



Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Monday 13 January 2014 at 10.00 am at Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

- PRESENT:** Councillor Renata Hamvas (Chair)
Councillor David Hubber
Councillor The Right Revd Emmanuel Oyewole
- OTHERS PRESENT:** Wilson Delgado, applicant
Alex Jayes, applicant's representative
Councillor Poddy Clark, ward councillor
Sam Golding, local resident
Paul Grubb, local resident
Michael Zreika, local resident
P. Powell, local resident
J. Powell, local resident
Richard Reeves, local resident
Aleksandra Borkowska, local resident
Ivy Harris, local resident
Angela Fodwour, local resident
Yuriy Shcherbak, local resident
Claire Connolly, local resident
Steve Smithson, local resident
P.C. Lewis, safer neighbourhood team
P.C. Green, safer neighbourhood team
- OFFICER SUPPORT:** Joanne Devlin, legal officer
Wesley McArthur, licensing officer
Mark Prickett, environmental protection officer
Sarah Koniarski, constitutional officer (observing)
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 - COSTA AZUL, RAILWAY ARCH 102A ROCKINGHAM STREET, LONDON, SE1 6PG

The licensing officer advised that there was a late conciliation statement to be circulated.

The licensing officer presented their report. 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 sub-committee heard from the safer neighbourhoods team. Members had no questions for the safer neighbourhood team.

The meeting adjourned at 10.55am to allow officers to print an email from the police to the applicant in order to clarify some points.

The meeting reconvened at 11.30am and copies of the document were circulated to all parties.

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

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

All parties were given five minutes for summing up.

The licensing sub-committee went into closed session at 12.22pm.

The licensing sub-committee resumed at 1.58pm and the chair read out the decision of the sub-committee.

RESOLVED:

That the application submitted by Mr. Wilson Armijos for the grant of a premises licence

issued under the Licensing Act 2003 in respect of Costa Azul, Railway Arch 102a, Rockingham Street, London SE1 6PG be granted as follows:

Licensable Activity	Sunday to Thursday	Friday and Saturday
Sale and supply of alcohol (on the premises)	11.00 to 22.30	11.00 to 23.30
Live music (indoors)	11.00 to 23.00	11.00 to 00.00
Recorded music (indoors)	11.00 to 23.00	11.00 to 00.00
Hours premises are open to the public	11.00 to 23.00	11.00 to 00.00
Non-standard timings	None	

Conditions

The operation of the premises under the licence shall be subject to relevant mandatory conditions, conditions derived from the operation schedule highlighted in Section M of the application form and the following conditions:

- a) Additional conditions developed through discussion with the applicant and responsible authorities and / or other persons as follows:
- 1) That the premises shall operate a 'Challenge 25' policy whereby customers purchasing alcohol who 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 of proof of age shall include a driving licence, passport or a Proof of Age Standards Scheme (PASS) approved proof of age card.
 - 2) That all staff involved in the sale of alcohol shall attend a training scheme which will include training in the '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.
 - 3) That 'Challenge 25' signage (in both English and Spanish) 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 'Challenge 25' policy applies and proof of age may be required. This shall be maintained free from obstruction at all times.
 - 4) 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 Challenge 25 policy. The register shall be available for inspection at the premises on request by the council's authorised officers or the police.

- 5) That all staff are trained in their responsibilities under the Licensing Act 2003 and records of the training shall be kept and updated every six months. The training records shall be made immediately available to officers of the police and the council upon request.
- 6) That customers shall use no outside area after 23.00 other than those who temporarily leave the premises to smoke a cigarette. No more than five people at any one time.
- 7) That no drinks or food obtained from the premises will be permitted to be consumed outside the premises at any time..
- 8) That a personal licence holder is on the premises and on duty at all times that intoxicating liquor is supplied after 22.00 on Friday and Saturday nights until the terminal hour, and if not on the premises, will be contactable at all times and will leave a designated manager at the premises as a deputy.
- 9) That no spirits (liquids containing more than 20% ABV are to be sold by the bottle or half bottle.
- 10) That all spirits (liquids containing more than 20% ABV) should be sold in measures of 25ml or 35ml to a maximum of two measures per container / glass.
- 11) That alcohol shall cease 30 minutes prior to the terminal opening hour.
- 12) That SIA registered door supervisors, at least one of whom shall be a female, shall be employed at all times after 21.00 when the terminal opening hour is after 23.00.
- 13) That an identification scanning system specified to the reasonable satisfaction of police shall be installed and maintained at the premises. The system must be capable of: (1) storing information about banned customers and sharing such information with other venues that use the same system, (2) identify passports, driving licences and Proof of Age Standards Scheme (PASS) approved identification cards and (3) be able to identify forgeries of such documents to a reasonable standard. The system will be in operation in respect of all customer entries to the premises with no exceptions at all times after 18.00 when the terminal opening hour at the premises is after 23.00.
- 14) That any promotional material on or in any media shall state to the effect that there are no parking spaces available in the immediate vicinity of the premises. Any persons hiring and / or promoting events at the premises will be informed that that any promotional material on or in any media must state to the effect that there are no parking spaces available in the immediate vicinity of the premises.
- 15) That a sound limiting device (SLD) shall be installed at the premises and shall

be calibrated to the satisfaction of the council's environmental protection team (EPT). All amplification equipment in regards to both live and recorded sound must be routed through the SLD. At no time shall any such amplification equipment be operated independently of the SLD. The SLD shall be calibrated to the satisfaction of the EPT prior to any recorded or amplified live music being provided at the premises. Once calibrated, the control settings of the SLD shall not to be altered at any time except with the prior consent of the EPT. The SLD shall be accessible to the licensee and / or manager of the premises only and its installation be such that its control panel cannot be accessed by any other staff.

- 16) That the depositing of waste glass / earthenware into external waste receptacles shall not take place between 22.00 and 10.00 the following day.
- 17) That the mass depositing of waste glass / earthenware into internal waste receptacles shall not take place between 22.00 and 10.00 the following day. This condition allows the separate depositing of individual pieces of waste glass / earthenware into small internal waste receptacles throughout the operating hours of the premises.
- 18) That any doors at the premises leading directly to the outside of the premises will be fitted with door bottom and perimeter acoustic seals.
- 19) That a lobby entrance will be installed at the premises. The doors in the lobby entrance will be fitted with door bottom and perimeter acoustic seals.
- 20) That a comprehensive customer dispersal policy shall be written to the reasonable satisfaction of the council's EPT. All staff at the premises shall be briefed in regards to the dispersal policy. The dispersal policy shall be reviewed at any time that the operation of the premises changes and the policy shall be amended if necessary. A copy of the dispersal policy shall be kept at the premises and shall be made available to officers of the council or police on request.
- 21) That the details of a local cab company shall be kept at the premises and shall be provided to customers on request. If staff at the premises order a cab for a customer then those staff shall instruct the cab-driver not to sound their vehicle horn to attract attention, but to approach a staff member and let the staff member know that they are a cab that has been ordered by the premises.
- 22) That all doors and windows at the premises shall be kept closed when licensable activities are taking place at the premises.
- 23) That no additional amplification equipment may be used at the premises by performers of any description. Only the installed in house amplification equipment may be used in regards to any performance.
- 24) That performances of any description shall take place to the rear of the premises.
- 25) That on each day that the premises are in operation the alley way that the

premises' entrance is adjacent to and the immediate vicinity of the premises shall be cleared of any refuse produced by or associated with the operation of the premises after the premises has closed.

Reasons

This was an application submitted by Mr. Wilson Armijos for the grant of a premises licence issued under the Licensing Act 2003 in respect of Costa Azul, Railway Arch 102a, Rockingham Street, London SE1 6PG.

The licensing sub-committee heard evidence from the applicant's representative who informed the sub-committee that the application was in respect of a restaurant and was therefore not to be confused with a night club. The applicant's representative highlighted that they had taken on board representations by local residents and responsible authorities and made reference to the conciliation statement. He went on to say that the applicant had in excess of ten years experience of operating similar premises and emphasised the desire to work with local residents in order to reduce concerns in respect of potential nuisance and/or crime and disorder in relation to the premises.

The sub-committee also heard from the safer neighbourhood team who expressed concerns about street drinking and anti social behaviour in the area. However, the applicant and the police conciliated in respect of all the conditions proposed by the police, to be attached to the licence if granted.

The licensing sub-committee heard from the environmental protection officer who expressed concerns in relation to the premises being situated in the vicinity of a residential area. However, he suggested that reducing the proposed operating hours in addition to the installation of a sound limiting device, would assist in reducing the risk of nuisance.

The licensing sub-committee heard from other persons who live in the vicinity of the premises and the ward councillor who spoke on behalf of local residents. They expressed objections to the application due to being concerned about the likelihood of noise nuisance and increase in anti social behaviour in the area. In addition, concerns were highlighted in respect of the premises being in the vicinity of a residential area. The residents informed the sub-committee that there are existing anti social behaviour issues within the area and that they were concerned that the premises could add to these existing problems.

In summing up the applicant highlighted that any issues relating to anti social behaviour were already existent in the area and are not therefore related to his premises or patrons. On the contrary, he believed that his restaurant would assist in increasing the security within the area.

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) That the licence ought not to be granted; or
- b) That 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.

The meeting closed at 2.14pm.

CHAIR:

DATED: