



Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Friday 12 December 2014 at 10.00 am at Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Renata Hamvas (Chair)
Councillor Stephanie Cryan
Councillor David Hubber

OTHERS PRESENT: Kazi Abdul, premises user
Kashim Abdul, premiss user
Ian Clements, Metropolitan Police Service

OFFICER SUPPORT: Debra Allday, legal officer
Jayne Tear, licensing officer
Hanna Lilley, street trading officer
Andrew Weir, constitutional officer

1. APOLOGIES

There were none.

2. CONFIRMATION OF VOTING MEMBERS

The members present were confirmed as the voting members.

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

The chair advised that item 7 would be considered as a late and urgent item.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. REVOCATION OF TRADING LICENCES

The sub-committee noted the open report and considered the revocation of a street trading licence, identified in revised Appendix A of the closed report.

The sub-committee agreed to revoke the licence of the trader after hearing the report from the street trading officer and considering the information outlined in revised Appendix JJ

The sub-committee also agreed to defer the hearing relating to the street trader whose details were outlined in Appendix II.

The remaining applications to revoke street traders' street trading licences were withdrawn.

6. REVOCATION OF TRADING LICENCES

EXCLUSION OF PRESS AND PUBLIC

It was moved, seconded and

RESOLVED:

That the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in category 1 and 2 of paragraph 10.4 of the Access to Information Procedure Rules of the Southwark Constitution.

The following is a summary of the decisions taken in the closed section of the meeting.

The licensing sub-committee considered the closed information relating to this report.

7. LICENSING ACT 2003: THOMAS A BECKET, 320-322 OLD KENT ROAD, LONDON SE1 5U3 - TWO TEMPORARY EVENT NOTICES

The licensing officer presented their report. Members had questions for the licensing officer.

The premises user addressed the sub-committee. Members had questions for the premises user.

The Metropolitan Police Service representative addressed the sub-committee. Members had questions for the police representative.

All parties were given five minutes for summing up.

The meeting went into closed session at 11.47am.

The meeting resumed at 12.45pm 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 (TEN) given by Mr Mohammed Abdul Kashim in respect of the premises known as Thomas A Becket, 320-322 Old Kent Road, London, SE1 5U3 for the retail sale of alcohol and the provision of regulated entertainment on:

- Wednesday 24 December from 05.30 to 10.00
- Thursday 25 December from 05.30 to 10.00
- Friday 26 December from 05.30 to 07.00
- Saturday 27 December from 05.30 to 07.00
- Sunday 28 December from 02.30 to 10.00
- Monday 29 December 2014 from 05.30 to 10.00.

Reasons

This was a Temporary Event Notice given by Mr Mohammed Abdul Kashim the premises user, in respect of the premises known as Thomas A Becket, 320-322 Old Kent Road, London, SE1 5U3.

The licensing sub-committee heard evidence from the premises user who advised that the TEN application had been made to bring them in line with immediate competitors, all of whom would be open until 10.00. In addition, there would be appropriate transport available, which would not ordinarily be available at 05.30. They assured the sub-committee that they would be complying with all the usual conditions on their licence and would not open beyond their allocated extended hours. They would close at 10.00 and reopen at lunchtime.

The licensing sub-committee heard evidence from the Metropolitan Police Service who advised that they had concerns that the TEN would increase alcohol related crime. They referred to incidents of alcohol related crime that took place over the Christmas and New Year period in 2013/14. Furthermore, the police made reference to an additional five occasions during 2013/14 when the premises were found to be operating beyond their terminal hour including, the issue of Section 19 closure notices on 16 September 2014 and 2 November 2014.

When the licensing sub-committee questioned the premises user they stated that the TEN was to bring them in line with their immediate competitors and for ease of transport. This contradicted their application in which they stated that the bookings were for private parties. However, the details of the private parties were unclear and it was accepted that public transport does run in the area at 05.00 (with the exception of Christmas), when cab companies will also be available.

If the sub-committee were minded to grant this temporary event notice, it would allow the premises to open continuously between 23 December 2014 and 30 December 2014 (essentially eight days), with the exception of 30 minutes cessation for licensable activities each day. This is deemed to be excessive. In allowing this TEN, the extended opening of the premises will lead to excessive drinking and drunken behaviour and the sub-committee

are seriously concerned, given the past history of the premises, of increased alcohol related crime and disorder and public nuisance. Therefore the sub-committee have agreed to issue a 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.

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.

RESOLVED:

That a counter notice not be issued subject to a notice of statement of conditions (listed below) under Section 105 of the Licensing Act 2003 in respect of the Temporary Event Notice given by Mr Mohammed Abdul Kashim in respect of the premises known as Thomas A Becket, 320-322 Old Kent Road, London, SE1 5U3 for the retail sale of alcohol and the provision of regulated entertainment on Wednesday 31 December 2014 from 05.30 to 10.00 and on Thursday 1 January 2015 from 05.30 to 10.00.

Conditions

1. That before the premises license can take effect a sound limiting device shall be installed and using a qualified sound engineer shall set maximum volume and bass levels to ensure that any music, speech or song from licensed entertainment is not audible in the residential premises above or will cause a public nuisance in the vicinity of the premises.
2. That the sound limiting device be maintained at the set level there-after.
3. That should there be any change to the equipment involved in the broadcast or limiting of sound from licensed entertainment that the sound limiters be re-set, using a qualified sound engineer, to ensure that any music, speech or song from licensed entertainment is not audible in nearby residential premises or will cause a public nuisance in the vicinity of the premises.
4. That all speakers for the broadcast of sound shall be isolated from the structure of the premises by anti-vibration mountings or mats.
5. That any additional amplification equipment imported on to the premises by third parties be connected to and use the sound limited circuit wherever possible.
6. That no additional front-of-house amplification shall be imported onto the premises by third parties.
7. Live music performers may bring backline amplification onto the premises subject to

the following limitations:

- Guitar amplifiers: no more than one speaker cabinet per performer, containing no more than two speakers of up to 12" diameter.
 - Bass and keyboard amplifiers: no more than one speaker cabinet per performer, containing no more than one speaker of diameter 15", or no more than two speakers of diameter 12", or no more than 4 speakers of diameter up to 10".
8. That loud acoustic instruments (for example brass, drums, pipes, etc.) shall be muted or muffled.
 9. That there shall be no more than 6 persons permitted on the frontage to smoke between 07.00 and 22.00. Smokers shall use the rear smoking area at all other times.
 10. That external waste handling, collections, deliveries (including performer's equipment) and the cleaning of external areas shall only occur between the hours of 07.00 and 22.00.
 11. That all exit doors for patrons will be fitted with clearly legible, noticeable signs requesting that patrons leave quietly.
 12. That the premises will operate a cab ordering service for patrons and permit them to wait inside the premises until they are picked up.
 13. That when licensed entertainment is taking place all doors, lobby doors and windows shall remain closed (except for access or egress).
 14. That before the premises license can take effect the applicant shall submit details of the noise insulation and containment proposed for the premises, for approval by the licensing authority, and shall have undertaken all the approved works.
 15. That before the premises license can take effect all entrance doors and acoustic lobby doors shall be fitted with self-closers (in accordance with BS 6459 Pt. 1 1984), flexible seals and brushes.

Reasons

This was a Temporary Event Notice (TEN) given by Mr Mohammed Abdul Kashim the premises user, in respect of the premises known as Thomas A Becket, 320-322 Old Kent Road, London, SE1 5U3.

The licensing sub-committee heard evidence from the premises user who advised that the TEN application had been made to bring them in line with immediate competitors, all of whom would be open until 10.00. In addition, there would be appropriate transport available, which would not ordinarily be at 05.30. They assured the sub-committee that they would be complying with all the usual conditions on their licence and would not open beyond their allocated extended hours. They stated that they would close at 10.00 and reopen at lunchtime. Concerning the works detailed in the notice of decision dated 8 August 2014, the premises user stated that these were 80% complete and were awaiting an inspection by the environmental protection team.

The licensing sub-committee heard evidence from the Metropolitan Police Service who advised that they had concerns that the TEN would increase alcohol related crime. They referred incidents of alcohol related crime that took place over the Christmas and New Year period in 2013/14. Furthermore, the police made reference to an additional five occasions during 2013/14 when the premises were found to be operating beyond their terminal hour including, the issue of Section 19 closure notices on 16 September 2014 and 2 November 2014.

The licensing sub-committee noted that because the works detailed in the notice of decision dated 8 August 2014 had not been completed, no new licence had been issued and the premises user was operating under the licence dated 28 September 2012. However, the sub-committee considered the reasons for the decision on 8 August 2014. Whilst no representations had been received from the environmental protection team, the sub-committee were concerned not only with the potential for alcohol related crime and disorder but also public nuisance, in particular noise nuisance. Since the premises user has advised that 80% of the works have been completed, this sub-committee agree not to issue a counter notice if all of the works are implemented, inspected and signed off in advance of the event.

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 ended at 12.55pm.

CHAIR:

DATED: