



LICENSING SUB-COMMITTEE

MINUTES of the meeting of the open section of the LICENSING SUB-COMMITTEE held on July 31 2009 10am at the Town Hall, Peckham Road, London SE5 8UB.

PRESENT: Councillor David Hubber
Councillor Mackie Sheik
Councillor Ian Wingfield.

ALSO PRESENT: Zack Rodney, Goldclub Enterprise Limited
Saya Rodney, Goldclub Enterprise Limited
Kelly Ovenell, Goldclub Enterprise Limited
PC Paul Compton, Metropolitan Police
Debbie Lawless, Environmental Protection Team
David Franklin, Licensing Officer
Felix Reichman, legal officer
Andrew Weir, 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

The chair agreed to accept a late and urgent item. This was an expedited review application, submitted by the Metropolitan Police, for a summary licence review of the premises known as RNB Club, 12A Station Way, SE15.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were no disclosures of interests and dispensations.

5. LICENSING ACT 2003 – LICENSING ACT 2003 - THE CLOCKTOWER 1A RYE LANE, LONDON SE15 5EW.

The licensing officer presented his case and circulated a map of the area around the premises. The applicant agreed to the map being circulated.

The licensing officer advised that the police and the fire brigade had now withdrawn their representations as the applicant had addressed their concerns.

Members of the sub-committee asked questions of the licensing officer.

The applicants and the applicants' witness addressed the sub-committee. They advised that they had 20 year of experience running nightclubs and took their responsibilities very seriously. They

asked that the sub-committee consider allowing them to stay open until 5am on Sundays. The applicants advised that it was not their intention to stay open until this time every Sunday.

The sub-committee asked questions of the applicants and their witness.

The environmental protection officer addressed the sub-committee. She advised that her only concern was the applicants request for opening hours until 5am on Sundays as the premises were in a saturation area.

The sub-committee asked questions of the environmental protection officer.

All parties were offered the opportunity to have 5 minutes to sum up, however all parties agreed that this was not required.

At 10.32am all parties were requested to leave the room while the meeting went in to closed session. At 10.44am all parties were recalled to the meeting and the chair read out the sub-committee's decision as follows:

RESOLVED: 1. That the application by Goldclub Enterprise Limited for a premises licence in respect of the premises known as The Clock Tower, 1A Rye Lane, SE15 5EW be approved in so far as:-

The following licensable activities will be permitted under the licence during the times shown.

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Plays	19:00 – 23:00	19:00 – 23:00	19:00 – 23:00	19:00 – 23:00	19:00 – 05:00	19:00 – 05:00	19:00 – 00:00
Films	19:00 – 23:00	19:00 – 23:00	19:00 – 23:00	19:00 – 23:00	19:00 – 05:00	19:00 – 05:00	19:00 – 00:00
Live Music	19:00 – 23:00	19:00 – 23:00	19:00 – 23:00	19:00 – 23:00	19:00 – 05:00	19:00 – 05:00	19:00 – 00:00
Recorded Music	19:00 – 23:00	19:00 – 23:00	19:00 – 23:00	19:00 – 23:00	19:00 – 06:00	19:00 – 06:00	19:00 – 05:00
Performances of Dance	19:00 – 23:00	19:00 – 23:00	19:00 – 23:00	19:00 – 23:00	19:00 – 06:00	19:00 – 06:00	19:00 – 05:00
Anything similar to Live, recorded music dance	19:00 – 23:00	19:00 – 23:00	19:00 – 23:00	19:00 – 23:00	19:00 – 06:00	19:00 – 06:00	19:00 – 04:00
Provision of facilities for making music	19:00 – 23:00	19:00 – 23:00	19:00 – 23:00	19:00 – 23:00	19:00 – 06:00	19:00 – 06:00	19:00 – 04:00
Provision of facilities for dancing	19:00 – 23:00	19:00 – 23:00	19:00 – 23:00	19:00 – 23:00	19:00 – 06:00	19:00 – 06:00	19:00 – 05:00
Provision of facilities for similar to music dance	19:00 – 23:00	19:00 – 23:00	19:00 – 23:00	19:00 – 23:00	19:00 – 06:00	19:00 – 06:00	19:00 – 05:00
Late night refreshment					23:00 – 06:00	23:00 – 06:00	23:00 – 05:00
Sale of alcohol	19:00 – 23:00	19:00 – 23:00	19:00 – 23:00	19:00 – 23:00	19:00 – 05:00	19:00 – 05:00	19:00 – 04:00
Opening Hours	19:00 – 23:00	19:00 – 23:00	19:00 – 23:00	19:00 – 23:00	19:00 – 06:00	19:00 – 06:00	19:00 – 05:00

2. Conditions

The operation of the premises under the licence shall be subject to compliance with the operation schedule highlighted in sections F, M, N, O, P, 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; and
 - (ii) The provision of door supervision
 - (iii) The provision of Films

- b) The following additional special conditions developed through discussion from the original operating schedule attached to the variation application as follows:-

Conditions agreed between the applicant and the Metropolitan Police:

- i) That SIA registered door supervisor, one of whom shall be a female, shall be employed at all times after 22.00hrs and the terminal hour that the premises are in use under this licence and provided with Hand held metal detection units in order to ensure that searches are carried out in respect of all admissions to the premises, whether members of the public or performers and their assistants and Mechanical counting devices to ensure that the maximum accommodation limit of the premises is not exceeded.

- ii) All SIA Staff are required to record their details, including SIA badge number, in a booking on/off register.
- iii) A security search of the premises is conducted prior to opening to the public and a record kept of who conducted the search.
- iv) That signs shall be displayed in the entrance foyer to the premises that state 'Drugs Free Zone' and 'No Search No Entry, Management reserve the right to refuse entry'.
- v) That all matters relating to drugs shall be in accordance with the Metropolitan Police Best Practice Guide on the handling of drugs in pubs and clubs.
- vi) That suitable notices shall be displayed and announcements made requesting people to leave the premises in a quiet and orderly manner so as not to disturb local residents.
- vii) 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 an image of every person who enters the premises.
- viii) That all CCTV footage shall be kept for a period of thirty one (31) days and shall, upon request, be made immediately available to officers of the police and the council.
- ix) That any regular and external promoters hiring the premises to complete the 'Venue Hire Agreement' provided by Southwark Council and, once completed, the licensee 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.
- x) That a personal licence holder is on the premises and on duty at all times that intoxicating liquor is supplied.
- xi) That the premises licence holder and/or designated premises supervisor join and support a local Pub Watch Scheme should there be one in existence for the area in which the premises is located.
- xii) Customers shall use no outside area after 22.00hrs other than those who temporarily leave the premises to smoke a cigarette. Those who do temporarily leave for this reason shall be subjected to the requirement of a further search.

- c) Subject to the following additional conditions agreed by the sub-committee:
- i) A sound limiting device is to be installed on all floors and the maximum sound level set to be approved by the environmental protection team.
 - ii) The sound limiting devices must be maintained in working order set at the approved the sound level and all live and recorded music will be played through one of the devices.
 - iii) Air conditioning is to be installed and details to be submitted to the environmental protection team.
 - iv) The air conditioning system must be maintained in good working order when the premises is used for entertainment.
 - v) No drinks are to be taken outside at any time.
 - vi) Smokers are allowed only to the front of the building on Rye Lane.

3. Reasons

The reasons for the decision are as follows:

The sub-committee was satisfied that the granting of this application will not add to the existing cumulative impact within the Peckham saturation zone.

The council expects that all terms, conditions and restriction of the premises licence will be complied with at all times that the premises are used under the licence. The failure to comply with terms, conditions and restrictions of the premises of the premises licence is a matter to which the licensing sub-committee may have regard in the event that any request is made for the review of the licence.

4. Appeal Rights

1. The applicant may appeal against any decision to modify the conditions of the licence; and
2. Any person who made relevant representations in relation to the application who desire to contend that
 - a) That licence ought not to have been granted; or
 - b) That, on granting the licence, the licensing authority ought to have modified the conditions of the licence, or ought to have modified them in a different way or to exclude from the scope of the licence any of the licensable activities to which the application relates.

may appeal against the decision.

3. 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.

There was a break from 10.45am to 10.58 am to allow members to read the late and urgent papers in relation to the summary licence review of the premises known as RNB Club, 12A Station Way, SE15.

6. LICENSING ACT 2003 – RNB CLUB, 12A STATION WAY, SE15 – SUMMARY LICENCE REVIEW – CONSIDERATION OF INTERIM MEASURES.

The licensing sub-committee heard from the Metropolitan Police representative, who advised that the recent stabbing incidents were a most serious matter of concern. He advised that the premises licence should be suspended until the full review hearing on August 19 2009.

The police advised that the licence holder was also seen on CCTV struggling with a group of people and had advised the police that nothing had happened at the premises on the night of the stabbings.

Members of the sub-committee had questions for the police.

The licence holder was given the opportunity to address the committee. He declined to say anything other than to refute the allegation that he had informed police that nothing had happened on the night of the stabbings and that he had been struggling with people outside his premises.

The committee had no questions for the licence holder.

At 11.03am all parties were requested to leave the room while the meeting went in to closed session. At 11.12am all parties were recalled to the meeting and the chair read out the sub-committee's decision as follows:

RESOLVED: 1. LICENSING ACT 2003 – RNB CLUB, 12A STATION WAY, SE15 – SUMMARY LICENCE REVIEW – CONSIDERATION OF INTERIM MEASURES

The licensing sub-committee had received an expedited review application and certificate submitted by the Metropolitan Police Licensing Service, received at the council's licensing service on the 29 July 2009, for the review of the premises licence under Section 53A of the Licensing Act 2003.

In consultation with the Metropolitan Police Service under Section 53A of the Licensing Act 2003 the licensing sub-committee exercised its powers to initiate the following interim steps pending the review of the premises licence:

The suspension of the premises licence until the full review hearing, scheduled for 19 August 2009, has been determined.

During the course of the meeting the sub-committee had regard to the matters arising from the two key definitions of the expedited review process under section 53A of the Licensing Act 2003 which are as follows:

1. serious crime; and
2. serious disorder

The range of options that were open to the licensing sub-committee at the interim stages were:

- modification of the conditions of the premises licence;
- the exclusion of the sale of alcohol by retail (or other licensable activities) from the scope of the licence.
- removal of the designated premises supervisor from the licence; and
- suspension of the licence.

The premises licence holder may make representation against the interim steps taken by the licensing authority. There is no time limit for the premises licence holder to make representations on the interim steps. On receipt of a representation the licensing authority will hold a formal hearing within 48 hours; any non-working days will be disregarded in calculating the 48 hour period. The representation must be addressed to the licensing authority where the interim action was initiated.

2. Reasons

The reasons for the decision are as follows:

Having considered the application by the police under section 53A of the Licensing Act 2003 and having considered the evidence submitted by the police, the sub-committee decided to suspend the licence pending full review on August 19 2009. This decision was necessary for the promotion of the following licensing objectives, namely the prevention of crime and disorder and the promotion of public safety.

The meeting closed at: 11.15am.

CHAIR:

DATED: