

## Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Friday 30 November 2012 at 10.00 am at Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

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**PRESENT:** Councillor Sunil Chopra (Chair)  
Councillor Michael Bukola  
Councillor Adele Morris

**OTHERS PRESENT:** Ian Clements, Metropolitan Police Service  
Nadia Nasser, representative from The Rose Public House  
Dawn Nasser, representative from The Rose Public House  
Andrea Riding, representative from The Rose Public House  
Andrew Ford, representative from The Rose Public House

**OFFICER SUPPORT:** Debra Allday, legal officer  
Dorcas Mills, licensing officer  
Kristie Ashenden, licensing officer, representing the council as a responsible authority  
Sarah Newman, environmental protection officer  
Andrew Weir, constitutional officer

### 1. APOLOGIES

There were none.

### 2. CONFIRMATION OF VOTING MEMBERS

The three 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

The three members advised that they had received an email from Councillor Victoria Mills

in support of the premises. The members confirmed that they had discounted this email and would not be considering it as it was not received during the proper consultation period.

**5. LICENSING ACT 2003 - THE ROSE PUBLIC HOUSE, 108 FOREST HILL ROAD, LONDON SE22 0RS**

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

The sub-committee then heard from the environmental protection officer. Members had questions for the environmental protection officer.

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

The sub-committee then heard from the Metropolitan Police. Members had questions for the police officer.

The representatives of The Rose Public House then addressed the sub-committee. Members had questions for the representatives from The Rose Public House.

All parties were given five minutes to sum up.

The sub-committee went into closed session at 12.15pm.

The sub-committee resumed at 2.15pm and the chair read out the decision of the sub-committee.

**RESOLVED:**

The council's licensing sub-committee, having had regard to the application by the environmental protection team for a review of the premises granted under the Licensing Act 2003 to Spectrum Pub Company Ltd in respect of the premises known as The Rose Public House, 108 Forest Hill Road, London SE22 0RS and also having had regard to all other relevant representations has decided it necessary for the promotion of the licensing objectives to:

Modify the conditions of the licence as follows:

<b>Activity</b>	<b>Sunday to Thursday</b>	<b>Friday and Saturday</b>
<b>All licensable activities</b>	08.00 to 00.00 premises to be closed by 00.30	08.00 to 01.30 premises to be closed by 02.00

## Conditions

The following conditions shall also apply:

1. That no drinks are taken out to the front, outside, beyond 20.00.
2. When the terminal hour, as detailed on the premises licence, is greater than 00:30 then at least two SIA registered supervisors will be on duty at all times after 21:30 and be provided with a metal detection unit and a mechanical counting device to supervise admissions to and departures from the premises.
3. On Fridays and Saturdays there will be no new admissions or re-admissions to the premises after 01.00 other than those who leave the premises for the purposes of a cigarette. The number being allowed to leave the premises for the purposes of a cigarette is limited to five.
4. No beverages to be consumed in any outside area of the premises after 23.00.
5. The rear door to the garden area to be alarmed after 23.00.
6. The premises will have an installed and functional noise limiter, which has a cut out device that is linked to any doors to the external that do not have noise lobbies
7. The premises will have installed forced ventilation to enable the internal atmosphere to remain comfortable when licensed entertainment is occurring.
8. Condition 336 be removed and replaced with:

“All staff involved in the sale of or supply of alcohol will be suitably trained in their responsibilities under the Licensing Act 2003. All staff shall receive regular updates in six month intervals and a record of all training shall be kept and made available to the police and all authorised officers on request”.
9. Condition 350 be amended to read:

“With the exception of wine glasses, only bottles and glasses made from toughened glass shall be used during the sale or supply of any drinks whether alcoholic or not. Wine glasses are to be made from semi-toughened glass”.

## Reasons

The reasons for this decision are as follows:

This was a hearing of an application by the Southwark Council environmental protection team for a review of the premises know as The Rose Public House, 108 Forest Hill Road, London SE22 0RS. This application was made under Section 51 of the Licensing Act 2003.

The licensing sub-committee heard evidence from the Southwark Council environmental protection team, the applicant for the review, who stated that there had been 12 complaints of noise nuisance from local residents between March 2012 and September

2012. The environmental protection team also mentioned three additional dates where alleged complaints had been made, however, neither the applicant nor the panel received any information concerning these prior to today's hearing, therefore, these have been disregarded.

The officer from the environmental protection team informed the sub-committee that a Section 80 Environmental Protection Act 1990 notice had been served on the previous licensee of the premises. However, the sub-committee were not satisfied that the current personal licence holder or indeed, any of the management team from Spectrum Pub Company Ltd had knowledge of the service of this notice. The sub-committee noted that no fresh Section 80 Environmental Protection Act 1990 notice has been served despite the environmental protection team's serious concerns.

The licensing sub-committee heard evidence from the licensing team as a responsible authority. Complaints were received by the licensing team and as a result a warning letter was issued on 5 September 2012 that a review of the premises licence would be made if further complaints were received and/or witnessed. Despite this, on 8 September 2012, licensing officers visited the premises and observed a number of breaches of the premises licence.

The licensing sub-committee heard evidence from the Metropolitan Police who stated that the premises had been subject to a number of incidents relating to crime and disorder. The police officer took the view that the current licence was not fit for purpose. However, of the five instances of crime and disorder that he referred to in his letter of 5 November 2012 only two could be attributed to The Rose Public House.

It was also noted that no complaints had been made and/or received since the application for the review was made on 9 October 2012.

The licensing sub-committee heard evidence from the representatives of The Rose Public House who provided a considerable amount of evidence in response of the complaints made.

The licensing sub-committee noted there were a considerable number of written representations from other persons who opposed the review. None of these other persons attended the sub-committee meeting to give oral evidence.

In reaching this decision the sub committee had regard to all the relevant considerations and the four licensing objectives.

The licensing sub-committee considered that it was appropriate and proportionate to attach these conditions in order to address the licensing objectives. The sub-committee wants to make it very clear to the licensee that they view the incidents and complaints received as serious but on this occasion they have decided not to revoke the licence, but if such practice will continue, on any further review a different approach may be taken.

### **Appeal rights**

This decision is open to appeal by:

- a) The applicant for the review

- b) The premises licence holder
- c) Any other person who made relevant representations in relation to the application

Such appeal must be commenced by notice of appeal given by the appellant to the justices chief executive for the magistrates court for the area within the period of 21 days beginning with the day on which the appellant was notified by this licensing authority of the decision.

This decision does not have effect until either:

- a) The end of the period for appealing against this decision or
- b) In the event of any notice of appeal being given, until the appeal is disposed of.

The meeting closed at 2.30pm.

**CHAIR:**

**DATED:**