

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Wednesday 15 April 2015 at 1.00 pm at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Renata Hamvas (Chair)
Councillor Tom Flynn
Councillor Jon Hartley

OTHERS PRESENT: Councillor Adele Morris, ward councillor
Stephen Hough, local resident
Grace Maa, local resident
Sarah Murray, applicant
Lisa Sharkey, applicant
PC Ian Clements, Metropolitan Police
P.C. Graham White, Metropolitan Police Service
Carla Escobaz, premises licence holder
Omar Villavroel, owner
Mr R.O Ojukotola, premises licence holder's legal representative

OFFICER SUPPORT: Mark Orton, licensing officer
Dorcas Mills, licensing officer
David Collins, Barrister advising the sub-committee
Sean Usher, constitutional officer

1. APOLOGIES

Apologies were received from Councillor David Hubber. Councillor Jon Hartley attended as a reserve member.

1. CONFIRMATION OF VOTING MEMBERS

The three members listed above were confirmed as the voting members.

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

The chair agreed to accept the expedited review of Boulevard Coffee Place as a late and urgent item. This is listed as item 6.

1. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

1. LICENSING ACT 2003: CARLUCCIO'S, (CARLUCCIO'S LTD) UNIT A, NEO BANKSIDE, 52 HOLLAND STREET, LONDON SE1 9FU

The licensing officer presented his report and circulated some additional papers relating to the application. Members had questions for the licensing officer.

The applicant's agent presented the application and circulated some additional papers. Members had questions for the applicant's agent and the applicant. Local residents and the ward councillor had questions for the applicant.

2 local residents and a ward councillor spoke against the application. Members had questions for the local resident and the ward councillor.

All parties were given 5 minutes to sum up.

The meeting then went into closed session.

Resolved:

That the application submitted by Carluccio's Limited for a premises licence to be granted under Section 17 of the Licensing Act 2003 in respect of the premises known as Unit A, Neo Bankside, 52 Holland Street, London SE1 9FU be granted as follows:

Licensable Activity	Monday to Saturday	Sunday (And bank holidays)
Sale and supply of alcohol (on the premises)	08.00 to 23.30	9.00 to 22:30
Late night refreshment	23.00 to 23.30	N/A
Hours premises are open the public	08.00 to 00:00	09.00 to 23.00

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, conditions agreed to between the applicant, the responsible authorities:

1. That staff training shall include details of offences relating to the sale and supply of alcohol to under 18s.

2. That notices shall be displayed at all exits requesting customers to leave in a quiet and orderly manner.
3. That the use of the outside area is always monitored by staff, and service to that area is by waiter/waitresses.
4. That there will be no music or entertainment of any kind in the outside area.
5. That the premises will operate a challenge 21 policy whereby any person who appears to be under 21 years of age shall have to produce one of the following forms of identification: full UK photo driving licence, passport, military ID card or a recognised proof of age card accredited under the proof of Age Standards Scheme (PASS).
6. That a CCTV system with recording equipment shall be installed and maintained at the premises following consultation with the Southwark Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light conditions. The CCTV system shall continuously record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum of 31 days, and the recordings shall be of evidential quality. The recordings will be made available to the police and other officers upon request.
7. That all staff are trained to ensure that there is no sale of alcohol to persons under 18 nor to persons who are drunk. Records of staff training are kept at the premises and shall be made available for inspection by officers of the police or the council upon request.
8. That crime prevention measures will be instigated following consultation with the Metropolitan Police.

And the following conditions agreed by the sub-committee:

9. The use of the externally located tables and chairs shall be rendered unusable by 930pm each day and no alcohol in open containers shall be taken outside by patrons after 930pm. These tables and chairs shall not be moved between the hours of 930pm and 8am the following day on Monday to Saturday and between 930pm Saturday and 9am Sunday.

10. All deliveries and refuse collection to/from the premises shall be via the basement service area and be limited to between 7am and 8pm Monday to Saturdays and 8am and 8pm on Sundays.

Reasons

This was an application submitted by Carluccio's Limited in respect of the premises known as Unit A, Neo Bankside, 52 Holland Street, London SE1 9FU. The licensing sub-committee heard evidence from the applicant who informed the sub-committee that they would reduce their opening and licensed hours.

The licensing sub-committee noted that the police had conciliated with the applicant.

The licensing sub-committee noted the 25 representations from other persons including ward councillor. The sub-committee heard from 2 local residents and the ward councillor opposed to the application.

Having considered all the evidence before it, the licensing sub-committee decided to grant the application with the conditions above including additional conditions 9 and 10.

In reaching this decision the sub-committee had regard to all the relevant considerations at 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

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 to the licence, or ought to have modified them in a different way

May appeal against the decision.

Any appeal must be made to the magistrates' court for the 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.

1. LICENSING ACT 2003: SECTION 53A EXPEDITED REVIEW - INTERIM STEPS HEARING - BOULEVARD COFFEE PLACE, 224 OLD KENT ROAD, LONDON SE1 5UB

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

The police presented their application for review to the sub-committee. Members had questions for the police. The licensee and their representative had questions for the police.

The licensee and their representative addressed the sub-committee. Members had questions for the licensee and their agent.

All parties were then given 5 minutes to sum up.

The meeting then went into closed session to discuss the review application.

Resolved:

That the licence be suspended as an interim step to promote the licensing objectives and the review application will take place on 12 May 2015.

Conditions

As the licence is suspended until the review application on 12 May 2015 there are no applicable conditions.

Reasons

This was a hearing to consider if it is appropriate to take interim steps to promote the licensing objectives upon receipt of an application by the Metropolitan Police for an expedited summary review of the premises under Section 53A of the Licensing Act 2003. On 13 April 2015 a Superintendent for the Metropolitan Police certified that in their opinion the premises were associated with serious crime and serious disorder and instigated the Section 53A summary licence review process.

The licensing sub-committee have considered the application made by the Metropolitan Police Service who informed the sub-committee that on 12 April 2015 at approximately 04.00, a fight broke out inside the premises, some two and a half hours after the terminal hour. The premises is believed to have been operating as a nightclub even though it is not licensed for regulated entertainment.

During the altercation it is alleged that a knife was drawn and the victim was hit with a bottle, which resulted in them sustaining a serious head injury, even though he was wearing a hat. The victim believes that if he had not been wearing a hat the injuries would have been potentially fatal. The police advised that this incident has been classified as a grievous bodily harm with intent.

The police representative advised that the management of the premises deliberately cleared up the crime scene and disposed of the weapon in a bin. Additionally, the police had to seize the CCTV hard drive as it was believed not to be working or may be deleted by the management. The police representative also confirmed that a Section 19 closure order was issued for other breaches of the licence.

The police representative also gave evidence of other incidents of violence and breaches of the licence that had taken place over the past six months.

The police representative contended that the incident would not have occurred had the premises been operating in line with its licence. They informed the sub-committee that the premises had moved away from the original business model for which the licence was intended and now appeared to be operating as a nightclub without any security or search policies or any conditions relating to SIA security on the licence. They advised that the police had no faith in the management of the premises and that the licence should be suspended as there has been a total disregard for the conditions on the licence and they did not believe that any other interim steps would be adhered to.

The licensing sub-committee have also considered the representations submitted by the premises licence holder's representative. These representations indicated that there had been a number of other breaches of the existing licence conditions including: not maintaining the CCTV system, selling spirits by the bottle, hosting other licensed activities including dancing and live music.

From the material before it, the sub-committee were of the view that the concerns raised were extremely serious: the premises were open to the public significantly beyond the licensed hours, spirits were sold by the bottle, and there was no security in place.

The sub-committee felt that the incident on 12 April 2015 is unlikely to have occurred had the venue closed on time and had not been in breach of its licence.

The sub-committee noted the representations of the licence holder that interim conditions could be imposed. In light of the repeated breaches of the existing licence and the history of this licence, the sub-committee were not sufficiently confident that conditions would address the licensing objectives. Furthermore, the subcommittee noted that the provision of licensed activities was not the principal source of revenue at the premises.

In all the circumstances, the licensing sub-committee are of the view that it would be necessary to suspend the licence in order to ensure the safety of the general public.

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

Appeal rights

There is no right of appeal to a magistrates' court against the licensing authority's decision at this stage.

The premises licence holder may make representation against any interim steps imposed and a hearing to consider the representation will be held within 48 hours of receipt of the representation.

Any representation should be in writing and cannot be received outside of normal office hours.

The meeting closed at 5.40pm

CHAIR:

DATED: