



Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Tuesday 17 December 2013 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Renata Hamvas (Chair)
Councillor Dora Dixon-Fyle
Councillor Eliza Mann

OTHERS PRESENT: Mustafa K Mohamed, representative from Marquis
Jay Patel, representative from Marquis
Akash Patel, representative from Marquis
John Wallsgrove, representative from Pardis
Christian Cole, representative from Pardis
P.C. Graham White, Metropolitan Police Service

OFFICER SUPPORT: Debra Allday, legal officer
Cynthia Barrientos, legal officer
Dorcas Mills, licensing officer
Gavin Blackburn, planning officer
Jayne Tear, licensing officer
David Franklin, licensing officer representing the council as a responsible authority
Farhad Chowdhury, health and safety 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

There were none.

5. LICENSING ACT 2003: MAQUIS RESTAURANT AND BAR, 10 ARNSIDE STREET, LONDON SE17 2AP

The licensing officer presented their report and circulated a list of conciliated conditions. Members had no questions for the licensing officer.

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

The licensing sub-committee heard from the planning officer. Members had questions for the planning officer.

All parties were given five minutes for summing up.

The licensing sub-committee went into closed session at 11.24am.

The licensing sub-committee resumed at 1.02pm and the chair read out the decision of the sub-committee.

RESOLVED:

That the application by Mustafa Kamal Mohamed for a grant of a Premises Licence issued under the Licensing Act 2003 in respect of Maquis Restaurant and Bar, 10 Arnside Street, London SE17 2AP be granted as follows:

Licensable Activity	Sunday to Thursday	Friday and Saturday
Sale and supply of alcohol (on the premises)	09.00 to 23.30	09.00 to 00.00
Late night refreshment		23.00 to 23.30
Hours premises are open to the public	09.00 to 00.00	09.00 to 00.30
Non standard timings	A one hour extension for late night refreshment, sale and supply of alcohol and opening hours for the following days. New years – 31 December Christmas Eve – 24 December	

	Somalian independence Day – 1 June Ethiopian New year – 11 September
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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:

1. 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.
2. That all CCTV footage shall be kept for a period of 31 days and shall, upon request, be made available immediately to the officers of the police and the council.
3. That all staff are 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 the officers of the police and the council.
4. That suitable notices shall be displayed requesting people to leave the premises in a quiet and orderly manner so as not to disturb local residents.
5. That customers shall use no outside area after 23.00 other than those who are allowed to temporarily leave the premises to smoke a cigarette with a maximum of five persons at any one time.
6. That no beverage of any kind to be consumed by customers using the outside area of the premises.
7. That one SIA registered Door Supervisor shall be employed at all times after 20.00 till 22.00 hours and two SIA registered Door Supervisors shall be employed at all times after 22.00 till the terminal hours on Friday and Saturday. Their responsibility will be to assist with controlled entry and exit of customers from the premises, to monitor and control noise made by customers prior to entry and while leaving the premises and those using the outside area for the purpose of smoking.
8. That a personal licence holder shall be present on the premises at all times after 20.00 and the premises are in operation under the licence.
9. That intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking a substantial table meal and for consumption by such persons as an ancillary to his/her meal.
10. That the premises shall operate an agecheck '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.

11. That all staff involved in the sale of alcohol shall attend a recognised training scheme which will include training in the agecheck 'Challenge 25' policy. They must obtain a certificate of competence. A record of their training, including the dates that each member of staff is trained, shall be available for inspection at the premises on request by the council's authorised officers or the police.
12. That Agecheck or 'Challenge 25' signage shall be displayed at entrances to the premises, areas where alcohol is displayed for sale and at points of sale to inform customers that an agecheck 'Challenge 25' policy applies and proof of age may be required
13. That a register of refused sales of alcohol and if applicable, cigarette sales which is clearly marked with details of the premises, address and name of licence holder shall be maintained in order to demonstrate effective operation of the policy. The register shall be available for inspection at the premises on request by the council's authorised officers or the police.

In addition the following condition as agreed by the licensing sub-committee shall apply:

1. That a contact telephone number for the management of the premises shall be made available to local residents on request.

Reasons

This was an application by Mustafa Kamal Mohamed for a grant of a Premises Licence issued under the Licensing Act 2003 in respect of Maquis Restaurant and Bar, 10 Arnside Street, London SE17 2AP

The licensing sub-committee heard evidence from the applicant's representative who informed the sub-committee that the applicant had taken into account with careful consideration the representations made by other persons and the responsible authorities and had agreed to the conditions put forward by the police and the trading standards team.

The applicant advised that the business was to operate as a restaurant only and that alcohol was to be ancillary to a table meal. The applicant advised that there would be eight tables with a maximum capacity of thirty five people, including staff. The applicant had installed a kitchen and a covered smoking area within the boundaries of the premises. The applicant advised that he would limit the maximum capacity of the smoking area to five people at one time and that no drinks would be allowed to be taken into this area.

The applicant further advised that they had installed eight CCTV cameras, recordings of which would be available to the police and residents if requested. The applicant advised that they appreciated the concerns of the local residents and would be willing to consider any of their concerns and will work with residents to address any complaints. The applicant confirmed that a telephone number would be made available to local residents in the event that there were any complaints.

On questioning, the applicant clarified that in relation to venue hire, this would typically be for group bookings for no more than 30 people. The applicant stated that the policy of the premises would be that no alcohol or food would ever be brought from outside the

premises and that no amplified music or dancing would take place at the premises. Only background music would be played whilst the premises was open.

The licensing sub-committee noted that the police and the trading standards team had conciliated with the applicant on the basis that the applicant had accepted their proposed conditions.

The licensing sub-committee heard from the planning officer who expressed concerns in relation to the degree in which the application had evolved. The planning officer advised that, like local residents, his primary concerns were in relation to public nuisance. The officer highlighted that the application had initially stated that the maximum capacity would be for 40-50 people. However, in evidence, this number had changed to 35 people, including staff. The officer noted that there was limited seating and that the venue was to be used for private hire and there was potential that noise nuisance may occur during these times.

The planning officer highlighted the terminal hours for a number of other licensed premise in the vicinity and recommended that in light of the more residential location of the premises and that the fact that this was a restaurant that the terminal hour should be reduced further to 23.00.

The licensing sub-committee noted the representations of the seven local residents who were unable to attend the meeting.

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

The applicant may appeal against any decision:

- a) To impose conditions on the licence
- b) To exclude a licensable activity or refuse to specify a person as premises supervisor.

Any person who made relevant representations in relation to the application who desire to contend that:

- a) The licence ought not to be been granted; or
- b) On granting the licence, the Licensing Authority ought to have imposed different or additional conditions 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' 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.

6. LICENSING ACT 2003 - PARDIS WINE BAR, 280 OLD KENT ROAD, LONDON, SE1 5UE

At the beginning of the meeting it was advised that there was additional information from the police. All parties agreed for this information to be circulated.

The applicant's representative requested additional time to address the sub-committee. The chair agreed to this request and advised that all parties would be allocated extra time should they require it.

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

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

The sub-committee heard from the licensing officer representing the council as a responsible authority. Members had no questions for the licensing officer.

The health and safety officer addressed the sub-committee. Members had questions for the health and safety officer.

The representative and the designated premises supervisor from Pardis addressed the sub-committee. Members had questions for the representative and the designated premises supervisor from Pardis.

All parties were given five minutes for summing up.

The licensing sub-committee went into closed session at 3.30pm.

The licensing sub-committee resumed at 4.50pm and the chair read out the decision of the sub-committee.

RESOLVED:

That the council's licensing sub-committee, having had regard to the application by the Metropolitan Police Service for a review of the premises granted under the Licensing Act 2003 to Pardis Entertainment Limited in respect of the premises known as Pardis Wine Bar, 280 Old Kent Road, London SE1 5UE having had regard also to all other relevant representations has decided it necessary for the promotion of the licensing objectives to revoke the licence.

Reasons

This was a hearing of an application by the Metropolitan Police Service for a review of the premises known as Pardis Wine Bar, 280 Old Kent Road, London SE1 5UE.

This application was made under Section 53A of the Licensing Act 2003.

The licensing sub-committee heard evidence from the Metropolitan Police Service the applicant for the review who advised that on 19 November 2013 at approximately 04.05 a male was seriously assaulted with a bottle in the premises. The victim was drinking in the premises having entered at approximately 02.00. He was drinking with a female. He was approached by the female suspect and an argument ensued. The female was ejected from the premises. Sometime later, she re-entered the premises and picked up a glass bottle and hit the victim over the head, smashing the bottle, causing the victim grievous bodily harm. The victim tried to call for police assistance but was allegedly stopped by the management of the premises. The victim was required to go to the toilet and call 999, he was then required to wait outside for police and medical assistance. No effort was made by the management to assist the victim in any way, nor did management call the police or call an ambulance nor did they preserve the crime scene in the premises. The police tried to obtain a copy of the CCTV but the management of the premises failed to produce this. On 4 December 2013 an assessment of the digital video recorder (DVR) from the premises was completed and it was found that only 38 minutes of CCTV footage was available as there was insufficient capacity on the hard drive.

The police went on and said that in the last 18 months there had been 12 serious incidents relating to the premises and a number of conditions of the licence had been breached. In particular, the premises is currently licensed as a restaurant (as per condition 135) but had been clearly operating as a night club/wine bar. Furthermore, condition 289 that recordings taken by the CCTV system installed upon the premises shall be kept and made available for inspection for 31 days; condition 309 that there be no new admissions or re-admissions of the public to the premises after 02.00.

The licensing sub-committee heard from the licensing officer representing the council as a responsible authority who advised that Southwark promoted provision of late night economy but based on the police representations the licensing authority had serious concerns and have no confidence in the management of the premises.

The licensing sub-committee heard from the health and safety officer who informed the sub-committee that on 14 September 2013 at 03.12 they attended the premises with licensing officers and the police. The police spoke to the door staff who did not have their SIA badge. The police informed him that as a result they were unable to work until they received a new SIA badge. During this time, it was witnessed that there was a queue of customers going into the premises and at least 10 people were admitted into the premises. The premises were due to be closed at 02.00. The police spoke to the manageress, Ms Soloman, and told her that there were to be no admissions after 02.00 and questioned why she was allowing people inside at 03.20. Between 03.20 and 03.55 approximately 25 customers entered the premises and another 20 were queuing outside to go in.

The licensing sub-committee heard evidence from the representatives of Pardis. The representative apologised for the absence of Ms Soloman, who he advised had a previously arranged trip abroad. He went on to accept that there had been some failings. However, the extent of these failings could not be accepted. He stated that the licence did not take into account the smoke free legislation and the customers alleged to have been queuing to enter the premises were smokers. The failure was not to have submitted a minor variation and this was the nub of the problem. He went on and said that a meeting took place with the police on 20 August 2013 when the concerns of the police had been discussed but there was no indication that the police intended to review the licence.

Concerning the CCTV the representative advised that during the period of suspension a quote for works had been obtained to install an up to date CCTV system, which would address the police's concerns. Regarding the incident of 6 April 2013, the police removed the hard drive for the CCTV system. It was this hard drive that was handed to the police regarding the 19 November 2013 incident. It was accepted that the hard drive should have been upgraded but ultimately it was the police that provided the hard drive in question.

The incident of 19 November 2013 was discussed and the police's version of the events was disputed. Mr Cole, the designated premises supervisor, stated that on 19 November 2013, the premises were closed and had not been trading at the time of the incident. The female suspect had been ejected earlier and the victim had remained behind. The victim is a friend of Mr Cole's. The door staff had gone for the night, the staff had left and the premises had been cleared. However, staff had failed to secure the front door. The female entered illegally, there were no bottles or glasses available in the premises and she assaulted the victim. Mr Cole did not see the assault. There was no discussion that the victim should not call the police, as alleged by the police. There was no broken glass or blood in the premises and there was no crime scene to preserve. Mr Cole accepted that he left the premises but only to pursue the female suspect.

The licensing sub-committee, having heard all the evidence, had no confidence in any of the management team to fulfil the licensing objectives. The reason given for the admission/re-admission after the terminal hour is said to be the management taking into account the smoke free legislation, but they failed to apply for a minor variation to address this. The door staff have worked un-badged and also on one occasion when a badge had been revoked. The management failed to undertake simple checks in respect to these. The CCTV is inferior, management have not been cooperative with the police in providing CCTV recordings and have failed to keep the recordings for 31 days as specified in their licence (condition 289). The CCTV system should also be maintained in good working condition and be operable at all times (condition 288). The premises was supposed to be run as a restaurant but it is not (condition 135). The incident of 19 November 2013 was extremely serious. The prosecution had been seriously compromised because of the management failings.

The representative failed to have Mr Cole's friend, the victim of the incident of 19 November 2013, to attend the hearing to corroborate his version of events. The director and manageress, Ms Soloman, was not in attendance despite the seriousness of the hearing and the implications that it was likely to have on Pardis Entertainment Ltd.

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 its decision was appropriate and proportionate in order to address the licensing objectives.

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 clerk 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 interim steps will remain in place 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 4.55pm.

CHAIR:

DATED: