

## Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Monday 16 November 2009 at 10.00am at Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2TZ

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<b>PRESENT:</b>	Councillor David Hubber Councillor Mackie Sheik Councillor Althea Smith
<b>OTHERS PRESENT:</b>	Personal licence applicant Mark Ames, applicant James McNeil, applicant Claire Eames, applicants' representative Ali Al-Hamdani, local resident Monica Humphries, local resident Shirley White, local resident Brian White, local resident Marion Marples, local resident Councillor Adele Morris, ward councillor PC Paul Compton, Metropolitan Police
<b>OFFICER SUPPORT:</b>	Kristie Ashenden, licensing officer Felix Rechtman, legal officer Andrew Weir, constitutional officer

### 1. APOLOGIES

There were no apologies for absence.

### 2. CONFIRMATION OF VOTING MEMBERS

The three voting members were confirmed.

### 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 - PULSE - 1-4 BLACKFRIARS ARCHES, LONDON SE1

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

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

Local residents and the ward councillor addressed the sub-committee regarding their objections to the application. Members had questions for the local residents.

All parties were given 5 minutes to sum up then the sub-committee went into closed session, and then made the following decision.

**RESOLVED:**

That the application by A&M Leisure Limited for a new premises licence in respect of the premises known as Pulse, Invicta Plaza, 1 – 4 Blackfriars Arches, London, SE1 be approved in so far as:

The following licensable activities will be permitted under the licence during the times shown.

	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
<b>A. Plays</b>	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00
<b>B. Films</b>	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00
<b>C. Indoor Sporting Events</b>	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00
<b>D. Boxing or Wrestling Entertainments</b>	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00
<b>E. Live Music</b>	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00
<b>F. Recorded Music</b>	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00
<b>G. Performance of Dance</b>	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00
<b>H. Anything Similar to E, F, G</b>	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00
<b>I. Provision for Making Music</b>	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00
<b>J. Provision for Dancing</b>	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00
<b>K. Provision of facilities similar to I or J</b>	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00
<b>L. Late night Refreshment</b>	23.00-05.00	23.00-05.00	23.00-05.00	23.00-05.00	23.00-05.00	23.00-05.00	23.00-05.00
<b>M. Supply of Alcohol (no off-sales)</b>	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00

## Conditions

The operation of the premises under the licence shall be subject to compliance with the operation schedule highlighted in Section P of the application form and the following conditions:-

a) All mandatory conditions set out in the Licensing Act 2003 relating to:

- Authorisation of the retail sale of alcohol; and
- The provision of door supervision

b) The following additional special conditions developed through discussion from the original operating schedule attached to the variation application as follows:-

- (i) That during key trading times the premises will be covered by a trained security team.
- (ii) That a security log is maintained, detailing the hours of duty for all staff employed in security roles, this is to include SIA badge numbers.
- (iii) That the premises will be linked to the Police via panic buttons.
- (iv) That metal detectors will be placed in both lobbies and security searches will take place.
- (v) That signs shall be displayed in the entrance foyer to the premises that state 'Drugs Free Zone' and 'No search no entry, management reserve the right to refuse entry'.
- (vi) That the toilets will be checked by staff who will be trained to look out for any suspicious events taking place.
- (vii) That all staff will be trained to look out for any signs of drug use or sale.
- (viii) That a drugs drop box, which must be secure and have a tamper proof entrance, shall be fixed to the wall in the entrance foyer to the premises and an agreement must be established with the local Police over the emptying and collection of any drugs deposited in the box.
- (ix) That all matters relating to drugs shall be in accordance with the Metropolitan Police Best Practice Guide on the handling of drugs in pubs and clubs.
- (x) That all CCTV footage shall be kept for a period of fourteen (14) days and shall, on request, be made immediately available to officers of the police and council.
- (xi) That the premises will be refurbished in accordance with the enclosed supporting proposed plans or in the case of alterations to that drawing, any further drawings served on the responsible authorities prior to the re-opening of the premises.
- (xii) That a risk assessment will be conducted and the local Fire Safety Officer will be notified of the capacity.
- (xiii) That an adequate supply of free drinking water shall be provided for all customers.
- (xiv) That risk assessments (including a fire risk assessment) will be carried out and following such risk assessment an action plan will be prepared and any additional action required will be implemented. This will be reviewed annually.
- (xv) That the only time children will be allowed in the premises is when charitable events involve them.

- (xvi) That a Challenge 21 policy will be in place so anyone appearing to be under the age of 21 will be asked for photographic ID and anyone unable to provide such, service will be refused.
- (xvii) That photographic driving licences, passports or, in agreement with police, a form of identification with the PASS hologram will be used as evidence of anyone who appears to be under the age of 18.
- (xviii) That signs within the premises shall be erected directing patrons to the use of the services of the dedicated taxi company.
- (xix) That taxi drivers of the dedicated taxi company and local firms shall be instructed not to sound car horns to attract customer attention.
- (xx) That all audio and musical equipment on the premises shall be played through the approved sound limiting/ cut out device.
- (xxi) That there shall be no movement of musical or amplification equipment from the premises between the hours of 12 midnight and 8am.
- (xxii) That suitable notices shall be displayed and announcements made requesting people to leave the premises in a quiet and orderly manner so as not to disturb local residents.
- (xxiii) That the  $L_{max}$  noise level from amplified music and speech shall be no greater than the existing  $L_{90}$  1metre from the facade of the nearest noise sensitive premises at all octave bands between 63Hz and 8kHz. Prior to the commencement of regulated entertainment at the premises, and after completion of sound insulation measures an acoustic report confirming previous details and subsequent measurement data of the sound insulation to demonstrate compliance with the above requirements will be submitted to the environmental protection team for approval
- (xxiv) That the management of the premises shall notify the Police and Southwark Licensing Service in writing seven (7) days in advance what event is being hosted, either club or corporate and what part of the licence would be applicable. This must include the details of the date and time it will be in operation. A 'corporate' event would be a private party for a group of individuals employed by or associated to the company which has made the booking – it would not be open to the public and would be by invitation only by that company. The 'normal' club night is a night promoted either internally by the club or by an external promoter, where it is advertised in the press and on websites, where people pre-purchase a ticket or pay at the door and it is open to individuals aged 18+.

The following conditions apply when the premises is operating as a nightclub:

- (xxv) That SIA registered door supervisors shall be employed at all times after 22.00hrs and the terminal hour that the premises are in use under this licence and provided with hand held metal detection units in order to ensure that searches are carried out in respect of all admissions to the premises, whether members of the public or performers and their assistants and mechanical counting devices to ensure that the maximum accommodation limit of the premises is not exceeded. On nights when events are aimed at both male and female customers, there will be a requirement to employ a female SIA registered door supervisor.
- (xxvi) That signs shall be displayed in the entrance foyer to the premises that state 'Drugs Free Zone' and 'No Search, No Entry, Management reserve the right to refuse entry'.

- (xxvii) That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV system must be capable of capturing clear facial image of all that enter the premises.
- (xxviii) That all CCTV footage shall be kept for a period of thirty one (31) days and shall, upon request, be made immediately available to officers of the police and the council.
- (xxix) That you shall require any regular and external promoters hiring the premises to complete the Metropolitan Police Risk Assessment ('Venue Hire Agreement' form 696) once completed, you shall ensure that a copy of the agreement is provided to the police a minimum of fourteen days prior to the date of hire.
- (xxx) That a personal licence holder is on the premises and on duty at ALL times that intoxicating liquor is supplied.
- (xxxi) The licensee shall not permit conduct on the premises that is likely to cause disorder, violence, a breach of the peace or drug misuse.
- (xxxii) That the venue will train its staff in all aspects of relevant legislation.
- (xxxiii) That a risk assessment will be conducted and the local fire safety officer will be notified of the capacity.
- (xxxiv) That an accurate record shall be kept of the number of persons admitted to each part of the premises, such records shall be retained for 6 months and made available to the responsible authorities.
- (xxxv) That there shall be a suitable number of adequately trained staff to prevent overcrowding in parts of the premises, keep exit routes clear and to ensure safe evacuation of people from the premises. In the event of an emergency such staff will have been issued with specific duties in the event of an emergency.
- (xxxvi) That all staff shall have received training on the safe evacuation of the premises in the event of an emergency and such training shall be repeated at least annually. A record of the training provided shall be kept at the premises for at least 12 months and shall be made available to the fire service or the council upon request.
- (xxxvii) That adequate arrangements will be made in the fire evacuation plan to ensure the safe evacuation of any disabled persons in the event of an emergency.
- (xxxviii) That all escape doors and escape routes will be checked before the premises open for trading to the public and records of the check shall be maintained.
- (xxxix) That all fire exit doors shall be available and shall be capable of opening without the use of any key, card, code or similar means.
- (xl) That fire doors will be self closing and shall not be held open other than by devices approved by the fire service.
- (xli) That the edges to steps and stairways shall be maintained so as to be conspicuous.
- (xlii) That notices detailing the action to be taken in the event of fire or other emergency will be prominently displayed in the premises.
- (xliii) That fire alarm/fire evacuation/emergency lighting tests will be carried out at least monthly and a record maintained of those tests. Such records to be kept at the premises for at least 12 months and made available to the fire service and the council.
- (xliv) That an adequate supply of free drinking water shall be provided for all

- customers.
- (xlv) That risk assessments (including a fire risk assessment) will be carried out and following such risk assessment an action plan will be prepared and any additional action required will be implemented. This will be reviewed annually.
  - (xlvi) That the licensee shall make available and display the telephone number of the premises so that they can be contacted immediately by neighbours disturbed by noise.
  - (xlvii) That door supervisors and staff will endeavour to ensure that customers leaving or attending the premises do so in a quiet and orderly manner.
  - (xlviii) That signs shall be displayed at the bar stating that any person who appears to be under the age of 18 will not be allowed on the premises.
  - (xlix) That the licensee shall instruct SIA door supervisors to inspect the neighbourhood at one hour intervals for any sound escape from the premises. Where sound from the premises is audible in the neighbourhood, the licensee shall take all reasonable steps to ensure that a noise nuisance will not be caused to local residents.

c) Subject to the following additional conditions agreed by the sub committee:

- i) No off-sales
- ii) No open containers to be taken outside the premises.

### **Reasons**

The reasons for the decision are as follows:

The sub-committee was satisfied that all the conditions offered and added addressed the four licensing objectives.

The council expects that all terms, conditions and restriction of the premises licence will be complied with at all times that the premises are used under the licence. The failure to comply with terms, conditions and restrictions of the premises of the premises licence is a matter to which the licensing sub-committee may have regard in the event that any request is made for the review of the licence.

### **Appeal Rights**

The applicant may appeal against any decision to modify the conditions of the licence; and

Any person who made relevant representations in relation to the application who desire to contend that

- a) That licence ought not to have been granted; or
- b) That on granting the licence, the licensing authority ought to have modified the conditions of the licence, or ought to have modified them in a different way or to exclude from the scope of the licence any of the licensable activities to which the application relates

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' chief executive 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.

### **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 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.

### **6. LICENSING ACT 2003 - APPLICATION FOR A PERSONAL LICENCE**

This application was refused.

The meeting ended at 1.05pm

**CHAIR:**

**DATED:**