

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Monday 17 December 2012 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

PRESENT:	Councillor David Hubber (Chair) Councillor Abdul Mohamed Councillor The Right Revd Emmanuel Oyewole
OTHERS PRESENT:	Judith Cooper, applicant Richard Barker, applicant Steve Burnett, applicant Paul Nicholas, local resident Kieren Canavan, applicant
OFFICER SUPPORT:	Wesley McArthur, licensing officer Dorcas Mills, licensing officer Kristie Ashende, licensing officer, representing the council as a responsible authority Farhad Choudhary, health and safety officer Bill Masini, trading standards officer Joane Devlin, legal officer (observing) Felix Rechtman, legal officer Andrew Weir, constitutional officer

1. APOLOGIES

Apologies were received from Councillors Sunil Chopra and Ian Wingfield.

2. CONFIRMATION OF VOTING MEMBERS

The three members present were confirmed as voting members. In the absence of the chair, Councillor David Hubber was nominated by Councillor Abdul Mohamed to chair the sub-committee. This was seconded by Councillor The Right Reverend Emmanuel Oyewole.

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

There were none.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003 - THE CHAMBER OF SHIPPING, 1ST FLOOR, 30 PARK STREET, LONDON SE1 9EQ

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

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

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

All parties were given five minutes to sum up.

The sub-committee went into closed session at 11.40am.

The sub-committee resumed at 12.40pm and the chair read out the decision of the sub-committee.

RESOLVED:

That the application by The Chamber of Shipping Ltd for a premises licence in respect of The Chamber of Shipping, 1st Floor, 30 Park Street, London, SE1 9EQ be granted as follows:

Licensable Activity	Monday to Friday
Supply of alcohol	10.00am to 22.30
Hours premises are open to the public	10.00am to 23.00pm

Conditions

The following conditions shall also apply:

1. That 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.

2. 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 made available for inspection at the premises on request by the council's authorised officers or the police.
3. Age check or "Challenge 25" signage shall be displayed at the first floor entrance 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 that proof of age may be required.
4. A register of refused sales of alcohol which is clearly marked with details of the premises, address and name of the premises licence holder shall be maintained in order to demonstrate effective operation of the policy. The register shall be made available for inspection at the premises on request by the council's authorised officers or the police.
5. That the applicant makes available to local residents, on request, a dedicated telephone number to deal with any issues raised by local residents during the hours of licensable activities.

Reasons

This was a hearing of an application by The Chamber of Shipping Ltd for a premises licence in respect of The Chamber of Shipping, 1st Floor, 30 Park Street, London, SE1 9EQ.

The licensing sub-committee heard evidence from the applicant. At the outset the applicant raised as a preliminary issue the issue of whether the council's saturation policy applied to this specific application or not. The applicant submitted that this specific application did not fall within to the council's saturation policy for Borough and Bankside and in support of the submission the applicant specifically referred to paragraph 162 of the council's statement of licensing policy in which the classes of premises effected by the policy are stated as: "nightclubs, public houses, bars, restaurants, cafes, off licences, supermarkets and grocers". The applicant submitted that this application was concerned with licensing of an office for occasional use only and therefore this application did not fall into paragraph 162. The applicant was asked whether he wished the sub-committee to deal with this point as a preliminary issue but decided to take this point as part of their general submissions and not as a preliminary issue.

The sub-committee then heard from the applicant that they were looking to licence offices on the first floor of an office building to allow occasional use only for meetings and social gatherings by corporate members of the Chamber of Shipping. The applicant made it clear that the premises are not to be operated as a bar and that members of the public will not be allowed in. The applicant also made it clear that there will not be any cash sales of alcohol but that all food and refreshments will be ordered in advance and invoiced to the sponsor of the event. The applicant advised the sub-committee that they took the objecting resident's concerns very seriously and as a result decided not to pursue their application for regulated entertainment (recorded music). The applicant further submitted

in the light of the nature of the use and the fact that the general public will not be allowed in, nor would there be any cash sales, that even if the premises do fall into the saturation policy that there would not be any adverse accumulative impact on the prevention of crime and disorder objective in the act. Finally the applicant also submitted that they had previously held a similar licence within the City of London without any complaints or issues.

The sub-committee then heard from the local resident that he was concerned that if this licence is granted that other offices will make similar applications and was further concerned about possible increase in number of smokers outside his front door, which is located directly opposite from the premises. The resident made it clear that had the application been from 10.00 to 17.00 that he would have supported such an application but that he did not understand the need for the licence to be up to 22.30 and was objecting to the application as a whole.

The sub-committee found this application to be an unusual one. The sub-committee accepted that the UK Chamber of Shipping is a reputable organisation and accept that they previously held a similar licence in the City of London without there being any difficulties. On the basis that this application concerns occasional supply of alcohol in office premises without there being any other licensable activity to be undertaken and on the basis that there will be no admission of the public to the premises, that the granting of this application will not have adverse cumulative impact on the crime and disorder objective of the Licensing Act. In the circumstances, the sub-committee did not consider it necessary for it to make a decision on whether this type of premises fall outside paragraph 162 of the council's statement of licensing policy.

In the circumstances, on the basis that the application for regulated entertainment is withdrawn and on the basis that the trading standards conditions be added to the licence (subject to minor amendments requested by the applicant), this 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 justices' chief executive 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 - CANAVAN'S PECKHAM POOL CLUB, 188 RYE LANE, LONDON SE15 4NF

The licensing officer presented her report. She advised that the objections from the planning department and the environmental protection team had been withdrawn. Members had questions for the licensing officer.

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

The sub-committee heard from the licensing officer, representing the council as a

responsible authority. Members had questions.

The sub-committee then heard from the trading standards officer. Members had no questions for the trading standards officer.

The sub-committee also heard from the health and safety officer. Members had questions for the health and safety officer.

All parties had five minutes to sum up.

The sub-committee went into closed session at 1.45pm.

The sub-committee resumed at 2.45pm and the chair read out the decision of the sub-committee.

RESOLVED:

That the application by Kieran Canavan for a variation of a premises licence under the Licensing Act 2003 in respect of Canavan's Peckham Pool Club, 188 Rye Lane, London SE15 4NF be granted in part only as follows:

Licensable Activity	Monday to Sunday
Plays (indoors)	17.00 - 04.00
Films (indoors)	17.00 - 04.00
Live music (indoors)	10.00 - 02.00
Performance of dance (indoors)	10.00 - 04.00
Facilities for making music (indoors)	10.00 - 04.00
Facilities for dancing (indoors)	10.00 - 04.00
Indoor sport	10.00 - 04.00
Recorded music (indoors)	10.00 - 04.00
Late night refreshment (indoors)	23.00 - 03.00
Sale and supply of alcohol on the premises	10.00 - 02.00
Operating hours of the premises	10.00 - 04.00

Conditions

The following conditions shall also apply:

- Condition 122 to be amended to read:

“That children shall be accompanied by a responsible adult at all times that they are allowed on the premises. No children shall be on the premises after 20.00”.

- Conditions 139 and 347 to be removed entirely from the premises licence.

Reasons

This was a hearing of an application by Kieran Canavan for a variation of a Premises Licence issued under the Licensing Act 2003 in respect of Canavan’s Peckham Pool Club, 188 Rye Lane, London SE15 4NF.

The application consisted of a number of different elements to it as follows:

1. To add a number of additional licensable activities to the licence
2. To extend the terminal hours for a number of the existing regulated activities
3. To remove a number of conditions from the licence
4. To amend two existing conditions on the licence.

The main issue which was discussed throughout the hearing was the application to extend the terminal hours for licensable activities to 06.00. The sub-committee heard evidence from the applicant that the premises are well managed and that the extension of hours for supply and sale of alcohol to 06.00 is necessary in order to allow patrons to leave the premises at the time when public transport such as overground and underground trains operate. The applicant made it clear that he was aware of the fact that the premises were in a saturation zone and that the presumption was not to grant the variation unless the applicant can satisfy the sub-committee that there will not be adverse cumulative impact on the prevention of crime and disorder objective in the act. On this issue, the applicant submitted that there was a saturation of premises selling alcohol in the area but that the saturation was of corner shops and off licences and not premises such as his establishment. The applicant further submitted that in the time that he had been running the premises, some 16 months now, there were no serious crime and disorder incidents associated with the premises. The applicant further submitted that he has voluntarily undertaken a number of measures such as the use of SIA registered door staff, the upgrading of the CCTV system and the use of a local dedicated cab company.

The only other aspect of the application on which the applicant commented was the need to allow children in the premises when pool competitions are taking place and this was the reasons that he wanted one of the conditions amended as detailed below.

The sub-committee then heard evidence from a number of responsible authorities, objecting to the application. Firstly, the sub-committee heard from the council’s licensing service as a responsible authority that they objected to the granting of the application to extend the hours on the basis that the premises are within a saturation zone, that the premises clearly operate as a night club rather than a members pool club and therefore, the extension of the hours will have adverse impact on the crime and disorder objective in the act. The licensing officer also commented on when the premises applied for temporary events notices, that a number of complaints were made on the night when such

notices had been granted.

The sub-committee then heard from the council's trading standards department that their main objection was against the removal of the condition preventing children on the premises and had no grounds for objecting to the extension of time application.

Finally the sub-committee heard from the council's health and safety service that they had some concerns over the operation of the premises but the sub-committee found that this was not directly relevant to the current application and encouraged the council's health and safety service to take whatever action necessary within their remit.

The sub-committee also considered the objection for extension of hours from the police who were unable to attend and also considered the objection from a local resident who was also unable to attend.

In view of the above and in view of the fact that the sub-committee is bound by the council's saturation policy, the sub-committee resolved to refuse the application to extend the existing licensable activities as the sub-committee was not satisfied by the applicant's submissions that by granting this application there will not be any adverse impact on the prevention of crime and disorder objective of the act.

As far as the application to add further licensable activities such as plays, films, live music, performance of dance, facilities for making music and facilities for dancing, this application is granted but any such activities will have to cease at 04.00 as per the existing regulated activities.

As far as the application to remove a number of conditions is concerned, the sub-committee only agreed to the removal of conditions 139 and 347.

As far as the application to amend conditions 109 and 122, the sub-committee resolved to keep condition 109 and to amend 122 as follows: "Children shall be accompanied at all times by a responsible adult. No children shall be on the premises after 20.00".

Appeal rights

The applicant may appeal against any decision to modify the conditions of the licence and any person who made relevant representations in relation to the application who desire to contend that:

- a) That variation ought not to have been made; or
- b) That, when varying the licence, the Licensing Authority ought not to have modified the conditions of the licence, or ought to have modified them in a different way

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 justices' chief executive 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.

The meeting closed at 2.50pm.

CHAIR:

DATED: