



## Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 26 September 2013 at 10.00 am at Ground Floor Meeting Room G01C - 160 Tooley Street, London SE1 2QH

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- PRESENT:** Councillor Renata Hamvas (Chair)  
Councillor Lorraine Lauder MBE  
Councillor Abdul Mohamed
- OTHERS PRESENT:** L. Chamalambides, legal representative for Shell  
C Lowren, representative from Shell  
C. Prakesh, applicant  
S. Jegatheesan, representative from shell  
Madthav Patki, local resident  
Peter Downing, local resident  
Karelia Scott-Daniels, local resident  
Alannah Currie, local resident  
Z. Wilford, local resident  
Councillor Adele Morris, ward councillor  
Frederick Gayle, applicant  
Dezrene Clarke, applicant
- OFFICER SUPPORT:** Cynthia Barrientos, legal officer  
Debra Allday, legal officer  
Kristie Ashenden, licensing officer  
David Swaby, licensing officer representing the council as a responsible authority  
Alan Blissett, 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**

The clerk advised that the sub-committee would consider a temporary event notice in relation to the premises known as The Amaryllis Bar and Kitchen, 66 Coldharbour Lane, London SE5 9P.

### **4. DISCLOSURE OF INTERESTS AND DISPENSATIONS**

There were none.

### **5. LICENSING ACT 2003: SHELL SOUTHWARK BRIDGE, SOUTHWARK BRIDGE RD, LONDON, SE1 0AX**

The licensing officer presented their report. The licensing officer advised that the police had conciliated with the applicant on the basis that certain conditions be added to the licence. Members had questions for the licensing officer.

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

The environmental protection officer addressed the sub-committee. Members had questions for the environmental protection officer.

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

The sub-committee heard from local residents and the ward councillor. Members had questions for the local residents and the ward councillor.

The meeting adjourned at 11.50am at the request of the representative for the applicant and reconvened at 12.30pm.

The representative of the applicant made legal submissions.

The meeting adjourned at 12.44pm while the sub-committee considered the legal submissions and reconvened at 1.07pm. All parties advised that during this adjournment that they had conciliated in relation to the hours of operation and conditions to be attached to the licence.

The sub-committee went into closed session at 1.15pm.

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

### **RESOLVED**

That the application by Shell UK Oil Products Ltd for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Shell Southwark Bridge, Southwark Bridge Road, London, SE1 0AX be approved as follows:

<b>Licensable Activity</b>	<b>Monday to Sunday</b>
Hours of operation	00.00 – 00.00
Supply of alcohol off Premises	10.00 – 22.00

### Conditions

The operation of the premises under the licence shall be subject to relevant mandatory conditions, conditions from the operation schedule highlighted in Section M 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
- b) The following additional special conditions developed through discussion from the original operating schedule attached to the application as follows:
  - (i) That there be no sales of spirits in miniature, quarter or half bottles, containers or vessels.
  - (ii) That no beers, ciders or lagers in single cans, bottles or multi-packs with an ABV of above 6% will be displayed/sold or offered for sale from the premises.
  - (iii) That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV system must be capable of capturing a clear facial image of every person who enters the premises.
  - (iv) That all CCTV footage shall be kept for a period of thirty one (31) days and shall be made available to officers of the police and the council as soon as reasonably possible or in any event within 24 hours of the request.
  - (v) That there will be no alcohol displayed or stored within two metres of the entrance door.
  - (vi) That there be no entry to the premises between 23.00 and 06.00. All sales during this period will take place via a secure night serving hatch.
  - (vii) That all staff involved with the sale of alcohol will be trained in their responsibilities under the Licensing Act 2003 and training records to be kept and updated every six months and shall, upon request be made immediately available to officers of the police and the council.

- (viii) That when the premises are open to the public and the licence is not in operation, all alcohol shall be stored in a locked cabinet/cooler.

## **Reasons**

The licensing sub-committee heard evidence from the applicant. The applicant's representative advised that the premises was within the Borough and Bankside saturation zone but this application was exceptional in that there had been a previous licence held at this premises before redevelopment. He advised that before the redevelopment the licence was one of the premises within the saturation zone. The previous licence was granted in December 2011 but due to the redevelopment of the premises ceased to exist from July 2013.

The applicant stated that Mr Prakesh is a multiple site operator of 17 sites, two of which are in the Borough of Southwark. The representative advised that they have similar premises with alcohol licences within saturation zones and there have been no reviews or prosecutions in respect of these premises. The designated premises supervisor at the premises has been the manager of the site since 2006 and there have been no failed test purchases, reviews or any problems relating to the licence.

The representative advised the sub-committee that the applicant and the police had conciliated by way of agreed conditions to be attached to the licence, which had resulted in the withdrawal of the police representation.

The licensing sub-committee heard from the environmental protection officer who advised that his initial concerns related to the proposed sale of alcohol 24 hours a day, seven days a week. However, he advised that following communication with the applicant, whereby the applicant advised of an amendment to the hours of the sale of alcohol this concern had been addressed. His remaining concern related to the extended time of one hour for the sale of alcohol which had not existed in the previous premises licence. He added that most of his concerns relating to public nuisance had been diluted by the agreed conditions and reduction in hours.

The licensing sub-committee heard from the licensing officer representing the council as a responsible authority who advised that he had written to the applicant, seeking clarification as to how they would ensure that they would not add to the cumulative impact within the saturation zone. He advised that he had not received a written response. He concluded that the reduced hours for the sale of alcohol and the agreed conditions would reduce the impact on the saturation zone.

The licensing sub-committee heard from other persons. The local residents advised that there was a significant amount of alcohol related anti-social behaviour in the area. They also highlighted that there had been incidents of criminal damage, noise nuisance and littering as a result of alcohol. They stated that they had concerns relating to the proposed hours for the sale of alcohol as this would attract further street drinking to the area. The ward councillor reiterated the concerns of the local residents and advised that she had concerns relating to the fact that there would be one person serving at night.

The sub-committee noted that during a short adjournment that the applicant and the all other parties had come to an agreement for the hours for the sale of alcohol to be between 10.00 and 22.00 seven days a week with the additional condition 8 as stated above.

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 to the licence in order to address the licensing objectives.

### **Appeal rights**

Any appeal must be made to the Magistrates' Court for the petty sessions area (or any such area) in which the premises concerned are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' clerk 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.

## **7. LICENSING ACT 2003: THE AMARYLLIS BAR AND KITCHEN, 66 COLDHARBOUR LANE, LONDON SE5 9PU - TEMPORARY EVENT NOTICE**

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

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

The environmental protection officer addressed the sub-committee. Members had questions for the environmental protection officer.

The sub-committee went into closed session at 2.40pm.

The sub-committee resumed at 3.05pm and the chair read out the decision of the sub-committee.

### **RESOLVED**

That a counter notice not be issued under Section 105 of the Licensing Act 2003 in respect of the Temporary Event Notice given by Mr Frederick Gayle in respect of the premises known as Amaryllis, 66 Coldharbour Lane, London SE5 9PU.

### **Conditions**

The following additional conditions as attached to the premises licence shall apply:

1. That all doors and windows excepting any that may be required to be locked open for the means of escape, shall be kept closed whenever public entertainment is being provided upon the premises.
2. That notices shall be displayed requesting that customers leave the premises in a quiet and orderly manner.
3. That the garden area at the premises shall be closed at 23.00 each day.

## **Reasons**

This was temporary event notice given by Mr Frederick Gayle in respect of the premises known as Amaryllis, 66 Coldharbour Lane, London, SE5 9PU.

The licensing sub-committee heard evidence from the premises user Mr Frederick Gayle who advised that their events cater to an older crowd and that they have had no problems with the police in the past. He highlighted that since September 2012 that ten TENs had been submitted but there had been only one objection to one of these.

In relation to the incident of a statutory noise nuisance, witnessed by an officer on 22 July 2013, the applicant advised that this was the only event that took place on a Sunday which may have resulted in the complaint.

In order to limit further complaints the applicant advised that he would install a noise limiter at the premises which would limit the level of noise coming from the premises.

The licensing sub-committee heard evidence from the council's environmental protection team who advised that whilst there had been some complaints of noise only one incident had been witnessed by an officer on 22 July 2013. She highlighted that this had been a statutory noise nuisance.

The environmental protection officer highlighted her concern that the environmental protection team would not be able to set the sound level of the noise limiter in time for the event to be held on 28 September 2013. However, she welcomed the fact that the applicant was taking such steps to limit the noise coming from the premises.

In light of the applicant's relatively good history and by the fact that he is taking steps to address concerns and warning letters regarding noise emanating from the premises, the sub-committee believed that it was reasonable for the temporary event to proceed with the conditions listed above.

The sub-committee sought assurance from the applicant that they would liaise with the environmental protection team to arrange for the setting of the sound limiting device.

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.

## **Appeal rights**

Where the relevant counter notice under Section 105(3) is given the premises user may appeal against the decision. Where counter notice is not given, the chief officer of the environmental protection team may appeal against that decision. The appeal must be made to the Magistrates' Court within a period of 21 days beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against. No appeal may be brought later than five working days before the day on which the event begins.

The meeting closed at 3.09pm.

**CHAIR:**

**DATED:**