-committee. Members had questions for the local residents.

All parties were given 5 minutes to sum up. At 11.25am the meeting went into closed session to consider the application.

At 12.13pm the meeting returned to open session and the chair read out the decision as follows:

RESOLVED:

Decision

That the application by River Developments Limited for a new premises licence in respect

of the premises known as 124C Bermondsey Street, London, SE1 3TX be approved as follows:

Licensable Activity	Monday to Friday	Saturday	Sunday
L. Late night Refreshment		23.00-00.00	
M. Supply of Alcohol on	11.00-22.30	11.00-23.30	12.00-22.00
O. Hours open to the public	10.00-00.10	10.00-00.10	12.00 – 00.10

Conditions

The operation of the premises under the licence shall be subject to compliance with the operation schedule highlighted in Section P of the application form and the following conditions:

- a) All mandatory conditions set out in the Licensing Act 2003 relating to:
 - (i) Authorisation of the retail sale of alcohol; and
 - (ii) The provision of door supervision.

- b) The following additional special conditions developed through discussion from the original operating schedule attached to the variation application as follows:
 - (i) The premises shall operate an age check 'Challenge 25' policy whereby customers purchasing alcohol who look or appear to be under 25 years of age will be asked for an approved form of proof of age to verify their age. Approved forms shall include a driving licence, passport or a PASS approved proof of age card such as the Southwark Proof of Age (SPA) card.
 - (ii) All staff involved in the sale of alcohol shall be trained in the age check 'Challenge 25' policy. A record of their training, including the dates that each member of staff is trained, shall be available for inspection on request by the council's authorised officers or police.
 - (iii) Age check or 'Challenge 25' signage shall be displayed at entrances to the premises, areas where alcohol is displayed for sale and at points of sale to inform customers that an age check 'Challenge 25' policy applies and proof of age may be required.
 - (iv) A register of refused alcohol and cigarette sales (to be approved by Trading Standards), which is clearly marked with the details of the premises, address and name of the licence holder, shall be maintained in order to demonstrate effective operation of the policy. The register shall be available for inspection at the premises on request by the council's authorised officers or the police.

- c) Subject to the following additional conditions agreed by the sub-committee:
 1. That the premises shall install and maintain a comprehensive CCTV system as

per the minimum requirements of a Metropolitan Police Crime Prevention Officer.

2. That there shall be a personal licence holder on duty on the premises at all time when the premises are authorised to sell alcohol.
3. That an incident log shall be kept on the premises and made available on request to an authorised officer of Southwark Council or the Metropolitan Police, which will record the following:
 - (i) All crimes reported to the venue
 - (ii) All ejections of patrons
 - (iii) Any complaints received
 - (iv) Any incidents of disorder
 - (v) Any refusal of the sale of alcohol
 - (vi) Any visit by a relevant authority or emergency service.
4. That substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
5. That no noise shall emanate from the premises nor vibration by transmitted through the structure of the premises, which gives rise to a nuisance.
6. That notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
7. That a direct telephone number for a duty manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents in the vicinity.
8. That no rubbish, including bottles, shall be moved, removed or placed in outside areas between 23:00 and 08:00 hours.
9. That the number of smokers outside the premises be limited to five people at any given time and that it be the responsibility of management to ensure that this condition is complied with.

Reasons

The sub-committee heard evidence from the applicant that these were new premises without any adverse history. The applicant also submitted that it is their intention to run the premises as a high end restaurant/bar and not simply as a drinking establishment.

During the hearing, in light of the objections received to this application, the applicant advised the sub-committee that they no longer seek a live music or recorded music licence. The applicant also read out to the sub-committee a further nine conditions which they offer to add to any licence in order to address some of the residents' concerns. The applicant also emphasized that none of the responsible authorities objected to this application.

The sub-committee heard evidence from four local residents. The residents mentioned planning issues but did not focus their submissions on planning issues. The residents submitted that the granting of this application will increase crime and disorder in the area, will increase noise nuisance and will adversely affect public safety. All of the submissions from the residents focused on impact by other licensed premises in the area but were not specific to this application as these premises have no operating history. Many of the residents indicated that their main concern was not to allow another licensed premises in the area as they did not consider there was need for another such establishment.

Having considered all the above submissions, the sub-committee resolved to grant this application on the basis that the sale of alcohol will cease at 22.30 Monday to Friday, 23.30 on Saturday and 22.00 on Sunday and on the basis that all the conditions put forward by the applicant during the hearing are to be added to the licence. The sub-committee also considered it necessary to add a further condition that the number of smokers outside the premises be limited to five people at any given time and that it be the responsibility of management to ensure that this condition is complied with. This decision is made on the basis that the sub-committee heard no conclusive evidence that the premises itself will have adverse impact on any of the licensing objectives. When considering this decision the sub-committee noted the decision of the High Court in the case of *Thwaites v Wirral Borough Magistrates' Court* (2008).

As always it will be open for the residents to seek to review this licence if the premises, once opened do adversely affect the licensing objectives.

Appeal Rights

That the licensee and any person who made relevant representations in relation to the application may appeal against the decision. Any appeal must be made to the magistrate court for the petty sessions area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the designated officer 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.

At this point the meeting adjourned at 12.20pm. It reconvened at 12.35pm and following an earlier announcement (see item 3) to vary the order of business, considered item 5.

The meeting closed at 1.55pm.

CHAIR:

DATED: