

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Tuesday 26 June 2012 at 10.00 am at Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

PRESENT:	Councillor Sunil Chopra (Chair) Councillor Adele Morris Councillor Althea Smith
OTHERS PRESENT:	Manni Keates, local resident Kim Narayan Taylor, local resident Irene Narayan, local resident Sven Mündner, applicant Frank Boxer, applicant
OFFICER SUPPORT:	Debra Allday, legal officer Samantha Coe, health and safety officer Jayne Tear, licensing officer Dorcas Mills, licensing officer Virginia Wynn-Jones, constitutional officer

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

The committee received information about the conciliation meeting related to item 5. The committee noted that item 6 had been withdrawn.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. FRANKS CAFE & CAMPARI BAR, LEVEL 7- 10, PECKHAM MULTI STORY CAR PARK, 95A RYE LANE, LONDON SE15 4ST

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

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

The health and safety officer addressed the sub-committee. Members had questions for the officer.

Local residents addressed the sub-committee. Members had questions for the residents.

All parties had five minutes to sum up.

The committee went into closed session at 10.55am. The meeting re-opened at 11.30am and the chair read out the decision.

RESOLVED:

That the application be granted for:

- Supply of alcohol (for consumption on the premises): Monday to Sunday from 11.00 to 22.30.
- Provision of regulated entertainment being; plays, films, recorded music, performance of dance or anything of a similar description (indoors and outdoors) and live music (indoors): Thursday to Sunday from 18.00 to 22.00.
- Operating hours: Monday to Sunday from 11.00 to 23.00.

The premises licence shall start on 30 June 2012 and finish on 5 October 2012.

The mandatory and default conditions detailed below shall be attached to the premises licence.

Conditions

The following additional conditions as proposed by the applicant and agreed by the sub-committee shall also apply:

1. An SIA door supervisor with a clicker/counter shall be stationed at the one entrance to the premises from 7.00pm every night that the premises is open.
2. The designated premises supervisor shall be on site continuously during opening hours and shall also be responsible for overseeing crowd management.
3. A clear plan highlighting emergency exits shall be prominently displayed visible from any place in the premises.
4. Emergency exits shall be clearly marked with standard emergency exit signs (staircases and ramps).
5. Emergency numbers shall be displayed for all members of staff behind the counter.
6. Access shall be made available for emergency services at all times.
7. Anyone seen attempting to climb the barriers around the premises shall be immediately stopped by a member of staff.

8. The security team shall be fully briefed to closely monitor the crowd and its presence close to the barriers.
9. The designated door supervisor shall stop any client taking anything purchased from the bar outside of the licensed area, where the structural lip is in place.
10. All recorded music from the bar shall be played at a background level only.
11. The premises shall operate the 'Challenge 25' age identification scheme including full staff training and appropriate signage.
12. That any music provided at the premises shall be unamplified.
13. A dedicated telephone number shall be provided for local residents to contact the site manager whilst the premises is in operation.
14. Regular patrols and cleaning of the area immediately outside the premises shall be made.
15. A crowd dispersal strategy shall be implemented to assist with patrons leaving the premises in an orderly and safe manner.
16. Volume control for 'background' recorded music shall be stationed behind the bar, and under the sole control of the designated premises supervisor.
17. Musical performances shall take place on the lower levels of seven and nine. The holes in the structure of the building shall be blocked out temporarily whilst the performance is taking place to reduce the noise escape from the north and east of the premises.
18. The management team for all live music shall sign agreements to uphold all license terms.
19. An enforced rehearsal of all live music shall take place in an afternoon before the performance itself, and a senior member of the events team shall check sound levels from Cerise Road, the location of nearest residents. If these levels are deemed to be unacceptable the performances shall be altered so that the noise levels become acceptable. These rehearsals shall be recorded records of the patrols and all resulting action taken shall be kept on site.
20. A member of the Bold Tendencies events team shall conduct a noise patrol from the top of Cerise Road during the live performances. If they deem the volume is at an unacceptable level for residents they shall contact the management team via radio, who will take appropriate action to reduce the noise level. The noise patrols shall be recorded records of the patrols and all resulting action taken shall be kept on site.
21. An appropriate sloped surface/structure shall be provided to the flat surface of the perimeter wall to the whole of the licensed area in order to discourage and minimise the risk of persons sitting on the surface of the wall and placing objects onto the surface of the wall. The structure must be of appropriate strength and rigidity to withstand potential pressures which may be applied and be appropriately and

substantially fixed, and in such a way that it can not be removed or tampered with by members of the public.

22. The sloped structure/barrier shall be inspected daily by a competent person and any defects shall be repaired immediately.
23. No objects or furnishings which would enable easier access/encourage climbing on to the perimeter wall must be placed in the vicinity of the perimeter wall.
24. Dedicated members of staff shall monitor the outside perimeter wall to ensure no one attempts horseplay or to climb onto the wall.
25. Dedicated members of staff shall ensure that empty or unused drink containers and other materials are not allowed to accumulate on or around the perimeter wall.
26. The seating structure shall be constructed and maintained so as to minimise any risk of structural failure or collapse. All demountable temporary structures should be designed and constructed in accordance with the guidance contained in the Institute of Structural Engineers publication 'Temporary Demountable Structures'. The structure shall be inspected by an independent competent person on completion and a certificate obtained to state that the structure has been inspected and is safe and fit for the purpose intended.
27. The electrical installation shall be mechanically and electrically safe and suitable for the intended use of the premises. The electrical installation must be inspected and tested by a competent person e.g. NICEIC registered contractor and a report detailing the inspection should be obtained. All defects noted in the report must be remedied by a competent person in accordance with the Electricity at Work Regulations 1989 and to the standards laid down in the current edition of the IEE wiring regulations.
28. All portable electrical appliances shall be maintained in a safe condition and suitable for their use. To ensure this they must be inspected and tested by a competent person and appropriate records obtained.
29. All gas appliances and installations to be used on the premises must be inspected and tested by a competent person who must be GAS SAFE registered engineer before use.
30. Contingency plans should be put in place in case of severe weather such as heavy rain, high winds etc.
31. All pedestrian traffic routes shall be free from any slip or trip hazards.
32. All suspended equipment e.g. roof canopy shall be examined by a competent person to ensure their structural integrity and a record of this inspection made. Adequate controls and fixtures should be in place to prevent the risk of suspended equipment falling.
33. A safe capacity limit shall be set in accordance with the technical standards for places of entertainment and agreed with the council's health and safety team before the day of opening. This limit shall not be exceeded.

34. Areas shall be suitably monitored to avoid localised overcrowding.
35. A counter/ clicker system shall be used by security personnel located at the entrance of the premises to ensure the set accommodation limit is not exceeded.
36. Potable drinking water must be provided to the venue and be made freely available to customers during opening hours.
37. All parts of the premises shall be provided with adequate illumination.
38. All routes of escape to the outside of the building and all those parts of the premises to which the public have access to shall be provided with adequate and assured illumination from two independent supplies and systems.
39. During opening hours all entrances and exits to and from the premises shall be unlocked.
40. The area around the waste pipe to Level 10 outside the equipment storage room where there is waste discharging shall be barriered off or otherwise made safe and free from slip/ trip hazards.
41. That the premises shall serve all beverages in polycarbonate or plastic containers. Under no circumstances is glass to be used.

Reasons

This was an application made by Franks Cafe Limited for a premises licence under s.17 Licensing Act 2003 in respect of premises known as Franks Cafe & Campari Bar, Level 7-10, Multi-Storey car Park, 85A Rye Lane, London SE15 4ST.

A time limited seasonal restaurant and bar has been granted under the Licensing Act 2003 for the last three years.

Representations were received by the council's health and safety team, environmental protection team, licensing team and planning department. Eight representations were received from other persons.

Conciliation took place on 18 June 2012 and the applicant agreed to add an additional 31 conditions.

As a result of the conciliation, the responsible authorities withdrew their representations. A number of the residents withdrew their objections and only one objector attended the licensing sub-committee to make representations.

The objection amounted to the disruption caused by noise to the local residents in addition to the increase of crime and disorder and also, the nuisance caused by littering.

The sub-committee noted that the police did not object to the application.

The environmental protection team is satisfied with the conditions agreed at the conciliation meeting.

The applicant has agreed that music will cease at 22:00 hours, the sale of alcohol will cease at 22:30 hours and the premises will close at 23:00 hours. The application also does not allow for the playing of amplified music and a crowd dispersal strategy is to be implemented.

The sub-committee are of the view that the concerns and objections raised will be adequately addressed by the terms of the conciliation conditions. Therefore, on condition that the safe capacity limit is set as per conciliated condition 35, the application is granted.

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. THE ECLIPSE, 54B SOUTHAMPTON WAY, LONDON SE5 7TT

This item was withdrawn.

The meeting closed at 11.35am.

CHAIR:

DATED: