



LICENSING SUB-COMMITTEE

MINUTES of the meeting of the open section of the LICENSING SUB-COMMITTEE held on March 25 2009 10am at the Town Hall, Peckham Road, London SE5 8UB.

PRESENT: Councillor Linda Manchester
Councillor Jelil Ladipo
Councillor Wilma Nelson

ALSO PRESENT: Mr. Lopez, Representative for the applicant
Mr. Lincoln Smith, applicant
Mr. Thomas, Mr. M. Robbins & Ms. Stewart (in attendance with applicant)
Mr. Holden, objector
Dr. Branton, objector
Mr. Hill, objector
Dave Swaby, Licensing Officer
Deborah McCallum, legal officer
Paula Thornton, constitutional team

1. APOLOGIES FOR ABSENCE

There were none.

2. CONFIRMATION OF VOTING MEMBERS

The three members were confirmed.

3. NOTIFICATION OF ANY OTHER ITEMS WHICH THE CHAIR DEEMS AS URGENT

There were none.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were no disclosures of interests and dispensations.

5. LICENSING ACT 2003 – HYPNOTIC 75-79 NORWOOD ROAD SE24 (see pages 46-98 plus separate appendix)

The sub-committee had a brief adjournment to read the additional papers submitted by the agent of the applicant. The adjournment lasted for 20 minutes.

The licensing officer presented his report confirming that the police representations had now been withdrawn.

The applicant's legal representative presented his case and responded to questions from members and objectors.

The objectors, Dr. Branton, Mr. Hill and Mr. Holden presented their evidence and responded to questions from members.

All parties were given 5 minutes to sum up.

The meeting went into closed session at 12.15pm. The meeting then reopened at 1.50pm.

RESOLVED: 1. That the application made by Lincoln Smith for a variation to a premises licence under the Licensing Act 2003 in respect of the premises known as Hypnotic, 75-79 Norwood Road, London SE24 was considered and the following agreed:

That the application to extend the hours of operation on Sundays and Thursdays is refused.

That the application to extend the hours for non standard timings is refused except in relation to New Years Eve.

That the application to remove conditions is granted except for conditions 342 and 344 as specified:

- 342. That a sign shall be prominently displayed at the entrance to the premises stating "No Search, No entry".
- 344. That a notice be displayed stating "Any vehicle causing an obstruction to the emergency escape provision off these premises will be removed."

2. Conditions

See **Appendix 1** of these minutes

3. Reasons

The reasons for the decision are as follows:

The committee considered the oral and written evidence and representations submitted on behalf of the applicant and the local residents. The committee were satisfied, particularly taking the local residents representations into account, that it was necessary and proportionate to modify the application to restrict the hours of operation of the premises in order to prevent public nuisance.

4. 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.

The meeting closed at: 1.55pm

CHAIR:

DATED:

Appendix 1

Conditions

The operation of the premises under the licence shall be subject to compliance with the operation schedule highlighted in Section P, including the list of conditions headed “proposed conditions”, of the application form:

- The appointed manager shall be suitably qualified and hold the approved training qualification.
- The Licensee / Duty Manager shall ensure that he has sufficient trained staff on duty to ensure the safe evacuation of the premises in an emergency. Such staff shall have been specifically instructed on their duties in the event of an emergency by the Licensee or by a person nominated by him. The instruction given to staff shall include training on the safe and efficient running of the premises and the safe evacuation of the premises.
- The licence holder or person authorized by the will check the premises prior to opening to the public in order to ensure there are no risks to patrons of all abilities and that all safety precautions are in place. An authorized person shall make entries in the fire logbook that may be subject to inspection.
- Notices shall detail Emergency action that will include procedural actions in the event of a fire.
- Notices at the rear of the premises for emergency access for emergency vehicles. All emergency doors shall be kept closed but not locked at all times during opening hours to which this licence applies except for emergency egress.
- All safety certificates and inspection reports will be kept on site and made available to inspection to relevant officers.
- Entertainment control system shall be monitored by way of a limiter device, checked and calibrated as necessary so that approved levels set to the satisfaction of the council and these levels are not exceeded.
- Doors shall be kept closed at all times when regulated entertainment is in progress save for access or egress.
- The contact number of the duty manager shall be displayed on the premises or immediately outside the premises such that is clearly visible from the outside without the need to enter the premises.
- Non- alcoholic beverages including free drinking water shall always be available for consumption during opening hours of the premises.
- In the absence of the personal licence holder, written authorization shall be kept on the premises and shall be readily available for inspection by an authorized officer or a police officer on request.
- The authorised person shall have undertaken approved qualification and be able to demonstrate their knowledge and experience.
- A register shall be maintained by way of club scanner/or similar device of checks and details of the number of patrons/customers present these are to include numbers and members of staff and performers, details are to be made available for inspection upon request by an authorized officer or the police.
- There shall be no new admission or re-admission to the public after 2.00AM on Thursday – Saturday apart from those customers admitted and who have entered the designated smoking area, the designated area shall be supervised at all times, (a) by timing customers this shall not to exceed 15mins (b) by the number of customers shall not exceed 6. Customers are then subject to be researched on entry.
- The Licensee / Duty Manager shall ensure that reasonable access provisions are available to persons with disabilities, adequate arrangements shall be made to enable the safe evacuation in the event of an emergency and that they are made aware of those arrangements.

- An adequate and appropriate supply of First Aid equipment and materials shall be kept on site and made available for inspection.
- The licensee/Duty Manager shall ensure Staff training in the social and legal obligation and their responsibilities regarding the sale of alcohol.
- The licensee /premises licence holder shall ensure approved arrangements shall be made to maintain portable equipment including heating and electrical appliances are to be kept in good condition and full working condition.
- The licensee shall ensure upholstered seating/materials and or temporary decorations shall be maintained and meet the required criteria of fire-retarded.
- The SIA door supervisor one of whom shall be female, shall be employed at all times the premises are operating entertainment (at 10.00PM) on Thursday, Friday & Saturday. Appropriate search procedures of all patrons shall be complied with and approved by the Metropolitan Police.
- That an arrangement shall be established with a local mini-cab operator to provide cars for customers who will call within the premises to collect their fares and not sound their car horns in the street.
- The telephone number of local taxi operators and prominently display at the premises for the benefit of customers.
- That suitable notice's shall be displayed stating "No Search, No Entry" and anti drug statement shall be displayed prominently at the entrances to the premises.
- Clear and prominent notices must be displayed requesting all customers to respect the needs of local residents and to leave the premises quietly.
- An incident log shall be maintained within which details of occurrences of disorder and refusal of entry or also refused sales at the premises must be recorded. The incident book shall be kept on the premises and will be made available for inspection by authorized persons.
- The fire brigade shall be called at once to any outbreak or suspected outbreak of fire, however, slight, and the details recorded in the fire.
- The Licensee shall cause a Fire logbook to be kept. Any authorized officer shall be entitled to obtain a photocopy of any page(s) of the logbook.
- Consideration will be given to setting capacity limits to prevent overcrowding which could lead to crime and disorder, The capacity figures will be based on advice from the fire authorities.
- CCTV installed shall be maintained to the satisfaction of the police and local authority, recordings shall be maintained for a period of 31 days and shall be made available to relevant parties upon request.
- The premises will have installed Club Scanner and Search Arch and have in place an amnesty box.
- An age restriction policy is implemented.
- Regular staff training awareness of potential under aged customers.
- In the event of children are on the premises they must be accompanied by either parents, guardian or a responsible adult until 21.00 hours, representation to relevant parties for special exemptions.
- Every person including staff and agents entering the premises during opening hours must be subject to a supplementary search by means of a metal detecting wand/arch after 10.00pm when public entertainment is in progress.

In addition to the conditions and decisions listed above the following conditions proposed and agreed by the police and the applicant are also attached as conditions on the licence:

- That one CCTV camera shall be installed in such a position as to enable a clear facial image of every person passing through the security arch to be recorded and shall be maintained in working order at all times.

- That an identification Recognition System (ClubScan or similar) shall be installed and maintained in working order at all times. Every person, including staff and agents, entering the premises during opening hours shall be required to submit their details to the system prior to entry being granted.
- That SIA registered door supervisors – at least one of whom must be a female - shall be employed at the premises and be provided with: (1) a hand held metal detection unit to ensure that all persons entering the premises are subject to the Premises' Search Policy; and (2) a mechanical counting device in order to supervise admissions to and departures from the premises and to ensure that the premises maximum accommodation limit is not exceeded.
- That the Licensee / Duty manager shall maintain a register indicating the numbers of staff, including any Door Supervisors and all performers, who are present when the public are present. This register shall be produced immediately on the request of an Authorised Officer.
- That a duty roster must be maintained for all SIA staff and shall be made available to the Metropolitan Police on request.
- That an incident Log must be maintained at all times and made available to the Metropolitan Police and the London Borough of Southwark Authorised Officers on request.
- That any promoter or other such person hiring the premises be required to complete the 'Venue Hire Agreement' Form 696 provided by the Metropolitan Police and, once completed, the Premises Licence holder or their nominated representative shall ensure that a copy of the agreement is provided to the Police and Licensing Unit a minimum of fourteen days prior to the date of hire.
- That no entry or re-entry to be permitted to the premises after 12.00 midnight on the days Monday to Wednesday, and 2.00am on the days following Thursday to Saturday – except for persons leaving the premises in order to smoke. Such persons shall be supervised at all times and subject to being re-searched on re-entry to the premises.
- That only bottles and glasses made from polycarbonate shall be used during the sale or supply of any drinks, whether alcoholic or not, to customers.
- That a Personal Licence holder be on the premises at all times that intoxicating liquor is sold or supplied
- That all staff concerned with the sale or supply of alcohol undergo a recognised Training scheme for such duties. Records of such training should be kept and made available for inspection, on request, by any relevant Police or Council Officer.