



## Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Friday 1 May 2015 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

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**PRESENT:** Councillor Sunny Lambe (Chair)  
Councillor Maria Linforth-Hall  
Councillor Charlie Smith

**OTHERS PRESENT:** Ibrahim Tejan-Jelloh, applicant  
Stephen Slater, legal representative for the applicant

**OFFICER SUPPORT:** Debra Allday, legal officer  
Dorcas Mills, licensing officer  
David Franklin, licensing officer representing the council as a responsible authority  
Mark Prickett, environmental protection officer  
Farhad Chowdhury, health and safety officer  
Gavin Blackburn, planning 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 Sunny Lambe was nominated by Councillor Charlie Smith to chair the meeting. This was seconded by Councillor Maria Linforth-Hall.

### 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: IBB'S BAR LTD, 6 ARNSIDE STREET, LONDON SE17 2AP**

This was a reconvened meeting from 7 April 2015.

The licensing officer presented their report and advised that the responsibilities and the applicant had conciliated on a number of issues.

The applicant 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 planning officer addressed the sub-committee. Members had no questions for the planning officer.

The licensing officer representing the council as a responsible authority addressed the sub-committee. Members had questions for the licensing officer.

All parties were given five minutes for summing up.

The meeting went into closed session at 11.58am.

The meeting resumed at 1.19pm and the chair read out the decision of the sub-committee.

**RESOLVED:**

That the application submitted by Ibb's Bar Ltd for the grant of a premises licence issued under the Licensing Act 2003 in respect of Ibb's Bar Ltd, 6 Arnside Street, London SE17 2AP be granted as follows:

<b>Licensable Activity</b>	<b>Monday to Thursday</b>	<b>Friday and Saturday</b>	<b>Sunday</b>
Sale and supply of alcohol (on the premises)	12.00 to 22.30	12.00 to 23.30	12.00 to 22.00
Late night refreshment		23.00 to 23.30	
Hours premises are open to the public	12.00 to 23.00	12.00 to 00.00	12.00 to 22.30

## 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 conditions agreed by the applicant with the responsible authorities:

1. That notices shall be provided on all doors that patrons would use to exit the premises to request that patrons leave in a quiet and orderly manner that is respectful to neighbours.
2. That there shall be no drinks or glasses permitted to be taken outside of the premises at any time.
3. That external waste handling, collections, deliveries shall only occur between the hours of 08.00 and 20.00.
4. That the kitchen extraction system shall be fitted with adequate odour control filters and discharge at an appropriate location (eaves height).
5. That the applicant shall ensure that any music played remains at conversational/background level and that the volume control of any music is fixed behind the bar and is in the full control of staff at all times.
6. That all external doors shall have seals, brushes and self-closers fitted in accordance with BS 6459 Pt. 1 1984.
7. That patrons will not be permitted to use the rear yard (car park)
8. That the rear door will not be used by patrons for access and egress into the premises, apart from in an emergency.
9. That the premises will be adequately ventilated.
10. That signage shall be displayed at the exit to the back yard (car park area), that the outside back yard area is not for use by patrons. (if this exit is to be used as a fire exit, which is not evident from the plan submitted, then the signage should also state 'fire exit only').
11. That the back door exit shall be alarmed with a flashing light behind the bar to alert management inside the premises, should patrons be using the back yard area.
12. That patrons shall not be allowed to congregate outside the frontage of the premises, other than those that temporarily leave to smoke.
13. That patrons shall not be allowed to take drinks in open containers outside to the frontage of the premises.
14. That the maximum capacity of the premises is set at 36 patrons with staff in addition to that figure.
15. That the premises shall operate an age check "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 card passport or a PASS approved proof of age card such as the Southwark Proof of Age (SPA) card.

16. That all staff in the sale of alcohol shall be trained in the age check "Challenge 25" policy. A record of their training, including the dates that each member of staff is trained, shall be available at the premises on request by the Council's authorised officers or the Police.
17. That Age check or "Challenge 25" signage will be displayed at entrances to the premises, areas where alcohol is displayed for sale and at points of sale to inform customers that an age check "Challenge 25" policy applies and proof of age may be required.
18. 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 conditions as agreed by the sub-committee will apply:

19. That all alcohol shall be served ancillary to a table meal.
20. That the premises licence holder shall display a telephone number for local residents to contact management of the premises as and when necessary.

### **Reasons**

This was a reconvened meeting from the adjourned meeting of 7 April 2015 to consider an application submitted by Ibb's Bar Ltd for the grant of a premises licence issued under the Licensing Act 2003 in respect of Ibb's Bar Ltd, 6 Arnside Street, London SE17 2AP.

The licensing sub-committee heard evidence from the applicant's representative who informed the sub-committee that they had fully engaged with the authorities in the conciliation process and had largely conciliated the application. They advised there were two outstanding matters, namely the operating hours and the wording of a condition relating to service of alcohol and food.

It was noted that trading standards had fully conciliated with the applicant in advance of the meeting.

The licensing sub-committee heard from the planning authority who advised that they still had outstanding reservations regarding the operation of the premises and it still remained as a bar and therefore sought restrictive hours suitable for restaurant usage and that alcohol should be served ancillary to a substantial meal.

The licensing sub-committee heard from the environmental protection team who advised that they had largely conciliated with the applicant but wanted to ensure that the premises was conditioned appropriately for restaurant usage. The environmental protection officer

advised that no report in respect of sound insulation had been received from the applicant to date.

The licensing sub-committee heard from the licensing officer representing the council as a responsible authority who also informed the sub-committee that they felt that it was appropriate to condition the premises appropriately for usage as a restaurant. They proposed that alcohol should not be sold or supplied on the premises to persons other than those taking a substantial table meal. Failure to include the word substantial would leave the condition open to abuse whereby an operator may provide a small quantity of food to comply with the condition, allowing the customers to drink alcohol and change the nature of the premises from a restaurant to a bar.

The licensing sub-committee noted the representation from the health and safety team.

The licensing sub-committee noted the representation from an other persons representing six other persons, one of whom had attended the licensing sub-committee on 7 April 2015.

The licensing sub-committee were pleased that the authorities and the applicant had engaged with the conciliation process and that the points of dispute were restricted to two outstanding matters. The sub-committee were mindful of the history of problems associated with the premises albeit under previous management. There have been a number of concerns raised by local residents but the applicant has assured the sub-committee that he will be operating a restaurant and not a bar, despite the premises still being known as lbb's bar. It was noted that the applicant confirmed that he would change the signage to reflect restaurant usage rather than a bar should the licence be granted.

The area in which the premises is located is largely residential and it is the licensing sub-committee's duty to ensure that it is promoting the licensing objective for the prevention of nuisance. The environmental protection team advised that without sound insulation works being approved by the environmental protection team the sub-committee should restrict the operating hours.

In terms of the condition relating to the service of alcohol and food, the sub-committee are satisfied that alcohol being served as ancillary to a table meal was proportionate given the 36 person capacity of the premises and felt that this would be more easily enforceable.

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 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.

Meeting ended at 1.30 pm

**CHAIR:**

**DATED:**