

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Monday 21 July 2014 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Lorraine Lauder MBE (In the chair)
Councillor Jon Hartley
Councillor Maria Linforth-Hall

**OTHERS
PRESENT:** Kofi Abom-Berchie, applicant

**OFFICER
SUPPORT:** Cynthia Barrientos, legal officer
Wesley McArthur, licensing officer
Mark Prickett, environmental protection officer
Farhad Chowdhury, health and safety officer
Andrew Weir, constitutional officer

1. APOLOGIES

There were none.

2. CONFIRMATION OF VOTING MEMBERS

The members present were confirmed as the voting members. In the absence of the chair, Councillor Lorraine lauder MBE was nominated by Councillor Jon Hartley to chair the meeting. This was seconded by Councillor Maria Linforth-Hall.

3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

The chair accepted the following item as late and urgent: Licensing Act 2003: 5th Floor, 70 Newington Causeway, London SE1 6DF – Temporary event Notice.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003: GANAPATI TAKEAWAY KITCHEN, 4 MAXTED ROAD, LONDON SE15 4LL

The licensing officer advised that this item had been conciliated.

6. LICENSING ACT 2003: PAZZIA BAR & RESTAURANT, 374 WALWORTH ROAD, LONDON SE17 2NF

The licensing officer advised that this item had been postponed to a future date.

7. LICENSING ACT 2003: 5TH FLOOR, 70 NEWINGTON CAUSEWAY, LONDON SE1 6DF - TEMPORARY EVENT NOTICE

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

The licensing sub-committee 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 health and safety officer, as a witness for the environmental protection officer, addressed the sub-committee. Members had questions for the health and safety officer.

All parties were given five minutes for summing up.

The licensing sub-committee went into closed session at 11.38am.

The licensing sub-committee resumed at 12.35pm and the chair read out the decision of the sub-committee.

RESOLVED:

That a counter notice be issued under Section 105 of the Licensing Act 2003 in respect of the Temporary Event Notice served by Mr Kofi Berchie-Adom in respect of the premises known as 5th Floor, 70 Newington Causeway, London SE1 6DF for an event to take place between 18.00 and 02.00 the following day on 26 July 2014.

Reasons

This was a temporary event notice served by Mr Kofi Berchie-Adom in respect of the premises known as 5th Floor, 70 Newington Causeway, London SE1 6DF.

The licensing sub-committee heard evidence from the premises user, Mr Kofi Berchie-Adom, who advised that he had carried out all the works as identified by officers. He informed the sub-committee that he had carried out two further fire risk assessments and had obtained a certificate dated 12 July 2014 confirming that the fire detection and alarm system was in good condition.

The premises user advised that there had been two previous temporary events, which had not been objected to and had proceeded without complaint or incident.

The premises user advised that he was not present during the fire evacuation on 27 June 2014. The evacuation related to occupants on the 6th floor. Following the incident, the fire alarm had been inspected and deemed to be in good condition and all tenants were provided with a key to turn off the alarm system.

He advised that there was security present at the premises at all times and that if there was an evacuation that he would ensure that all occupants from the 5th floor would use the stairs.

The licensing sub-committee heard evidence from the council's environmental protection team who called a health and safety officer as a witness.

The environmental protection officer advised that there had been an evacuation of the building on 27 June 2014 and that it took 20 minutes for the occupants to leave the building. He advised that there was no member of staff present to manage the fire evacuation procedure or to direct occupants to the fire assembly point. The officer advised that they had serious concerns over the safety of patrons using this premises and the ability of the premises user to manage patrons in the event of an emergency.

The health and safety officer provided evidence on behalf of the environmental protection team. He advised that he had attended the building, in which the premises are located, on 16 July 2014 and noticed that a fire exit was blocked, preventing a safe means of escape. He also noted that on a number of occasions when he had attended the building that no caretaker/security staff had been present. He also raised the problems he had contacting the landlord to address the lack of fire safety in place for the whole building.

He further added that there was a risk to members of the public who used the building as the tenants did not limit the number of people attending events in the building. In the event of overcrowding in the building and in an emergency situation the officer was not confident that there would be a safe means of escape.

The sub-committee acknowledged the efforts made by the premises user to address public safety concerns in relation to the 5th floor, which he occupied. However, in light of the evidence, the sub-committee considered that the building as a whole remained a significant risk to public safety and therefore had no alternative but to issue the counter notice.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives and considered that this decision was appropriate and proportionate.

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 12.40pm.

CHAIR:

DATED: