

Licensing Committee

Monday 5 November 2012

7.00 pm

Ground Floor Meeting Room G02B - 160 Tooley Street, London SE1 2QH

Membership

Councillor Sunil Chopra (Chair)
Councillor Jeff Hook (Vice-Chair)
Councillor Michael Bukola
Councillor Dora Dixon-Fyle
Councillor Renata Hamvas
Councillor David Hubber
Councillor Lorraine Lauder MBE

Councillor Michael Mitchell
Councillor Abdul Mohamed
Councillor Adele Morris
Councillor Wilma Nelson
Councillor The Right Revd Emmanuel Oyewole
Councillor Althea Smith
Councillor Ian Wingfield

INFORMATION FOR MEMBERS OF THE PUBLIC

Access to information

You have the right to request to inspect copies of minutes and reports on this agenda as well as the background documents used in the preparation of these reports.

Babysitting/Carers allowances

If you are a resident of the borough and have paid someone to look after your children, an elderly dependant or a dependant with disabilities so that you could attend this meeting, you may claim an allowance from the council. Please collect a claim form at the meeting.

Access

The council is committed to making its meetings accessible. Further details on building access, translation, provision of signers etc for this meeting are on the council's web site: www.southwark.gov.uk or please contact the person below.

Contact

Andrew Weir on 020 7525 7222 or email: andrew.weir@southwark.gov.uk
Webpage: <http://www.southwark.gov.uk>

Members of the committee are summoned to attend this meeting

Eleanor Kelly

Chief Executive

Date: 26 October 2012



Licensing Committee

Monday 5 November 2012

7.00 pm

Ground Floor Meeting Room G02B - 160 Tooley Street, London SE1 2QH

Order of Business

Item No.	Title	Page No.
	PART A - OPEN BUSINESS	
1.	APOLOGIES	
	To receive any apologies for absence.	
2.	CONFIRMATION OF VOTING MEMBERS	
	A representative of each political group will confirm the voting members of the committee.	
3.	NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT	
	In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.	
4.	DISCLOSURE OF INTERESTS AND DISPENSATIONS	
	Members to declare any interests and dispensations in respect of any item of business to be considered at this meeting.	
5.	MINUTES FROM THE LICENSING COMMITTEE	1 - 2
	To approve as a correct record the Minutes of the open section of the meeting held on 13 June 2012.	
6.	MINUTES FROM THE LICENSING SUB-COMMITTEES	3 - 87

To agree as a correct record the Minutes of the open sections of the meetings held on:

- 14 May 2012
- 16 May 2012
- 25 May 2012
- 6 June 2012
- 14 June 2012
- 22 June 2012
- 26 June 2012
- 2 July 2012
- 11 July 2012
- 24 July 2012
- 30 July 2012
- 10 August 2012
- 17 August 2012
- 22 August 2012
- 30 August 2012
- 7 September 2012
- 14 September 2012
- 18 September 2012.

7. LIVE MUSIC ACT 2012 - UPDATE

To receive a verbal update on the Live Music Act 2012.

ANY OTHER OPEN BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT.

EXCLUSION OF PRESS AND PUBLIC

The following motion should be moved, seconded and approved if the sub-committee wishes to exclude the press and public to deal with reports revealing exempt information:

“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 paragraphs 1-7, Access to Information Procedure rules of the Constitution.”

PART B - CLOSED BUSINESS

ANY OTHER CLOSED BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT.



Licensing Committee

MINUTES of the OPEN section of the Licensing Committee held on Wednesday 13 June 2012 at 7.00 pm at Ground Floor Meeting Room G02B - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Sunil Chopra (Chair)
Councillor Jeff Hook (Vice-Chair)
Councillor Dora Dixon-Fyle
Councillor Renata Hamvas
Councillor David Hubber
Councillor Lorraine Lauder MBE
Councillor Michael Mitchell
Councillor Adele Morris
Councillor Wilma Nelson
Councillor Ian Wingfield

OFFICER SUPPORT: Richard Parkins, health safety licensing & environmental protection unit manager
Adam Beaumont, legal officer
Andrew Weir, constitutional officer

1. APOLOGIES

Apologies for absence were received from Councillors Michael Bukola, Abdul Mohamed, Althea Smith and The Right Reverend Emmanuel Oyewole

Apologies for lateness were received from Councillor Renata Hamvas.

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 accepted the following item, circulated on the supplemental agenda:

- Licensing Act 2003 - update on changes to licensing regime brought about by Part 2

of the Police Reform and Social Responsibility Act 2011.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. MINUTES FROM THE LICENSING COMMITTEE

RESOLVED:

That the open minutes of the committee meeting held on 19 April 2012 be agreed as a correct record and signed by the chair.

6. MINUTES FROM THE LICENSING SUB-COMMITTEES

RESOLVED:

That the minutes of the open sections of the meetings held on 4 April 2012, 1 May 2012 and 10 May 2012 be agreed as a correct record and signed by the chair.

7. LICENSING ACT 2003 - UPDATE ON CHANGES TO LICENSING REGIME BROUGHT ABOUT BY PART 2 OF THE POLICE REFORM AND SOCIAL RESPONSIBILITY ACT 2011

The committee received a presentation from Richard Parkins, health safety licensing and environmental protection unit manager on the Licensing Act 2003 - update on changes to licensing regime brought about by Part 2 of the Police Reform and Social Responsibility Act 2011.

Members had questions for the health safety licensing and environmental protection unit manager.

RESOLVED:

That the presentation on the Licensing Act 2003 - update on changes to licensing regime brought about by Part 2 of the Police Reform and Social Responsibility Act 2011 be noted.

The meeting ended at 7.54pm.

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Monday 14 May 2012 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Sunil Chopra (Chair)
 Councillor Renata Hamvas
 Councillor the Right Revd Emmanuel Oyewole (Reserve)

OTHERS PRESENT: PC Ian Clements, Metropolitan Police Service
 James Battison, applicant
 Alvarez Cardona, applicant

OFFICER SUPPORT: Tracy McCarthy, licensing enforcement officer
 Felix Rechtman, legal officer
 Kristie Ashenden, licensing officer
 Alan Blissett, environmental protection officer
 Virginia Wynn-Jones, constitutional officer

1. APOLOGIES

Apologies were received from Councillor Linda Manchester. Councillor the Right Reverend Emmanuel Oyewole sat on the sub-committee as the reserve.

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

There was none.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003 - 10 BERMONDSEY ST, LONDON SE1 2ER

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

The applicant addressed the sub-committee. Members had questions for the applicant.

The meeting went into closed session to consider the application.

The meeting resumed and the chair read out the decision as follows:

RESOLVED:

That the application made by Number 10 Bermondsey Street Limited for a grant of a premises licence under the Licensing Act 2003 in respect of the premises known as 10 Bermondsey St, London SE1 2ER be approved as follows:

Activity	Hours						
	Mon	Tues	Weds	Thurs	Fri	Sat	Sun
A. Plays	09.00 – 00.00	09.00 – 00.00	09.00 – 00.00	09.00 – 00.00	09.00 – 00.00	09.00 – 00.00	10.00 – 23.00
B. Films	09.00 – 00.00	09.00 – 00.00	09.00 – 00.00	09.00 – 00.00	09.00 – 00.00	09.00 – 00.00	10.00 – 23.00
E. Live Music	09.00 – 00.00	09.00 – 00.00	09.00 – 00.00	09.00 – 00.00	09.00 – 00.00	09.00 – 00.00	10.00 – 23.00
F. Recorded Music	09.00 – 00.00	09.00 – 00.00	09.00 – 00.00	09.00 – 00.00	09.00 – 00.00	09.00 – 00.00	10.00 – 23.00
G. Performance of Dance	09.00 – 00.00	09.00 – 00.00	09.00 – 00.00	09.00 – 00.00	09.00 – 00.00	09.00 – 00.00	10.00 – 23.00
H. Anything similar to E, F, G	09.00 – 00.00	09.00 – 00.00	09.00 – 00.00	09.00 – 00.00	09.00 – 00.00	09.00 – 00.00	10.00 – 23.00
I. Provision of facilities for making music	09.00 – 00.00	09.00 – 00.00	09.00 – 00.00	09.00 – 00.00	09.00 – 00.00	09.00 – 00.00	10.00 – 23.00
J. Provision of facilities for dancing	09.00 – 00.00	09.00 – 00.00	09.00 – 00.00	09.00 – 00.00	09.00 – 00.00	09.00 – 00.00	10.00 – 23.00
K. Provision of facilities for ent. similar to I or J	09.00 – 00.00	09.00 – 00.00	09.00 – 00.00	09.00 – 00.00	09.00 – 00.00	09.00 – 00.00	10.00 – 23.00
M. Supply of alcohol on premises	11.00-00.00	11.00-00.00	11.00-00.00	11.00-00.00	11.00-00.00	11.00-00.00	11.00-22.30

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 agreed by the sub-committee:

- a) All mandatory conditions set out in the Licensing Act 2003 relating to:
 - (i) Authorisation of the retail sale of alcohol; and
 - (ii) 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) When the premises is in operation under its licence and alcohol is being supplied or the premises is holding an event or is hired by a third party then at least two(2) SIA registered door supervisors will be employed. They will be provided with hand held metal detectors to assist with the searching of all persons entering the premises. A member of door staff will also be provided with a mechanical counting device to ensure that no more than 400 persons are on the premises at any one time.
- (ii) At least one SIA registered door supervisor will be employed immediately outside the front of the premises to aid in the quiet and orderly dispersal of patrons from the premises. The premises will endeavour to employ the services of at least one female door supervisor when possible.
- (iii) That no amplified live or recorded music is played within the southern arch, except within the enclosed area set deep into the southern vault behind the 'mock public house'.
- (iv) That the entrance doors and lobby doors inside the entrance of No 10 be more effectively sealed to improve sound insulation integrity of the premises.
- (v) That the 4 windows within the arch above the entrance to No 10 be more effectively sealed to improve sound insulation integrity of the premises.
- (vi) That the northern vault be suitably ventilated with an extract and fresh air intake system, where any openings at the front of the premises be baffled to ensure sound insulation integrity of the premises.
- (vii) That any non-portable equipment used in connection with the licensable activities at the premises held up to proposed curfew hours, not be removed from the premises until the day time following the performance.
- (viii) That the two arches to the rear of the northern arch not be used for regulated entertainment.

Reasons

This was a hearing of an application by 10 Bermondsey Street Limited for a premises licence in respect of the premises known as No. 10 Bermondsey Street, such application was made under Section 17 of the Licensing Act.

The sub-committee heard evidence from the applicant that he only intends to use the premises for about a year until the whole area is redeveloped by Network Rail and that mainly the premises will be used as a theatre or similar use but not as a pub or a night club. The applicant further submitted that most nights the venue will be closed to the general public and only open to ticketholders. The applicant referred the sub-committee to the long list of measures he offered as part of the application process in order to promote the licensing objectives and pointed out that he has now agreed some further conditions with the police and environmental protection team, which resulted in conciliation with the said responsible authorities.

The sub-committee considered written representation made by interested parties and noted that none of the said objectors turned up for the sub-committee hearing. The sub-committee found these representations to be very general and largely concerned with the need for a further licensed establishment in the area which does not fall within any of the objectives in the act.

The sub-committee found this application to be a reasonable one and resolved to grant this application and consider that the granting of this application will not have adverse impact on any of the licensing objectives.

Appeal rights

That the licensee and any person who made relevant representations in relation to the application 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 designated officer 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.

6. LICENSING ACT 2003 - MR PIGGY, 113C & 122 ELEPHANT ROAD, LONDON SE17 1LB

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

The applicant addressed the sub-committee. Members had questions for the applicant.

The police licensing officer addressed the sub-committee. Members had questions for the police licensing officer.

The meeting went into closed session to consider the application.

The meeting resumed and the chair read out the decision as follows:

RESOLVED:

To add the following additional condition agreed by the sub-committee:

- No spirits (alcohol containing more than 20% abv) to be sold by the bottle or half-bottle during the operation under the licence.

To limit the hours for sale by retail of alcohol to be consumed on the premises to:

Sale by retail of alcohol to be consumed on the premises	Friday: 11:00 - 02.00	Saturday: 11:00 - 02.00
--	--------------------------	----------------------------

Reasons

This was a hearing of an application by the Metropolitan Police for a review of the premises licence in respect of the premises known as Mr Piggy in Elephant & Castle, such application was made under Section 51 of the Licensing Act.

The sub-committee heard evidence from the Metropolitan Police that they had serious concerns about the management of the premises and therefore decided to make this review application on the basis of the crime and disorder objective as well as the public safety objection in the Act. As far as crime and disorder is concerned, the police submitted that during January and February of this year there were a number of serious incidents outside the premises such as assaults causing actual bodily harm. The vast majority of these incidents occurred late at night between 3.00am and 5.00am. As far as public safety is concerned the police submitted that at least on one occasion the fire escape was blocked, that the London Fire Brigade was critical of the way fire prevention measures were undertaken and that on a number of occasions the premises were found to be in breach of the existing conditions of the licence. The police further submitted that on a number of occasions heavily intoxicated individuals were spotted either inside or outside the premises and that this was largely due to the practice of the premises selling spirits in bottles and half-bottles. In light of all these submissions the police asked for the licence to be revoked but if the sub-committee was not minded to make such an order, that the police ask for the hours of operation to be cut to 2.00am on the weekends and that spirits should not be sold by the bottle.

The sub-committee then heard from the licensee that he has been trying to cooperate with the responsible authorities and the majority of incidents relied upon by the police actually related to people coming from other premises in the vicinity. The licensee further submitted that the premises are mainly run as a restaurant and that staff within the premises have been given clear instructions not to sell alcohol to heavily intoxicated individuals. The licensee also submitted that he wanted to work more closely with the police in order to prevent such issues from occurring in the future.

The sub-committee accepted the police evidence that some of the incidents outside the premises are directly connected to the premises and are directly connected to excessive alcohol consumption on the premises. The sub-committee also found the health and safety breaches to be very serious but noted that the council's health and safety service has now withdrawn their representations. The sub-committee found that the majority of the crime and disorder incidents occurred late night after 2.00am and therefore in the circumstances found it necessary to limit the supply and sale of alcohol on Friday and Saturday to 2.00am. The sub-committee also considers that the practice of selling spirits by the bottle and half-bottle to be directly connected to crime and disorder and therefore found it necessary to add a condition to the licence whereby no spirits (alcohol containing more than 20% abv) should be sold by the bottle or half-bottle during the operation under the licence.

The sub-committee wants to make it very clear to the licence that they view these incidents very seriously and on this occasion they decided not to revoke the licence but if such practice will continue that on any further review a different approach will be taken.

Appeal rights

That the licensee and any person who made relevant representations in relation to the application 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 designated officer 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.

The meeting closed at 1.35pm.

CHAIR:

DATED:

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Wednesday 16 May 2012 at 10.00 am at Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Sunil Chopra (Chair)
Councillor Eliza Mann
Councillor Althea Smith

OTHERS PRESENT: Ben Day, applicant
Nick Crispini, applicant

OFFICER SUPPORT: Adam Beaumont, legal officer
Felix Rechtman, legal officer
David Swaby, licensing officer
Bola Roberts, constitutional officer

1. APOLOGIES

There were no apologies for absence.

2. CONFIRMATION OF VOTING MEMBERS

The Three members present were confirmed as voting members.

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 - ANTICO, 214 BERMONDSEY STREET, LONDON SE1

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

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

All parties were given five minutes to sum up.

The sub-committee went into closed session at 10.45am to consider the application.

The meeting resumed at 11.20am.

RESOLVED:

The licensing sub-committee having considered the application made by Antico Ltd the variation application of the premises licence under Section 34 of the Licensing Act 2003 in respect of the premises known as Antico, 214 Bermondsey Street, London SE1 3TQ and have granted the application as follows:

The relevant licensable activities and proposed times to be varied

Days	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Opening hours	11:00-23:00	11:00-23:00	11:00-23:00	11:00-00:00	11:00-01:30	11:00-01:30	11:00-22:30
Late night refreshment				23:00-23:30	23:00-01:00	23:00-01:00	
The sale of alcohol	11:00-22:30	11:00-22:30	11:00-22:30	11:00-23:30	11:00-01:00	11:00-01:00	11:00-22:00
The provision of live music/ recorded music	11:00-22:30	11:00-22:30	11:00-22:30	11:00-23:30	11:00-01:00	11:00-01:00	11:00-22:00

The following additional conditions as agreed at the conciliatory meeting application by Antico Ltd, 214 Bermondsey Street London SE1 3TQ and agreed by the sub-committee be granted.

Conditions

1. That the licensable activities: live music, and the supply of alcohol, and late night refreshment, shall end thirty (30) minutes before the closing hour on each night.
2. That the restaurant area is to close at 00:00 midnight hours on Friday and Saturday evenings.
3. The removal of the condition for a designated smoking area (as discussed during the conciliation).
4. That there will be no admissions or re-admission to the premises after 00:00 midnight.
5. That no more than (5) five people are to be allowed outside the restaurant between 22:00 – 00:00 hours for the purpose of smoking (only).
6. That In addition, the sub-committee find it appropriate to amend condition 343, so that the condition will remain up until the wording "waiting list," the remainder of the condition will be deleted.
7. That the sub-committee also find it appropriate to delete the words from condition 346 "of all age refusal incidents" from the condition.

For the below reasons this application is herewith granted.

Reasons

This was a hearing of an application by Nick Crispini for a variation of the premises licence in respect of the premises known as Antico, 214 Bermondsey Street, London SE1 3TQ.

The sub-committee heard from the licensing officer that on 23 April 2012 a conciliation meeting was held at the premises between the applicant and three local residents. One of the objectors, local resident who attended the conciliation meeting, also attends today. The conciliation meeting concluded with agreement from the applicant to concede a number of amendments, contained within the conciliation document dated 26 April 2012.

The sub-committee heard from the applicant that this was an initial application in order to extend the opening hours of the premises, late night refreshment, recorded music and sale of alcohol. This extension primarily concerned the bar lounge within the basement of the premises. The application also included the removal of certain conditions from the licence. Following the application, the applicant has now agreed to the conciliation amendments already mentioned.

The sub-committee heard from an objector, a local resident. He had raised written concerns regarding the variation of the license and had attended the conciliation meeting on 23 April 2012. The sub-committee heard that following the conciliation meeting the objector did not raise objections to the variation on the basis of the agreed amendments contained within the conciliation document dated 26 April 2012. The said objector did raise concerns regarding the noise from individuals queuing and smoking outside of the establishment, which were addressed at the conciliation meeting.

The sub-committee considered the representations made by all parties as well as the conciliation document already referred to. The sub committee have decided that the opening hours contained within the conciliation document are appropriate and satisfy the licensing objectives. Therefore this application is granted in accordance with the said conciliation note dated 26 April 2012, a copy of which is enclosed for ease of reference, and further that the conditions mentioned enclosed within the said conciliation statement be added to the licence.

In addition, the sub-committee find it appropriate to amend condition 343, so that the condition will remain up until the wording "waiting list," the remainder of the condition will be deleted.

The sub-committee also find it appropriate to delete the words from condition 346 "of all age refusal incidents" from the condition.

For the above reasons this application is herewith granted.

The applicant is also reminded that it is advisable to have available a dedicated telephone number available for residents.

Appeal rights

That the licensee and any person who made relevant representations in relation to the

application 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 designated officer 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.

The meeting closed at 11.30am.

CHAIR:

DATED:



Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Friday 25 May 2012 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Sunil Chopra (Chair)
Councillor Dora Dixon-Fyle
Councillor Adele Morris

OTHERS PRESENT: Christian Anderton, applicant
Tim Oakley, applicant

OFFICER SUPPORT: Adam Beaumont, legal officer
Debra Allday, legal officer
David Franklin, licensing officer
Andrew Weir, constitutional officer

1. APOLOGIES

There were none.

2. CONFIRMATION OF VOTING MEMBERS

The three members present were confirmed as voting members.

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 - HOUSE OF TIPPLER, 123 LORDSHIP LANE, LONDON SE22 8HU

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

The applicant addressed the sub-committee. Members had questions for the applicant.

All parties were given five minutes to sum up.

The sub-committee went into closed session at 11.10am to consider the application.

The meeting resumed at 12.08pm and the chair read out the decision as follows:

RESOLVED:

That the application made by Oscar Vegas Limited for a variation of a premises licence issued under the Licensing Act 2003 in respect of the premises known as House of Tippler, 123 Lordship Lane, London SE22 8HU be granted.

Conditions

The following condition shall apply:

- That the premises will be suitably ventilated when regulated entertainment is in progress.

The following amended conditions shall also apply:

- Condition 300 of the premises licence to now state:

When the premises is in operation under its licence and the terminal hour as detailed in the operating schedule is greater than 00:30, then the premises will employ at least two (2) SIA registered door supervisors. They will be employed on these days at all times after 21:00 until the premises is closed and all patrons have vacated the premises. They will be employed to monitor admissions and readmissions to the premises for the purposes of security, protection, screening and dealing with conflict.

- Condition 305 of the premises licence to now state:

Signs shall be displayed at the entrance to the premises that state management reserve the right to refuse entry.

- Condition 310 of the premises licence to now state:

That all doors excepting any that may be required to be locked open for the purposes of means of escape, shall be kept closed whenever regulated entertainment is being provided upon the premises.

- Condition 340 of the premises licence to now state:

That the windows will be closed when entertainment is taking place on the premises.

The following conditions shall be removed from the premises licence:

- 109 except c, 116 120, 122, 127, 145-154, 155-182, 325 and 341.

The following additional amended conditions as agreed by the licensing sub-committee shall also apply:

- Condition 309 of the premises licence to now state:

That all musicians, recorded music and DJs must play electrically amplified music/audio/PA through a sound cut off device. The cut-out device shall be maintained at levels set to the satisfaction of the council's noise team.

- Condition 342 of the premises licence to now state:

That there will be no use of the rear outside area after 22:30 hours

The following additional condition as agreed by the licensing sub-committee shall also apply:

That there will be a dedicated mobile phone number available to residents during opening hours.

Reasons

This was a hearing for an application by Christian Anderton and Timothy Oakley for a variation of the premises licence in respect of the premises known as House of Tippler, Lordship Lane, London SE22 8HU.

The sub-committee heard from the licensing officer who outlined the background to the application. The application is for the removal and amendment of a number of current conditions contained within licence. Both the police and environmental protection have conciliated their objections subject to two conditions being added to the licence. Those conditions have already been conciliated. There were also a number of written objections raised by local residents. No residents were however present at the meeting to raise such objections orally.

The sub-committee heard from the applicants that this was an application in order to bring the licence conditions in-line with their concept for the premises. The sub-committee heard that they no longer have a DJ facility and the larger speakers have been replaced with a smaller speaker system. The sub-committee heard the back yard area of the premises is intended to be used for a seating area in order for people to eat and drink and not as a designated smoking area.

The sub-committee considered the representations made by all parties. The sub-committee decided that the removal and amendment of the conditions listed within the application is appropriate, save for three exceptions.

The sub-committee feel it is appropriate in line with the licensing objectives to amend condition 342, the condition relating to the backyard area, to 10.30pm at night and not 11.00pm. The sub-committee feel that this amendment is appropriate, having particular

regard to the objections raised by local residents, their small children and the residential area as a whole.

In addition, the sub-committee amend condition 309, relating to music and sound cut off devices to include after the word "musicians" the words "recorded music" .

The sub-committee also find it appropriate to include an additional condition that there will be a dedicated mobile phone number available to residents during all opening hours.

For the above reasons this application is herewith granted, save for the above mentioned amendments.

Appeal rights

That the licensee and any person who made relevant representations in relation to the application 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 designated officer 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.

6. LONDON LOCAL AUTHORITIES ACT 1991 PART 2 SPECIAL TREATMENT PREMISES: TATTOOIST AT LYNA BEAUTY, 49A CAMBERWELL ROAD SE5 OEZ

The licensing sub-committee received legal advise from the legal officer, who advised that this item would have to be withdrawn due to the fact that an application for revocation can only take place following a conviction. Currently there was not a conviction in this case.

RESOLVED:

That this item be withdrawn.

The meeting closed at 12.13pm.

CHAIR:

DATED:



Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Wednesday 6 June 2012 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

PRESENT:	Councillor Sunil Chopra (Chair) Councillor Michael Mitchell Councillor Ian Wingfield
OTHERS PRESENT:	Bascan Bally, applicant Laszlo Csutoras, local resident
OFFICER SUPPORT:	Adam Beaumont, legal officer Dorcas Mills, licensing officer Sarah Newman, environmental protection officer Andrew Weir, constitutional officer

1. APOLOGIES

There were none.

2. CONFIRMATION OF VOTING MEMBERS

The three members present were confirmed as voting members.

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 - LEGACY RESTAURANT, GROUND AND BASEMENT FLOORS, 53 CAMBERWELL ROAD, LONDON SE5 0EZ

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

The legal officer had questions for the licensing officer.

The environmental protection officer addressed the sub-committee. Members had questions for the environmental protection officer.

Members expressed concern that there was no representation from the fire brigade, given that the variation application included the use of the basement of the premises for live music and recorded music.

The sub-committee went into closed session from 10.35am to 10.45am to take legal advice.

The sub-committee agreed to hear from the local resident who was in attendance. Members had no questions for the local resident.

The sub-committee also agreed to hear from the applicant. Members had no questions for the applicant.

RESOLVED:

1. That the sub-committee meeting be adjourned until representations from the fire brigade have been received regarding fire safety at the premises as the sub-committee agreed that they could not proceed with this application until such representations have been received.
2. That once representations from the fire brigade have been received, the sub-committee shall be reconvened on a suitable date for all parties.

The meeting closed at 10.50am.

CHAIR:

DATED:



Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 14 June 2012 at 10.00 am at Ground Floor Meeting Room G02B - 160 Tooley Street, London SE1 2QH

PRESENT:	Councillor Jeff Hook (Chair) Councillor Lorraine Lauder MBE Councillor Wilma Nelson
OTHERS PRESENT:	Councillor Rowenna Davis, ward councillor Barry Craig, applicant's representative N. Sameer, applicant Ian Clements, Metropolitan Police Reverend Jonathan Mortimer, local resident Eleanor Bennett, local resident Andrew Dorton, applicant Mark Owen, applicant
OFFICER SUPPORT:	Debra Allday, legal officer David Franklin, licensing officer Dorcas Mills, licensing officer Jayne Tear, licensing officer Andrew Weir, constitutional officer

1. APOLOGIES

Apologies were received from Councillor Sunil Chopra.

2. CONFIRMATION OF VOTING MEMBERS

The three members present were confirmed as voting members. In the absence of the chair, Councillor Jeff Hook, the vice chair of the licensing committee, chaired the sub-committee.

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. GAMBLING ACT 2005 - BETFRED, 143-145 RYE LANE, LONDON SE15 4ST

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

The applicant's representative addressed the sub-committee. Members had questions for the applicant and the applicant's representative.

A representative from the police addressed the sub-committee. Members had questions for the representative from the police.

Ward Councillor Rowenna Davis and local residents addressed the sub-committee. Members had questions for the ward councillor and the local residents.

All parties were given five minutes to sum up.

The sub-committee went into closed session at 12.13pm to consider the application.

The meeting resumed at 1.38pm.

RESOLVED:

The licensing sub-committee having considered the application by Done Brothers (Cash Betting) Limited t/a Betfred for a provisional statement in respect of a betting (other) premises licence at 143-145 Rye lane, London SE15, made the following decision:

That the application for the provisional statement be granted. If a premises licence for these premises were to be issued, the mandatory and default conditions detailed below shall be attached to the premises licence.

Conditions

The following mandatory conditions shall apply:

- 1) The conditions specified in paragraphs (2), (3) and (4) shall be attached to every premises licence.
- 2) The summary of the terms and conditions of the premises licence issued under section 164(1)(c) of the Act shall be displayed in a prominent place within the premises.
- 3) The layout of the premises shall be maintained in accordance with the plan.
- 4) The premises shall not be used for:
 - a) The sale of tickets in a private lottery

- b) The sale of tickets in any other lottery in respect of which the sale of tickets on the premises is otherwise prohibited.
- 5) In this regulation:
- a) A “private lottery” means a private society lottery or a work lottery within the meaning of paragraphs 10 and 11 of Schedule 11 to the Act; and
 - b) A “customer lottery” has the same meaning as in part 3 of schedule 11 to the 2005 Act.

The following mandatory conditions applicable to betting premises licences (other than tracks) will also be attached:

- 1) A notice stating that no person under the age of 18 years is permitted to enter the premises shall be displayed in a prominent place at every entrance to the premises:
 - a) Access to the premises shall be from a street or from other premises with a betting premises licence;
 - b) Without prejudice to sub-paragraph 2) a), there shall be no means of direct access between the premises and other premises used for the retails sale of merchandise or services.
- 2) Subject to anything permitted by virtue of the 2005 Act, or done in accordance with paragraphs 4, 5, 6 and 7 below, the premises shall not be used for any purpose other than for providing facilities for betting.
- 3) Any automated teller machine (ATM) made available for use on the premises shall be located in a place that requires any customer who wishes to use it to leave any gaming machine or betting machine in order to do so.
- 4) No apparatus for making information or other material available in the form of sounds or visual images may be used on the premises, except for apparatus used for the following purposes:
 - a) communicating information about, or coverage of, sporting events, including:
 - i. information relating to betting on such an event; and
 - ii. any other matter or information, including an advertisement, which is incidental to such an event
 - b) communicating information relating to betting no any event (including the result of the event) in connection with which betting transactions may be or have been effected on the premises.
- 5) No publications, other than racing periodicals or specialist betting publications, may be sold or offered for sale on the premises.
- 6) No music, dancing or other entertainment shall be provided or permitted on the premises, save for entertainment provided in accordance with paragraph 5.

- a) No alcohol shall be permitted to be consumed on the premises at any time during which facilities for gambling are being provided on the premises
 - b) A notice stating the condition in sub-paragraph (8) (1) shall be displayed in a prominent place at every entrance to the premises.
- 7) A notice setting out the terms on which customers are invited to bet on the premises shall be displayed in a prominent place on the premises to which customers have unrestricted access.

The following additional conditions as proposed by the applicant and agreed by the sub-committee shall also apply:

- 1) The premises shall be fitted out and operational within six months of the issue of the licence.
- 2) The licensee shall notify the licensing authority when the premises have been fitted out and are ready for operation, so that the licensing authority can inspect the premises. Such notification to the licensing authority shall be given no less than 10 days prior to the premises opening under the licence.
- 3) The premises shall have a CCTV system which shall be operational and recording 24 hours of the day. The position of the cameras shall be agreed with the police licensing team in advance, and shall include a covert pinhole camera on the door, so as to capture a good clear facial image of all persons leaving the premises. If the CCTV system is not working and fully operational, the manager of the premises or a member of staff shall contact the police licensing team immediately and the fault rectified as soon as practicable. If the CCTV is not in full working order after two working days, the premises shall remain closed until the CCTV system is fully operational.
- 4) The medium on which CCTV images are recorded will be clearly identifiable, stored securely and shall be retained for a period of 14 days and shall be made available for inspection by the police or an officer of the licensing authority, upon request.
- 5) Where a person is suspected of using the premises in connection with criminal activity, then the manager of the premises shall inform the police promptly and the licensee's head of compliance.
- 6) Notices shall be prominently displayed on the premises and visible to members of the public stating:
 - a) CCTV is recording on the premises;
 - b) Drugs will not be tolerated and persons found possessing/dealing will be excluded from the premises;
 - c) Drunkenness and those under the influence of drugs will not be tolerated and shall not be permitted to remain on the premises;
 - d) No pay, no play policy shall be implemented, i.e. if customers are not making a bet or using the betting terminals they will not be permitted to remain on the premises.

- 7) Access to the toilets will be managed via a magnetic door lock system approved by the police and shall be operated and controlled by staff.
- 8) Access to the toilets will be managed via a magnetic door lock system approved by the police and shall be operated and controlled by staff.
- 9) The licensee shall adopt a "Challenge 21" policy whereby all customers who appear to be under the age of 21 are asked for proof of their age.
- 10) The licensee shall prominently display notices advising customer of the "Challenge 21" policy.
- 11) The following proofs of age are the only ones to be accepted:
 - a) Proof of age cards bearing the "Pass" hologram symbol
 - b) UK photo driving licence
 - c) Passport.
- 12) The licensee shall maintain a written record of all staff authorised to verify the age of customers, the record to contain the full name and home address of each person so authorised. The staff record shall be made available for inspection by the police or an officer of the licensing authority upon request.
- 13) The licensee shall ensure that each member of staff authorised to verify the age of customers has received adequate training on the law with regard to under age gambling and the procedure if an underage person enters the premises, and, that this is properly documented and training records kept. The training records to be kept on the licensed premises and made available for inspection by the police or an officer of the licensing authority upon request.
- 14) The licensee shall ensure that each member of staff authorised to verify the age of customers is fully aware of his/her responsibilities in relation to verifying a customer's age and is able to effectively question customers and check evidence of proof of age.
- 15) The licensee shall keep a register (refusals book) to contain details of the time and date of under 21 challenges, and the name/signature of the sales person who verified that the person was under age.
- 16) The refusals book shall be kept on the licensed premises and made available for inspection by the police or an officer of the licensing authority upon request.
- 17) All staff shall be trained in the use of the refusals books and are to receive on-going refresher training and this must be recorded in the training logs.
- 18) The licensee shall appoint an appropriate representative, of significant seniority, to meet with the police (and licensing authority) within one month of opening and every 3 months thereafter in order to agree and implement a suitable action plan to tackle any issues relating to the licensing objectives that arise.
- 19) Before opening, the licensee shall supply to the police, licensing authority and to

any other suitably appointed local representatives and/or Ward councillor, the telephone number and email address of the licensee's security department, and shall ensure that such details remain up to date.

- 20) And the licensee shall retain in the premises appropriate contact details for the police, licensing authority and any suitably appointed local representatives and/or ward councillor responsible for the area in which the premises are situated.

The following default condition shall be attached to the licence:

No facilities for gambling shall be provided on the premises between the hours of 10.00pm on one day and 7.00am the next.

The following additional condition as agreed by the licensing-sub-committee shall also apply:

That a representative (from Betfred's area management team) attends each local community council.

Reasons

This was a hearing of an application by Done Brothers (cash betting) Ltd t/a Betfred in respect of the premises at 143-145 Rye Lane for a provisional statement under section 204 of the Gambling Act 2005.

The sub-committee considered all of the representations made and heard representations from the representative of Betfred, the safer neighbourhood team for Peckham Rye, the ward councillor, and the Reverend of the All Saints Church.

Objections were also heard from the safer neighbourhood team for Peckham Rye who raised concerns of criminal activity and anti-social behaviour and believed that the an additional betting shop would encourage this type of behaviour.

The ward councillor, Rowenna Davis made similar representation. Ms Davis was supported by two residents and one local businessman/resident. Whilst the sub-committee acknowledge these concerns, no empirical evidence that could be subject to scrutiny was produced.

Concerns were also raised for the protection of children and other vulnerable persons from being harmed or exploited by gambling. The Reverend of the All Saints made particular reference to this licensing objective and made reference to his debt counselling service. However, the reverend was unable to state how the granting of a provisional licence to Betfred at 143-145 Rye Lane would effect the debt counselling offered.

In their representations made on 31 May 2012 (but received by the sub-committee on 14 June), Betfred proposed a number of conditions that they felt would address the concerns raised by the objections. The sub-committee are in agreement that these conditions will alleviate the objector's fears.

Given that the premises are not as yet operational, the sub-committee believe that a greater dialogue needs to take place by Betfred with the local community and we would

add that a representative (from Betfred's area management team) attends each local community council.

The provisional licence is granted on these terms.

Appeal rights

That the licensee and any person who made relevant representations in relation to the application 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 designated officer 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.

6. LICENSING ACT 2003 - RYE EXPRESS, UNIT 1, 137-139 RYE LANE, LONDON SE15 4ST

The licensing officer advised that this item had now been conciliated as the outstanding representation by the police had been withdrawn.

The meeting closed at 1.45pm.

CHAIR:

DATED:



Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Friday 22 June 2012 at 10.00 am at Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

PRESENT:	Councillor Sunil Chopra (Chair) Councillor Renata Hamvas Councillor David Hubber
OTHERS PRESENT:	Councillor Adele Morris, ward councillor Roger Zogolovitch, applicant Sara Muzio, applicant Gavin Blackburn, applicant
OFFICER SUPPORT:	Adam Beaumont, legal officer Wesley McArthur, licensing officer Sarah Newman, environmental health officer Andrew Weir, constitutional officer

1. APOLOGIES

There were no apologies for absence.

2. CONFIRMATION OF VOTING MEMBERS

The three members present were confirmed as voting members.

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

There were no urgent items of business.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003 - ARCHES 49 - 51 REAR OF UNION STREET, LONDON SE1 0NW

The licensing officer advised the sub-committee that this item had been withdrawn by the applicant.

6. LICENSING ACT 2003 - CATHEDRAL SQUARE / MONTAGUE PLACE, LONDON SE1 3TQ

The licensing officer advised the sub-committee that this item had now been deferred to a meeting scheduled for 11 July 2012 following a meeting between the applicant and the responsible authorities. The licensing officer advised that the applicant would produce a management plan prior to 11 July.

RESOLVED:

That the sub-committee noted the update.

7. LICENSING ACT 2003 - TEMPORARY EVENT NOTICE: ARCHES 49 - 51 AND LAND ADJACENT AT 100 UNION STREET, LONDON SE1 0NL

The licensing officer advised that this item had now been conciliated as the outstanding representation by the environmental protection team had been withdrawn.

The meeting closed at 10.45am.

CHAIR:

DATED:

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Tuesday 26 June 2012 at 10.00 am at Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

PRESENT:	Councillor Sunil Chopra (Chair) Councillor Adele Morris Councillor Althea Smith
OTHERS PRESENT:	Manni Keates, local resident Kim Narayan Taylor, local resident Irene Narayan, local resident Sven Mündner, applicant Frank Boxer, applicant
OFFICER SUPPORT:	Debra Allday, legal officer Samantha Coe, health and safety officer Jayne Tear, licensing officer Dorcas Mills, licensing officer Virginia Wynn-Jones, 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 committee received information about the conciliation meeting related to item 5. The committee noted that item 6 had been withdrawn.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. FRANKS CAFE & CAMPARI BAR, LEVEL 7- 10, PECKHAM MULTI STORY CAR PARK, 95A RYE LANE, LONDON SE15 4ST

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

The applicant addressed the sub-committee. Members had questions for the applicant.

The health and safety officer addressed the sub-committee. Members had questions for the officer.

Local residents addressed the sub-committee. Members had questions for the residents.

All parties had five minutes to sum up.

The committee went into closed session at 10.55am. The meeting re-opened at 11.30am and the chair read out the decision.

RESOLVED:

That the application be granted for:

- Supply of alcohol (for consumption on the premises): Monday to Sunday from 11.00 to 22.30.
- Provision of regulated entertainment being; plays, films, recorded music, performance of dance or anything of a similar description (indoors and outdoors) and live music (indoors): Thursday to Sunday from 18.00 to 22.00.
- Operating hours: Monday to Sunday from 11.00 to 23.00.

The premises licence shall start on 30 June 2012 and finish on 5 October 2012.

The mandatory and default conditions detailed below shall be attached to the premises licence.

Conditions

The following additional conditions as proposed by the applicant and agreed by the sub-committee shall also apply:

1. An SIA door supervisor with a clicker/counter shall be stationed at the one entrance to the premises from 7.00pm every night that the premises is open.
2. The designated premises supervisor shall be on site continuously during opening hours and shall also be responsible for overseeing crowd management.
3. A clear plan highlighting emergency exits shall be prominently displayed visible from any place in the premises.
4. Emergency exits shall be clearly marked with standard emergency exit signs (staircases and ramps).
5. Emergency numbers shall be displayed for all members of staff behind the counter.
6. Access shall be made available for emergency services at all times.
7. Anyone seen attempting to climb the barriers around the premises shall be immediately stopped by a member of staff.

8. The security team shall be fully briefed to closely monitor the crowd and its presence close to the barriers.
9. The designated door supervisor shall stop any client taking anything purchased from the bar outside of the licensed area, where the structural lip is in place.
10. All recorded music from the bar shall be played at a background level only.
11. The premises shall operate the 'Challenge 25' age identification scheme including full staff training and appropriate signage.
12. That any music provided at the premises shall be unamplified.
13. A dedicated telephone number shall be provided for local residents to contact the site manager whilst the premises is in operation.
14. Regular patrols and cleaning of the area immediately outside the premises shall be made.
15. A crowd dispersal strategy shall be implemented to assist with patrons leaving the premises in an orderly and safe manner.
16. Volume control for 'background' recorded music shall be stationed behind the bar, and under the sole control of the designated premises supervisor.
17. Musical performances shall take place on the lower levels of seven and nine. The holes in the structure of the building shall be blocked out temporarily whilst the performance is taking place to reduce the noise escape from the north and east of the premises.
18. The management team for all live music shall sign agreements to uphold all license terms.
19. An enforced rehearsal of all live music shall take place in an afternoon before the performance itself, and a senior member of the events team shall check sound levels from Cerise Road, the location of nearest residents. If these levels are deemed to be unacceptable the performances shall be altered so that the noise levels become acceptable. These rehearsals shall be recorded records of the patrols and all resulting action taken shall be kept on site.
20. A member of the Bold Tendencies events team shall conduct a noise patrol from the top of Cerise Road during the live performances. If they deem the volume is at an unacceptable level for residents they shall contact the management team via radio, who will take appropriate action to reduce the noise level. The noise patrols shall be recorded records of the patrols and all resulting action taken shall be kept on site.
21. An appropriate sloped surface/structure shall be provided to the flat surface of the perimeter wall to the whole of the licensed area in order to discourage and minimise the risk of persons sitting on the surface of the wall and placing objects onto the surface of the wall. The structure must be of appropriate strength and rigidity to withstand potential pressures which may be applied and be appropriately and

substantially fixed, and in such a way that it can not be removed or tampered with by members of the public.

22. The sloped structure/barrier shall inspected daily by a competent person and any defects shall be repaired immediately.
23. No objects or furnishings which would enable easier access/encourage climbing on to the perimeter wall must be placed in the vicinity of the perimeter wall.
24. Dedicated members of staff shall monitor the outside perimeter wall to ensure no one attempts horseplay or to climb onto the wall.
25. Dedicated members of staff shall ensure that empty or unused drink containers and other materials are not allowed to accumulate on or around the perimeter wall.
26. The seating structure shall be constructed and maintained so as to minimise any risk of structural failure or collapse. All demountable temporary structures should be designed and constructed in accordance with the guidance contained in the Institute of Structural Engineers publication 'Temporary Demountable Structures'. The structure shall be inspected by an independent competent person on completion and a certificate obtained to state that the structure has been inspected and is safe and fit for the purpose intended.
27. The electrical installation shall be mechanically and electrically safe and suitable for the intended use of the premises. The electrical installation must be inspected and tested by a competent persons e.g. NICEIC registered contractor and a report detailing the inspection should be obtained. All defects noted in the report must be remedied by a competent person in accordance with the Electricity at Work Regulations 1989 and to the standards laid down in the current edition of the IEE wiring regulations.
28. All portable electrical appliances shall be maintained in a safe condition and suitable for their use. To ensure this they must be inspected and tested by a competent person and appropriate records obtained.
29. All gas appliances and installations to be used on the premises must be inspected and tested by a competent persons who must be GAS SAFE registered engineer before use.
30. Contingency plans should be put in place in case of severe weather such as heavy rain, high winds etc.
31. All pedestrian traffic routes shall be free from any slip or trip hazards.
32. All suspended equipment e.g. roof canopy shall be examined by a competent person to ensure their structural integrity and a record of this inspection made. Adequate controls and fixtures should be in place to prevent the risk of suspended equipment falling.
33. A safe capacity limit shall be set in accordance with the technical standards for places of entertainment and agreed with the council's health and safety team before the day of opening. This limit shall not be exceeded.

34. Areas shall be suitably monitored to avoid localised overcrowding.
35. A counter/ clicker system shall be used by security personnel located at the entrance of the premises to ensure the set accommodation limit is not exceeded.
36. Potable drinking water must be provided to the venue and be made freely available to customers during opening hours.
37. All parts of the premises shall be provided with adequate illumination.
38. All routes of escape to the outside of the building and all those parts of the premises to which the public have access to shall be provided with adequate and assured illumination from two independent supplies and systems.
39. During opening hours all entrances and exits to and from the premises shall be unlocked.
40. The area around the waste pipe to Level 10 outside the equipment storage room where there is waste discharging shall be barriered off or otherwise made safe and free from slip/ trip hazards.
41. That the premises shall serve all beverages in polycarbonate or plastic containers. Under no circumstances is glass to be used.

Reasons

This was an application made by Franks Cafe Limited for a premises licence under s.17 Licensing Act 2003 in respect of premises known as Franks Cafe & Campari Bar, Level 7-10, Multi-Storey car Park, 85A Rye Lane, London SE15 4ST.

A time limited seasonal restaurant and bar has been granted under the Licensing Act 2003 for the last three years.

Representations were received by the council's health and safety team, environmental protection team, licensing team and planning department. Eight representations were received from other persons.

Conciliation took place on 18 June 2012 and the applicant agreed to add an additional 31 conditions.

As a result of the conciliation, the responsible authorities withdrew their representations. A number of the residents withdrew their objections and only one objector attended the licensing sub-committee to make representations.

The objection amounted to the disruption caused by noise to the local residents in addition to the increase of crime and disorder and also, the nuisance caused by littering.

The sub-committee noted that the police did not object to the application.

The environmental protection team is satisfied with the conditions agreed at the conciliation meeting.

The applicant has agreed that music will cease at 22:00 hours, the sale of alcohol will cease at 22:30 hours and the premises will close at 23:00 hours. The application also does not allow for the playing of amplified music and a crowd dispersal strategy is to be implemented.

The sub-committee are of the view that the concerns and objections raised will be adequately addressed by the terms of the conciliation conditions. Therefore, on condition that the safe capacity limit is set as per conciliated condition 35, the application is granted.

Appeal rights

That the licensee and any person who made relevant representations in relation to the application 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 designated officer 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.

6. THE ECLIPSE, 54B SOUTHAMPTON WAY, LONDON SE5 7TT

This item was withdrawn.

The meeting closed at 11.35am.

CHAIR:

DATED:



Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Monday 2 July 2012 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Sunil Chopra (Chair)
Councillor Michael Mitchell
Councillor Abdul Mohamed

OTHERS PRESENT: Councillor Rowenna Davis, ward councillor
Paddy Whimp, applicant
Carl Konadu, applicant

OFFICER SUPPORT: Debra Allday, legal officer
Dorcas Mills, licensing officer
Bola Roberts, constitutional officer

1. APOLOGIES

There were no apologies for absence.

2. CONFIRMATION OF VOTING MEMBERS

The three members present were confirmed as voting members.

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

The licensing officer circulated additional papers to members of the committee and all parties.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

Councillor Sunil Chopra declared that he had a shop in Peckham.

5. GAMBLING ACT 2005 - APPLICATION FOR A BETTING PREMISES LICENCE IN RESPECT OF THE PREMISES KNOWN AS BETFRED, 96 PECKHAM HIGH STREET, SE15 5ED

The licensing officer presented her report. Members had questions.

The applicant addressed the sub-committee. Members had questions.

Councillor Rowenna Davies ward councillor and acting on behalf of residents had questions for the applicant. Members had questions for Councillor Rowenna Davies.

All parties were given five minutes to sum up.

The sub-committee went into closed session at 11.20am

The meeting resumed at 12.10pm

RESOLVED:

That the licensing sub-committee having considered the application by Done Brothers (Cash Betting) Limited t/a Betfred for a grant of a betting (other) premises licence at 96 Peckham High Street, SE15 5ED have granted the application as follows:

.Conditions

The following mandatory conditions shall apply:

- 1) The conditions specified in paragraphs (2), (3) and (4) shall be attached to the premises licence.
- 2) The summary of the terms and conditions of the premises licence issued under section 164(1)(c) of the Act shall be displayed in a prominent place within the premises.
- 3) The layout of the premises shall be maintained in accordance with the plan.
- 4) The premises shall not be used for:
 - (a) The sale of tickets in a private lottery; and
 - (b) The sale of tickets in any other lottery in respect of which the sale of tickets on the premises is otherwise prohibited.

A "private lottery" means a private society lottery or a work lottery within the meaning of paragraphs 10 and 11 of Schedule 11 to the Act; and A "customer lottery" has the same meaning as in Part 3 of schedule 11 to the 2005 Act.

The following mandatory conditions applicable to betting premises licences (other than tracks) will also be attached:

- 1) A notice stating that no person under the age of 18 years is permitted to enter the premises shall be displayed in a prominent place at every entrance to the premises:
 - (a) Access to the premises shall be from a street or from other premises with a betting premises licence
 - (b) Without prejudice to sub-paragraph (2) (1), there shall be no means of direct access between the premises and other premises used for the

retails sale of merchandise or services.

- 4) Subject to anything permitted by virtue of the 2005 Act, or done in accordance with paragraphs 4, 5, 6 and 7 below, the premises shall not be used for any purpose other than for providing facilities for betting.
- 5) Any automated teller machine (ATM) made available for use on the premises shall be located in a place that requires any customer who wishes to use it to leave any gaming machine or betting machine in order to do so.
- 6) No apparatus for making information or other material available in the form of sounds or visual images may be used on the premises, except for apparatus used for the following purposes:
 - (a) Communicating information about, or coverage of, sporting events, including:
 - (i) Information relating to betting on such an event; and
 - (ii) Any other matter or information, including an advertisement, which is incidental to such an event.
 - (b) Communicating information relating to betting no any event (including the result of the event) in connection with which betting transactions may be or have been effected on the premises.
- 7) No publications, other than racing periodicals or specialist betting publications may be sold or offered for sale on the premises.
- 8) No music, dancing or other entertainment shall be provided or permitted on the premises, save for entertainment provided in accordance with paragraph 5.
- 9) No alcohol shall be permitted to be consumed on the premises at any time during which facilities for gambling are being provided on the premises.
- 10) A notice stating the condition in sub-paragraph (8) (1) shall be displayed in a prominent place at every entrance to the premises; and
- 11) A notice setting out the terms on which customers are invited to bet on the premises shall be displayed in a prominent place on the premises to which customers have unrestricted access.

The following default condition shall be attached to the licence:

- 1) That no facilities for gambling shall be provided on the premises between the hours of 10pm on one day and 7am on the next.

The following additional conditions as agreed by the licensing sub-committee shall also apply:

- 1) The premises shall be fitted out and operational within 6 months of the issue of the

licence.

- 2) The licensee shall notify the licensing authority when the premises have been fitted out and are ready for operation, so that the licensing authority can inspect the premises. Such notification to the licensing authority shall be given no less than 10 days prior to the premises opening under the licence.
- 3) CCTV Conditions:
 - 3.1) The premises shall have a CCTV system which shall be operational and recording twenty hour hours of the day. The position of the cameras shall be agreed with the police licensing team in advance, and shall include a covert pinhole camera on the door, so as to capture a good clear facial image of all persons leaving the premises. If the CCTV system is not working and fully operational, the manager of the premises or a member of staff shall contact the police licensing team immediately and the fault rectified as soon as practicable. If the CCTV is not in full working order after two working days, the premises shall remain closed until the CCTV system is fully operational.
 - 3.2) The medium on which CCTV images are recorded will be clearly identifiable, stored securely and shall be retained for a period of 31 days and shall be made available for inspection by the police or an officer of the licensing authority, upon request.
- 4) Where a person is suspected of using the premises in connection with criminal activity, then the manager of the premises shall inform the police promptly and the licensee's Head of Compliance.
- 5) Notices shall be prominently displayed on the premises and visible to members of the public stating:
 - a) CCTV is recording on the premises;
 - b) Drugs will not be tolerated and persons found possessing/dealing will be excluded from the premises;
 - c) Drunkenness and those under the influence of drugs will not be tolerated and shall not be permitted to remain on the premises;
 - d) No Pay, No Play Policy shall be implemented, i.e. if customers are not making a bet or using the betting terminals they will not be permitted to remain on the premises.
- 6) Access to the toilets will be managed via a magnetic door lock system approved by the police and shall be operated and controlled by staff.
- 7) Magnetic locks will be fitted and in working order on the main front doors of the premises and shall be controlled by staff.
- 8) The licensee shall adopt a "Challenge 21" policy whereby all customers who appear to be under the age of 21 are asked for proof of their age.
- 9) The licensee shall prominently display notices advising customer of the "Challenge 21" policy.

- 10) The following proofs of age are the only ones to be accepted:
 - Proof of age cards bearing the "Pass" hologram symbol
 - UK Photo Driving Licence
 - Passport.
- 11) The licensee shall maintain a written record of all staff authorised to verify the age of customers, the record to contain the full name and home address of each person so authorised. The staff record shall be made available for inspection by the police or an officer of the licensing authority upon request.
- 12) The licensee shall ensure that each member of staff authorised to verify the age of customers has received adequate training on the law with regard to under age gambling and the procedure if an underage person enters the premises, and, that this is properly documented and training records kept. The training records to be kept on the licensed premises and made available for inspection by the police or an officer of the licensing authority upon request.
- 13) The licensee shall ensure that each member of staff authorised to verify the age of customers is fully aware of his/her responsibilities in relation to verifying a customer's age and is able to effectively question customers and check evidence of proof of age.
- 14) The licensee shall keep a register (refusals book) to contain details of the time and date of Under 21 Challenges, and the name/signature of the sales person who verified that the person was under age.
- 15) The refusals book shall be kept on the licensed premises and made available for inspection by the police or an officer of the licensing authority upon request.
- 16) All staff shall be trained in the use of the refusals books and are to receive on-going refresher training and this must be recorded in the training logs.
- 17) The licensee shall appoint an appropriate representative, of significant seniority, to meet with the police (and licensing authority) within one month of opening and every three months thereafter in order to agree and implement a suitable action plan to tackle any issues relating to the licensing objectives that arise.
- 18) Before opening, the licensee shall supply to the police, licensing authority and to any other suitably appointed local representatives and/or ward councillor, the telephone number and email address for the licensee's security department, and shall ensure that such details remain up to date.
- 19) The licensee shall retain in the premises appropriate contact details for the police, licensing authority and any suitably appointed local representatives and/or ward Councillor responsible for the area in which the premises are situated.

Reasons

This was an application by Done Brothers (cash betting) Ltd t/a Betfred in respect of the premises at 96 Peckham High Street, SE15 5ED for a premises licence under section 150

of the Gambling Act 2005.

The sub-committee considered all of the representations made and heard representations from the representative of Betfred.

Written objections were received from Sergeant Dickinson, the sergeant for the local safer neighbourhood team, who raised concerns of criminal activity and anti-social behaviour and believed that an additional betting shop would encourage this type of behaviour. 12 other representations were received. The sub-committee rejected the representation from Party 8 as it referred only to the betting shop on Rye Lane, when this application related to Peckham High Street.

The ward councillor objected on the basis of the increase of crime and disorder and the protection of children and vulnerable persons from harm. The sub-committee acknowledge these concerns, but concluded that there was no empirical evidence that could be subject to scrutiny was produced.

In their representations made on 22 June 2012, Betfred proposed a number of conditions that they felt would address the concerns raised by the objectors. It was accepted by Betfred that licence condition 3.2 should be amended from 14 days to 31 days. The sub-committee are in agreement that these conditions will alleviate the objectors' fears. The sub-committee believe that a greater dialogue needs to take place by Betfred with the local community and we would add that a representative (from Betfred's area management team) attends each local community council.

The premises licence is granted on these terms.

Appeal rights

That the licensee and any person who made relevant representations in relation to the application 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 designated officer 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.

The meeting closed at 12.15pm.

CHAIR:

DATED:



Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Wednesday 11 July 2012 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

PRESENT:	Councillor Sunil Chopra (Chair) Councillor Michael Bukola Councillor the Right Revd Emmanuel Oyewole
OTHERS PRESENT:	Elsbeth Baader, applicant Alexander Larcher, applicant David Grolimund, applicant
OFFICER SUPPORT:	Debra Allday, legal officer Alan Blissett, environmental protection officer Samantha Coe, environmental protection officer Andrew Weir, constitutional officer

1. APOLOGIES

There were no apologies for absence.

2. CONFIRMATION OF VOTING MEMBERS

The three members present were confirmed as voting members.

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. CATHEDRAL SQUARE/MONTAGUE PLACE, LONDON SE1 3TQ

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

The principal environmental protection officer addressed the sub-committee. Members had questions for the environmental protection officer.

The applicant addressed the sub-committee. Members had questions for the applicant.

All parties were given five minutes to sum up.

The sub-committee went into closed session at 11.23am to consider the application.

The meeting resumed at 12.09pm.

RESOLVED:

The licensing sub-committee having considered the application by made by House of Switzerland for a time limited premises licence (start date 20 July 2012, finish date 12 August 2012) under the Licensing Act 2003 in respect of the premises known as Cathedral Square / Montague Place, London SE1 3TQ have granted the applications as follows:

Licensable Activity	Days of the week	Hours of operation
Films	Monday to Sunday	16:00 – 20:00
Wrestling	Saturday to Sunday	09:00 – 22:00
Live music	Tuesday to Sunday	12:00 – 22:00
Recorded music	Monday to Sunday	09:00 – 22:00
Performance of dance	Monday to Sunday	12:00 – 22:00
Anything similar	Monday to Sunday	10:00 – 22:00
Provision of facilities for making music	Monday to Sunday	09:00 – 22:00
Provision of facilities for dancing	Monday to Sunday	09:00 – 22:00
Provision of facilities for entertainment of a similar description	Monday to Sunday	09:00 – 22:00
Supply of alcohol	Monday to Sunday	11:00 – 23:00
Opening hours	Monday to Sunday	09:00 – 23:00

Conditions

The following additional conditions as proposed by the council's health and safety team and agreed by the sub-committee shall also apply:

1. The stage, seating and other temporary structures shall be constructed and maintained so as to minimise any risk of structural failure or collapse. All demountable temporary structures should be designed and constructed in accordance with the guidance contained in the Institute of Structural Engineers publication 'Temporary Demountable Structures'. The structure shall be inspected by an independent competent person on completion and a certificate obtained to state that the structure has been inspected and is safe and fit for the purpose intended.
2. The electrical installation shall be mechanically and electrically safe and suitable for the intended use of the premises. The electrical installation must be inspected and tested by a competent person e.g. NICEIC registered contractor and a report detailing the inspection should be obtained. All defects noted in the report must be remedied by a competent person in accordance with the Electricity at Work regulations 1989 and to the standards laid down in the current edition of the IEE wiring regulations.
3. All portable electrical appliances must be maintained in a safe condition and suitable for their use. To ensure this they must be inspected and tested by a competent person and appropriate records obtained.
4. All gas appliances and installations to be used on the premises must be inspected and tested by a competent person who must be a Gas Safe registered engineer before use.
5. Contingency plans should be put in place in case of severe weather such as heavy rain, high winds etc. Regard must be had of the safety of temporary structures in adverse weather conditions and high winds.
6. All pedestrian traffic routes shall be free from any slip or trip hazards.
7. All suspended equipment, e.g. stage lighting/speakers should be examined by a competent person to ensure their structural integrity and a record of this inspection made. Adequate controls and fixtures should be in place to prevent the risk of suspended equipment falling.
8. The maximum number of persons shall be admitted to the following areas:
 - Cathedral Square and Montague Close - 1,479 persons
 - Cathedral square - 479 persons
 - Monague Close – 1,380 persons
 - The whole site, including businesses within the boundary - 6,000. It has also been agreed that once numbers to the site reach 5,500 then measure will be put in place to ease further entrance of visitors.

These numbers are based on spatial capacity and may need to be reduced as

necessary to ensure safe evacuation of the site. These numbers must not be exceeded to ensure all areas are not subjected to localised overcrowding.

9. A counter/clicker system will be used by security personnel located at both entrances at Montague Close and at Cathedral Square to ensure the maximum occupancy figure of both areas are not exceeded.
10. Potable drinking water must be provided to the venue and be made freely available to customers on request during opening hours.
11. That the premises will serve all beverages in polycarbonate or plastic containers. Under no circumstances is glass to be used. Adequate measures shall be put in place to ensure that no glass containers are brought onto the site, apart from residents wearing their accreditation badges and immediately leaving the site.
12. An adequate number of suitably trained and competent SIA security and stewards should be provided at key points, for the purposes of maintaining order and managing crowd activity. As a minimum this should be to the levels stated in the event management plan and additional staff brought in as necessary in accordance with your dynamic risk assessments or when circumstances demand it. The stewards shall not be less than 18 years of age and adequately instructed in their duties, briefed thoroughly before the performance starts and shall wear distinctive dress. They shall be controlled from a central point, equipped with suitable means of communication and be under the control of senior stewards. Whilst on duty they shall not be engaged in any other activities which would prevent them from carrying out these functions. All stewards shall exercise proper control over the audience and shall ensure no overcrowding in any part of the premises.
13. A minimum of two first aiders must be on site during event opening times. Additional first aiders should be made available if your risk assessment dictates it.
14. All exit routes shall be clearly indicated by appropriate 'EXIT/RUNNING MAN' signage at a level which can be clearly seen in a crowd and adequately illuminated.
15. Suitable notices shall be provided throughout the premises to indicate clearly the location of all available services and facilities such as toilets, refreshments, drinking water, first aid points etc.
16. An adequate number of toilets and hand washing facilities be provided in accordance with your assessment and guidance in the HSE 'Event Safety Guide'.
17. A competent safety officer/ co-ordinator shall be appointed who has the overall control and authority to stop the event if required for safety reasons.
18. Adequate measures must be put in place to the additional entry points at the staircase to London Bridge, Pizza Express, walkway entrance behind Southwark Cathedral and the entrance adjacent to Bridge House and a counter/clicker system will be used by security personnel and to ensure the maximum occupancy figure is not exceeded. Two security personnel will man each entry point and the searching policy will also be extended to cover these entry points.

19. All barriers must be of suitable strength and capable of withstanding anticipated crowd pressures
 20. Risk assessments must be carried out for different events/ activities such as the 'Schwingen' and the capacity of the affected areas be reduced as necessary and in compliance with the technical standards for places of entertainment.
- The following additional condition as agreed by the sub-committee shall also apply:
- That the clear signage (as referred to in paragraph 15 of the schedule of conditions) will be in multiple languages.

Reasons

This was an application made by the House of Switzerland for the grant of a (time limited) premises licence under Section 17 of the Licensing Act 2003 in respect of premises known as Cathedral Square/Montague Square, London SE1 3TQ.

Representations were received from the council's trading standards service, environmental protection team, health and safety team and also the police licensing service.

No representations were received from the London Fire and Emergency Planning Authority or local residents.

Three conciliation meetings have taken place which resulted in the representations from the council's trading standards service, environmental protection team and police licensing service being withdrawn. The only matter in dispute related to health and safety, which the sub-committee were required to consider.

The sub-committee heard representations from the House of Switzerland in addition to the environmental protection team officer, who provided a technical presentation of the matters conciliated. The health and safety officer acknowledged that the matters that raised concern had in large been conciliated and provided members with a schedule of 20 conditions.

The sub-committee were of the view that the concerns raised by the council's health and safety officer would be adequately addressed by the terms of the schedule of conditions presented to the panel. However, due concerns public safety and that of crime and disorder at the staircase to London Bridge, Pizza Express, walkway entrance behind Southwark Cathedral and the entrance adjacent to Bridge House, paragraph 21 of the conditions is amended to read:

Adequate measures must be put in place to the additional entry points at the staircase to London Bridge, Pizza Express, walkway entrance behind Southwark Cathedral and the entrance adjacent to Bridge House and a counter/clicker system will be used by security personnel and to ensure the maximum occupancy figure is not exceeded. 2-security personnel will man each entry point and the searching policy will also be extended to cover these entry points.

An additional condition is to be added that the clear signage (as referred to in paragraph 15 of the schedule of conditions) will be in multiple languages.

On this basis, the application is granted.

Appeal rights

That the licensee and any person who made relevant representations in relation to the application 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 designated officer 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.

The meeting closed at 12.14pm.

CHAIR:

DATED:

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Tuesday 24 July 2012 at 10.00 am at Ground Floor Meeting Room G02B - 160 Tooley Street, London SE1 2QH

PRESENT:	Councillor Sunil Chopra (Chair) Councillor Wilma Nelson Councillor Ian Wingfield
OTHERS PRESENT:	Mark Axford, The Good Intent Patrick Ryan, The Good Intent Michael Carolan, The Good Intent Paul Mangan, The Good Intent
OFFICER SUPPORT:	Felix Rechtman, legal officer David Paabo, legal officer David Swaby, licensing officer Dorcas Mills, Principal Licensing Officer Ken Dale, anti-social behaviour officer Bill Masini, trading standards officer Virginia Wynn-Jones, 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 agreed to accept two late and urgent documents related to item 5.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003 – THE GOOD INTENT, 24 EAST STREET, LONDON SE17 2DN

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

The trading standards officer and his witness addressed the sub-committee. Members had

questions for the officer.

The representative of Southwark Council as a licensing responsible body addressed the sub-committee. Members had questions for the officer.

The representatives of The Good Intent addressed the sub-committee. Members had questions for the representatives. The legal officer had questions for the representatives.

RESOLVED:

The licensing sub-committee having had regard to the application by the trading standards unit for a review of the premises licence granted under the Licensing Act 2003 to Thorn Taverns Ltd in respect of the premises known as The Good Intent, 24 East Street, London SE17 and having had regard also to all other relevant representations has decided it is necessary for the promotion of the licensing objectives to revoke the licence.

Reasons

This was a hearing of the licensing sub-committee of an application by the council's trading standards department for a review of the premises licence of the premises known as The Good Intent, London SE17 under section 51 of the act.

At the outset of the hearing, an issue arose in relation to who the current licensees were. At the time the review application was made in May 2012, the premises licence was held by a company called Thorn Taverns Ltd. Following the review application, on 13 July 2012 the council's licensing service received an application for a transfer of the licence from Thorn Taverns to Mr Michael Carolan with immediate effect. During the hearing, it became clear that while on paper the licence was in the name of Thorn Tavern Ltd, that in practice the licence was held de facto by Mr Michael Carolan and Mr Michael Mangan. This was based on evidence that throughout the period that Thorn Taverns held the licence, Mr Carolan and Mr Mangan continued managing the premises, collecting monies from the premises three times a week and also based on Mr Ryan's evidence (the DPS), that Mr Carolan and Mr Mangan were his direct managers and were the only people he had contact with and complained to about the ongoing problems.

In view of the above, the sub-committee concluded that Mr Carolan and Mr Mangan were de facto the licensees in relation to this premises throughout the period and noted that the licence was transferred to Mr Carolan on 13 July 2012, but that the visit to the premises by Kenneth Dale, further details of his evidence below, was on 14 July 2012, after the said transfer.

The sub-committee heard evidence from the council's trading standards department that the premises were in breach of different pieces of legislation, by (i) selling counterfeit vodka, selling counterfeit cigarettes, (ii) selling illegal and pornographic DVDs, (iii) allowing smoking on the premises, (iv) allowing gambling on the premises and (v) the use of short measures. None of these allegations were disputed by the licensee, and in evidence, both Mr Ryan and Mr Carolan accepted that such activities took place at the premises. In light of that evidence, the sub-committee found that the premises had clearly been allowing such illegal activities as per above and that the premises clearly were mismanaged.

The sub-committee then heard evidence from the council's licensing service as a

responsible authority that the premises also undermined the crime and disorder objective in the Licensing Act by allowing the premises to be used for the purpose of the sale and supply of Class A drugs such as crack cocaine, cocaine and possibly heroin. The sub-committee also heard from Kenneth Dale, from the council's anti-social behaviour unit, who visited the premises on two separate occasions and during these visits Mr Dale witnessed illegal smoking, and found substantial evidence indicating Class A drug use and sale. In light of all the evidence presented by the licensing service, the sub-committee found that the premises did allow open supply and sale of Class A drugs without putting any measures in place to prevent such illegal conduct.

The sub-committee next heard from Mr Carolan that they are now aware of all the problems and intend to introduce changes such as removal of the DPS and increased co-operation with the responsible authorities. The sub-committee found that there was conflict in Mr Carolan's evidence and that on one hand he indicated that he was not aware of the drug problems until very recently but when he was questioned about the issue by councillors, he made it clear that he was aware of the problem but thought that the problem was not serious. Mr Carolan was asked whether he has seen any of the illegal activities when he visited the premises three times a week to collect the money, and Mr Carolan gave a vague answer that he would 'just go in, collect the money and leave immediately'. In the circumstances the sub-committee found that Mr Carolan was aware of the illegal activities.

In the circumstances, the sub-committee found that there is clear evidence that the premises were mismanaged by the DPS, by Thorn Taverns Ltd and by Mr Carolan and Mr Mangan throughout the relevant period. The sub-committee found that the premises clearly had been operated in a way that undermines the crime prevention objective in the Act. The sub-committee found this to be extremely serious, especially in light of the fact that the premises are adjacent to a large estate in which many families with children live, as well as older people.

The sub-committee also note paragraphs 11.29 and 11.30 in the amended guidance issued by the Home Office under Section 182 of the Licensing Act 2003, which states "where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation – even in the first instance – should be considered." In light of this guidance, and in light of the findings referred to above whereby the sub-committee judged that the crime prevention objective is being breached, the sub-committee found it necessary in this instance to revoke this licence.

Appeal rights

This decision is open to appeal by either:

- a) The applicant for the review
- b) The premises licence holder or
- c) Any other person who made relevant representations in relation to the application.

Such appeal must be commenced by notice of appeal to the justice's chief executive for the magistrates' court for the area within a period of 21 days beginning with the day on which the appellant was notified by this licensing authority of the decision.

This decision does not have effect until either:

- a) The end of the period for appealing against this decision; or
- b) In the event of any notice of appeal being given, until the appeal is disposed of.

The meeting closed at 1.00pm.

CHAIR:

DATED:



Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Monday 30 July 2012 at 11.00 am at Room 25, Southwark Learning and Business Centre, Cator Street, London SE15 6AA

PRESENT:	Councillor Sunil Chopra (Chair) Councillor Jeff Hook Councillor Lorraine Lauder MBE
OTHERS PRESENT:	Brook Anderson, applicant Graham Hopkins, applicant's agent Linda Potter, applicant's party Ms D Brand, applicant's party Mr John Brunton, Herne Hill Society Martin Noyle on behalf of local resident Anna Box, local resident Jackie Ede, local resident Margaret Bailey, local resident Councillor Toby Eckersley, ward councillor Councillor Michael Mitchell, ward councillor
OFFICER SUPPORT:	Richard Parkins, licensing officer Dorcas Mills, licensing officer Sarah Newman, environmental health officer David Paabo, legal officer Everton Roberts, constitutional officer

1. APOLOGIES

There were no apologies for absence.

2. CONFIRMATION OF VOTING MEMBERS

Those members listed as present were confirmed as the voting members for the meeting.

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

There were no late items.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were no disclosures of interests or dispensations.

5. LICENSING ACT 2003 - DEE DEE'S, 77 HERNE HILL, LONDON SE24

The following documents were circulated at the meeting:

- Photographs of the premises
- Conciliation statement dated 19 July 2012
- Email from the planning enforcement team manager.

The sub-committee heard representations from the licensing officer. There were no questions for the licensing officer.

The sub-committee then heard representations from the applicant's representative and the applicant. The sub-committee, licensing officer and legal officer put questions to the applicant.

The sub-committee then heard representations from objectors to the application. The sub-committee put questions to the objectors.

The sub-committee then heard representations from Councillor Toby Eckersley, in his capacity as local ward councillor.

Following the hearing of the representations, the applicant, the licensing officer and the objectors were invited to sum up.

At 1.00pm it was moved, seconded and resolved that the press and public be excluded from the meeting to allow the sub-committee to consider the evidence.

At 2.45pm the public were readmitted to the meeting and informed of the sub-committee's decision as follows:

RESOLVED:

That having considered the application made by Mr Brook Anderson to vary the premises licence granted under the Licensing Act 2003 in respect of the premises known as Dee Dee's, 77 Herne Hill, London SE24 be agreed as follows:

1. That the opening hours be extended to 11.30pm Monday – Saturday and 11.00pm on Sunday. There will be no extended hours for non standard timings.
2. That the hours for the sale of alcohol be extended to 11.00pm Monday – Saturday and 10.30pm on Sunday. There will be no non standard timings.
3. That the premises be permitted to have live music Friday – Saturday 6.00pm – 9.30pm and on Sundays from 12 noon until 3.00pm and from 6.00pm to 9.30pm. There will be no non standard timings.
4. That recorded music be permitted to 11.00pm Monday – Saturday and 10.30pm on Sunday. There will be no non standard timings.

5. That no further drinks or food to be taken outside after 10.00pm.
6. That it be noted that a large number of conditions were agreed between the applicant and responsible authorities & residents at conciliation and conditions to reflect these agreements be placed on the licence.
7. That the conditions sought to be removed from the licence by the applicant be removed as these are no longer necessary.

In making the above determination, the sub-committee paid particular attention to preventing nuisance affecting residents, whilst seeking to accommodate the variation application where possible. The above conditions are considered the most appropriate, proportionate and necessary in meeting the licensing objectives in the context of this application.

Reasons

This was an application to vary the premises license for Dee Dee's situated at 77 Herne Hill, London SE24. The variation application sought longer hours for the sale of alcohol and to introduce live music and recorded music and to also extend the opening hours of the premises. The application received a significant number of resident objections, namely 35 residents filed representations objecting to the application. A conciliation meeting followed between the license holder and the residents. The license holder thereafter reduced the hours it sought for each of the above licensable activities and to reduce the opening hours sought. Discussions also took place between the licence holder and the responsible authorities. This had the effect of a number of conditions being agreed and the representations of the responsible authorities withdrawn.

The sub-committee heard from the applicant and his representative and was satisfied that he is a responsible manager and is endeavouring to satisfy the complaints of residents as reasonably practicable. In particular the applicant says that he intends for the premises to be a small jazz bar playing live music and also providing recorded music and restaurant type food.

The applicant said that the sound proofing to the premises is satisfactory. The sub-committee accepted that measures are in place to prevent sound escaping, for example double glazed doors. However the sub-committee was particularly concerned that noise could escape through the open doors when people enter and exit the premises. The sub-committee heard from the residents that such noise does and will cause significant noise nuisance in a highly residential area. Further noise arising from patrons using the front of the premises also presented a significant source of noise nuisance.

The sub-committee heard from a number of residents who raised a number of significant complaints. The residents, by way of summary, indicated that they would prefer the premises to remain as a restaurant and to stick to current hours. It was noted that a large number of the residents attended the hearing and it was clear to the sub-committee that the residents were seriously concerned by the current and future activities of the premises.

The sub-committee had heard from the licensing department officer who made representation and noted that the measures suggested by the applicant were appropriate and the licence should be granted.

Having heard from the parties, the sub-committee decided to partially grant the application in its amended form. The sub-committee made the orders in order to meet the licensing objectives, in particular public nuisance by way of noise in a highly residential area where residents are extremely concerned about these premises.

Appeal rights

That the licensee and any person who made relevant representations in relation to the application 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 designated officer 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.

The meeting ended at 2.50pm.

CHAIR:

DATED:



Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Friday 10 August 2012 at 11.00 am at Room 25, Southwark Learning and Business Centre, Cator Street, London SE15 6AA

PRESENT: Councillor Sunil Chopra (Chair)
Councillor Dora Dixon-Fyle
Councillor Renata Hamvas

OTHERS PRESENT: Barry Craig, representative of licencees
Bithilingham Santhakumar, licencee
Ehaparam Jeyathas, licencee
O. Scharschmidt, local resident supporting premises
Olu Adedokun, local resident supporting premises
Samuel Adam, local resident supporting premises
Milton Clarke, local resident supporting premises
Francis Owuzu, local resident supporting premises

OFFICER SUPPORT: David Paabo, legal officer
Roy Fielding, licensing officer
Dorcas Mills, licensing officer
Bill Masini, trading standards officer

1. APOLOGIES

There were no apologies for absence.

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

There were none.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003 - COMMERCIAL WINE, 266 COMMERCIAL WAY, LONDON SE15 1PU

A petition and letters from members of the public in support of the premises were circulated, following the agreement of all parties.

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

The trading standards officer addressed the sub-committee. Members had questions for the officer.

The representative of Southwark Council as a responsible body addressed the sub-committee. Members had questions for the officer.

The representatives of Commercial Wine addressed the sub-committee. Members had questions for the representatives of Commercial Wine. The trading standards officer and the legal officer also had questions for the representatives of Commercial Wine.

All parties were given five minutes to sum up.

The sub-committee went into closed session at 12.55pm to consider the application.

The meeting resumed at 1.55pm.

RESOLVED:

The council's licensing sub-committee, having had regard to the application by trading standards unit for a review of the premises granted under the Licensing Act 2003 to Bithilingham Santhakumar and Ehaparam Jeyathas in respect of the premises known as Commercial Wine, 266 Commercial Way, London SE15 1PU and having had regard also to all other relevant representations has decided it necessary for the promotion of the licensing objectives to:

- suspend the licence for a period of six weeks.

Reasons

This is an application for the review of the above premises licence.

The review has been brought by the trading standards office of the council.

The undisputed evidence is that there were four failings at the premises. Two of these failings relate to the sale of alcohol to 15 year olds in December 2011 and February 2012. The other two failings relate to the sale of alcohol beyond the time permitted on the licence.

The evidence before the sub-committee shows significant failings of the licence holders in

addressing the licensing objectives of the protection of children from harm and the prevention of crime and disorder. In particular, the sub-committee was concerned that alcohol was sold to 15 year old children following letters and site visits from the licensing department of the council to assist the premises in operating within the law.

Some trading standard evidence before the sub-committee was disputed by the licence holder. However, the sub-committee did not need to decide conclusively on matters where the version of events differed. This is because the undisputed evidence showed that the management of the premises failed on a number of occasions to prevent after hour sales and under age sales.

The sub-committee has taken into account the council's statement of licensing policy, which contains detailed information on measures which premises should initiate to prevent underage sales. In particular, the requirement to have in place a strict proof of age compliance scheme, namely Challenge 25. In addition, the sub-committee noted that paragraph 11.29 of the statutory guidance says that underage sales should be treated very seriously.

The sub-committee accepted that the licence holder, in mitigation, has implemented some measures to address the failings, and also that the licence holder has been through a difficult period in relation to his family. Therefore, the sub-committee has not decided to revoke the licence.

The sub-committee has decided that the premises require significant improvement in training and preventing underage sales, in order to meet the licensing objectives. Therefore, the sub-committee has decided to suspend the licence for a period of six weeks. This will enable the licence holder to undertake and implement measures to address the previous failings. The sub-committee considers this decision the most appropriate, proportionate and reasonable.

The sub-committee strongly recommends that a licence holder be present in the store at all times that the store is open. The sub-committee has strong concerns that the second licence holder is rarely on the premises therefore, an additional licence holder may be appropriate. In addition, the sub-committee considers record keeping must be improved in relation to challenged sales. Finally, the sub-committee strongly recommends proper training be undertaken during the period of suspension so that the licence need not be reviewed again.

Appeal rights

This decision is open to appeal by either:

- a) The applicant for the review;
- b) The premises licence holder; or
- c) Any other person who made relevant representations in relation to the application

Such appeal must be commenced by notice of appeal given by the appellant to the justices chief executive for the magistrates court for the area within the period of 21 days beginning with the day on which the appellant was notified by this licensing authority of the decision.

This decision does not have effect until either

- a) The end of the period for appealing against this decision; or
- b) In the event of any notice of appeal being given, until the appeal is disposed of.

The meeting ended at 2.00pm.

CHAIR:

DATED:

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Friday 17 August 2012 at 10.00 am at Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

PRESENT:	Councillor Sunil Chopra (Chair) Councillor David Hubber Councillor Althea Smith
OTHERS PRESENT:	Gavin Evans, applicant Alun Thomas, applicant's agent
OFFICER SUPPORT:	Wesley McArthur, licensing officer David Paabo, legal officer Everton Roberts, constitutional officer

1. APOLOGIES

There were no apologies for absence.

2. CONFIRMATION OF VOTING MEMBERS

Those members listed as present, were confirmed as the voting members for the meeting.

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

There were no late items.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were no disclosures of interests or dispensations.

5. LICENSING ACT 2003 - MILLENNIUM DIAMOND, CHERRY GARDEN PIER, BERMONDSEY WALL EAST, LONDON SE16 4TU

The licensing officer presented his report. He advised the sub-committee that the interested party was unable to attend the meeting, however he had stated that he wished for his representations to still be considered.

The sub-committee heard representations from the applicant and the applicants agent. The sub-committee asked questions of the applicant. Following questions, the applicant was invited to sum up.

At 10.34am it was moved, seconded and resolved that the press and public be excluded from the meeting to allow the sub-committee to consider the evidence.

At 10.57am the public were readmitted to the meeting and informed of the sub-committee's decision as follows:

RESOLVED:

That the application made by City Cruises Ltd for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as the Millennium Diamond, Cherry Garden Pier, Bermondsey Wall East, London SE16 4TU be granted as follows:

Licens- able Activity	Mon	Tues	Wed	Thur	Fri	Sat	Sun
(b) Films	10:00 – 02:00	10:00 – 02:00	10:00 – 02:00	10:00 – 02:00	10:00 – 02:00	10:00 – 02:00	10:00 – 02:00
(e) Live Music	10:00 – 02:00	10:00 – 02:00	10:00 – 02:00	10:00 – 02:00	10:00 – 02:00	10:00 – 02:00	10:00 – 02:00
(f) recorded music	10:00 – 02:00	10:00 – 02:00	10:00 – 02:00	10:00 – 02:00	10:00 – 02:00	10:00 – 02:00	10:00 – 02:00
(g) perform- ances of dance	10:00 – 02:00	10:00 – 02:00	10:00 – 02:00	10:00 – 02:00	10:00 – 02:00	10:00 – 02:00	10:00 – 02:00
(h) Anything of a similar descrip- tion to (e), (f) or (g)	10:00 – 02:00	10:00 – 02:00	10:00 – 02:00	10:00 – 02:00	10:00 – 02:00	10:00 – 02:00	10:00 – 02:00
(i) provision of facilities for making music	10:00 – 02:00	10:00 – 02:00	10:00 – 02:00	10:00 – 02:00	10:00 – 02:00	10:00 – 02:00	10:00 – 02:00
(j) Provision of facilities for dancing	10:00 – 02:00	10:00 – 02:00	10:00 – 02:00	10:00 – 02:00	10:00 – 02:00	10:00 – 02:00	10:00 – 02:00

Licensable Activity	Mon	Tues	Wed	Thur	Fri	Sat	Sun
(k) provision of facilities for entertainment of a similar description to (i) or (j)	10:00 – 02:00	10:00 – 02:00	10:00 – 02:00	10:00 – 02:00	10:00 – 02:00	10:00 – 02:00	10:00 – 02:00
(l) late night refreshment	23:00 – 02:00	23:00 – 02:00	23:00 – 02:00	23:00 – 02:00	23:00 – 02:00	23:00 – 02:00	23:00 – 02:00
(m) supply of alcohol	10:00 – 02:00	10:00 – 02:00	10:00 – 02:00	10:00 – 02:00	10:00 – 02:00	10:00 – 02:00	10:00 – 02:00
(o) hours premises are open to the public	10:00 – 02:00	10:00 – 02:00	10:00 – 02:00	10:00 – 02:00	10:00 – 02:00	10:00 – 02:00	10:00 – 02:00

Conditions

In addition to the hours granted above, the following conditions will apply:

1. There shall be no promoted events at the premises. A promoted event is an event involving music and dancing where the musical entertainment is provided at any time between 23:00 and 07:00 by a disc jockey or disc jockeys one or some of whom are not employees of the premises licence holder and the event is promoted to the general public.
2. When the premises is in operation and regulated entertainment is being provided and the terminal hour for any particular event is greater than 00:00 then the premises will employ the services of security personnel registered with the Security Industry Authority (SIA). The designated premises supervisor will be responsible for recording the details of all security personnel, to include SIA badge number employing company and time they commenced work at the premises. This will be recorded and made available for inspection by police or other authorised officer on request.
3. The security personnel will be employed solely for the purpose of security screening, crowd management, conflict management and to facilitate the safe entry and exit from the premises. The security personnel will be employed solely for the above

purposes and should not have any other or additional responsibility with regard to the operation of the vessel. They will be employed by the premises and not by any outside promoter or any other persons hiring the premises.

4. All staff involved with the sale of alcohol shall have regular training with regard to their responsibilities under the licensing act 2003. A record of this training will be maintained and made available for inspection on request of the police or other authorised officer.
5. There shall be no embarkation or disembarkation of customers and/or passengers from the vessel via Cherry Garden Pier after 00:15 on any day or via Butlers Wharf or Bankside Piers after 23:00 on any day.
6. The premises shall operate an agecheck '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, passport or a PASS approved proof of age card such as the Southwark Proof of Age (SPA) card.
7. All staff involved in the sale of alcohol shall be trained in the agecheck 'Challenge 25' policy. A record of their training, including the dates that each member of staff is trained, shall be available for inspection at the premises on request by the council's authorised officers or the police.
8. Agecheck or 'Challenge 25' signage shall be displayed at entrances to the premises, areas where alcohol is displayed for sale and at points of sale to inform customers that an agecheck 'Challenge 25' policy applies and proof of age may be required.
9. 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.

Reasons

This was an application for a premises licence for the boat, 'Millennium Diamond'. The place of usual mooring is Cherry Garden Pier SE16 and for this reason the premises licence was sought in respect of that location notwithstanding the intention to conduct cruises on the river.

Following the application a number of detailed and well considered conditions were agreed as between the applicant and the police, trading standards department, the planning department and the environmental health department. These conditions go along way to meeting the licensing objectives. The conditions cover the use of the pier, security personnel and, staff training.

The sub-committee heard from the applicant and his lawyer and were satisfied that he was a reputable operator and that the boat being new was structurally appropriate for the prevention of noise nuisance. The sub-committee noted that approximately eight other operators used the pier for mooring and there was no evidence that this had impacted on

the licensing objectives.

The sub-committee carefully considered the representation made by a local resident. This representation focused primarily on noise arising from cruise boats on the river generally and not in relation to this specific boat. The sub-committee considered that if problems were to arise from the use of this boat then local residents should make an application for the review of this licence.

In the circumstances the sub-committee decided to grant the application in its modified form incorporating each of the conditions agreed with the responsible authorities.

Appeal rights

That the licensee and any person who made relevant representations in relation to the application 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 designated officer 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.

The meeting ended at 11.00am.

CHAIR:

DATED:

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Wednesday 22 August 2012 at 10.00 am at Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Sunil Chopra (Chair)
Councillor Michael Mitchell
Councillor Ian Wingfield

OTHERS PRESENT: Laszlo Czutoras, interested party
Bascan Bally, applicant
Chukwunembka Ihemetra, interested party
Louisa Cath, applicant
Sandi Harris, interested party
Rosemary M'Bondo, interested party

OFFICER SUPPORT: David Paabo, legal services
Dorcas Mills, licensing officer
Sarah Newman, environmental protection team
Virginia Wynn-Jones, 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 agreed to accept late and urgent items:

Item 7: Temporary event notice: The Red Cow, 190 Peckham High Street, London SE15.

Item 9: Temporary event notice: Electric Elephant Cafe, 186a Crampton Street, London SE17.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003 - LEGACY RESTAURANT, GROUND AND BASEMENT FLOORS, 53 CAMBERWELL ROAD, LONDON SE5 0EZ

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

The applicant addressed the sub-committee. Members had questions for the applicant.

A local resident addressed the sub-committee. Members had questions for the resident.

All parties were given five minutes to sum up.

The sub-committee went into closed session at 11.05. The meeting resumed at 12.05.

RESOLVED:

That the application by Mr Bascan Bally for a variation of a Premises Licence issued under the Licensing Act 2003 in respect of Legacy Restaurant, 53 Camberwell Road, London SE5 0EZ is granted as follows:

	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
New Activities to be included							
Live music	18.00-00.30	18.00-00.30	18.00-00.30	18.00-00.30	18.00-02.30	18.00-02.30	18.00-02.30
Recorded music	18.00-00.30	18.00-00.30	18.00-00.30	18.00-00.30	18.00-02.30	18.00-02.30	18.00-02.30
Performance of dance	18.00-00.30	18.00-00.30	18.00-00.30	18.00-00.30	18.00-02.30	18.00-02.30	18.00-02.30
Facilities for making music and dancing	18.00-00.30	18.00-00.30	18.00-00.30	18.00-00.30	18.00-02.30	18.00-02.30	18.00-02.30
Anything similar to these activities	18.00-00.30	18.00-00.30	18.00-00.30	18.00-00.30	18.00-02.30	18.00-02.30	18.00-02.30
Extended Activities							
Late night refreshment	00.00-00.30	00.00-00.30	00.00-00.30	00.00-00.30			
(m) Supply of alcohol	00.00-00.30	00.00-00.30	00.00-00.30	00.00-00.30			
(o) Opening Hours of premises	00.00-01.00	00.00-01.00	00.00-01.00	00.00-01.00			

Conditions

In addition to the decision as above, the following conditions will apply:

1. That SIA registered door supervisors, at least one of whom shall be a female, shall be employed at all times between Monday and Saturday after 22.00 hours until the terminal hour under this licence. They must be 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.

2. 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'.
3. 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.
4. 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 an image of every person who enters the premises.
5. 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.
6. That the licensee shall require any regular and external promoters hiring the premises to complete the 'Venue Hire Agreement' once completed the licensee shall ensure that a copy of the agreement is provided to the police and licensing unit a minimum of fourteen days prior to the date of hire.
7. That a personal licence holder is on the premises and on duty at all times that intoxicating liquor is supplied.
8. That the premises licence holder and/or designated premises supervisor join and support a local pub watch scheme should there be one in existence for the area in which the premises is located.
9. There shall be no new entry or re-entry to the premises after 02.00 hours.
10. Customers shall use no outside area after 22.00 hours other than those who temporarily leave the premises to smoke a cigarette, to a maximum of five people at any one time. Those who do temporarily leave for this reason shall be subjected to the requirement of a further search.
11. That the in house amplification system be equipped with a sound limiter installation, set by the applicant's engineer in conjunction with the environmental protection team and the residents above / beside; and maintained thereafter at the set level.
12. That any additional amplification equipment imported on to the premises by third parties be connected through the sound limiter circuit.
13. That speakers be mounted on resilient matting and be located away from party walls and chimney breast.
14. That a substantial self closing door be installed at the base of the basement stairs.

15. That the owner's private area to the rear of the basement be gated and locked when the basement is in use by public.
16. That no persons including smokers shall take drinks outside the premises at any time.

Reasons

The reasons for the decision are, as follows:

This is an application to vary a premises licence for Legacy Restaurant to introduce regulated entertainment and extend the opening hours and the hours for the sale of alcohol. The application, in effect, seeks to extend the opening hours from 00.30 hours to 01.30 hours Monday to Thursday and from 03.00 hours to 04.00 hours Friday to Sunday. Following the application, a number of detailed and well thought conditions were proposed by the police and the environmental protection department of the council. These measures, in summary, addressed the licensing objectives of the prevention of public nuisance, the prevention of crime and disorder, public safety and protection of children from harm. The applicant has agreed to each of these conditions and the sub-committee considers that entirely appropriate, and therefore each of the conditions proposed by the police and environmental protection will be added as conditions to the licence (except to the extent that those conditions already appear on the licence).

The sub-committee heard from the applicant, who stated that he intends to use the extended hours only on occasions, and in this respect the sub-committee notes the reference to weddings, birthdays, meetings and sending off events referred to in the application. However, the sub-committee heard from the interested party, being a neighbour adjoining the premises, that since February 2012 music events have been held at the premises until the early hours of the morning on most weekends, and the applicant indicated that if there were demand, he would utilise the licenced hours as often as necessary. The sub-committee is therefore concerned that this licence, with the introduction of regulated entertainment, will be used more regularly than the applicant suggests in his application. In addition, the sub-committee is concerned that the existing licence contains no authorisation for music, yet music has been played from the premises.

The sub-committee was concerned that the applicant did not demonstrate an understanding of the planning requirements in relation to the use of the property. In particular, the sub-committee noted the letter from the planning officer advising that the planning enforcement team will continue to monitor the premises to ascertain whether the premises are improperly operating as a nightclub.

The sub-committee notes the Nivla restaurant in the adjoining premises has shorter hours for its entertainment and alcohol provisions, therefore the sub-committee is concerned that Legacy already has generous opening hours, and the sub-committee is therefore concerned by even longer hours being sought which would adversely affect the licensing objectives.

In the circumstances, the sub-committee has decided to partially grant the application. In respect of Monday-Thursday, the opening hours shall be extended by 30 minutes to 01.00 hours. On these nights, all licensable activities shall cease by 00.30 hours. In respect of Friday to Sunday, there shall be no change to the opening hours or the sale of alcohol and late-night refreshment, whilst all regulated entertainment must cease by 02.30 hours.

In addition, in order to address noise nuisance arising from persons smoking at the front of the premises, further to the police condition addressing the outside area, the sub-committee has made a condition that a maximum of five people may use the outside area after 22.00 hours.

The sub-committee has made the above determination to meet each of the licensing objectives, and in this respect the sub-committee considers this determination to be the most proportionate, reasonable and appropriate decision with respect to the variation application.

Finally, the sub-committee would remind the applicant of the need for proper planning permission in respect of the use of the premises. The sub-committee would also remind the resident of the powers to review a licence within the Licensing Act should future problems arise.

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 variation ought not to have been made; or
- b) That, when varying the licence, the licensing authority ought not to have modified the conditions of the licence, or ought to have modified them in a different way

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.

6. LICENSING ACT 2003 - TEMPORARY EVENT NOTICE: CLUB COUTURE, 58A CAMBERWELL CHURCH STREET, LONDON SE5 8QZ

This item was conciliated.

7. LICENSING ACT 2003 - TEMPORARY EVENT NOTICE: THE RED COW, 190 PECKHAM HIGH STREET, LONDON SE15 5EG

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

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 officer.

All parties were given five minutes to sum up.

The sub-committee went into closed session at 12.55pm. The meeting resumed at 1.05pm.

RESOLVED:

That a counter notice not be issued under Section 105 of the Licensing Act 2003 in respect of the Temporary Event Notice given by Ihemefor Chukwuemeka in respect of the premises known as Red Cow PH, 190 Peckham High Street, London SE15.

Reasons

This application for a Temporary Event Notice (TEN) is granted in its amended form, that is the reference to 01.30 hours should be a reference to 01.00 hours. In addition, each of the conditions on the premises license shall apply for the full period of the TEN.

The sub-committee had some reservations about granting this TEN because of the history of noise problems arising from the premises. The applicant ought to be aware that if future noise complaints are made, further applications for TENs may not be successful.

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.

8. LICENSING ACT 2003: TEMPORARY EVENT NOTICE ELECTRIC ELEPHANT CAFE, 186A CRAMPTON STREET, LONDON SE17

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

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 officer.

All parties were given five minutes to sum up.

The sub-committee went into closed session at 2.20pm. The meeting resumed at 2.30pm.

RESOLVED:

That a counter notice not be issued under Section 105 of the Licensing Act 2003 in respect of the Temporary Event Notice given by Louisa Mary Cath in respect of the premises known as Electric Elephant Cafe, 186a Crampton Street, London SE17.

Reasons

These two applications for temporary event notices are granted. The first application is amended slightly to incorporate late night refreshment, which was the intention of that application.

The sub-committee heard well-presented evidence and representations from the applicant. The sub-committee is satisfied that the applicant is endeavouring to use the premises in a way which satisfies other persons and associations in the area. The sub-committee notes that problems best described as business problems are occurring. However, this sub-committee must determine these applications pursuant to the licensing objectives, in particular the prevention of public nuisance and the prevention of crime and disorder. The evidence before the sub-committee today was insufficient to warrant refusal of these applications.

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 2.35pm.

CHAIR:

DATED:



Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 30 August 2012 at 10.00 am at Ground Floor Meeting Room G02B - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Jeff Hook (Chair)
Councillor Dora Dixon-Fyle
Councillor Althea Smith

**OTHER S
PRESENT:** Councillor Jonathan Mitchell, ward councillor
Maria Daniels, local resident
Daniel Reynolds, local resident
Rupert Jefferies, local resident
Larry Osborne, local resident
Petra Boyd, local resident
Ed Mortimer, local resident
Michael Nelson, local resident
Dan Hills, applicant
Dan Luber, applicant
Graham Hopkins, applicant's representative
Linda Potter, applicant

**OFFICER
SUPPORT:** David Paabo, legal officer
Dorcas Mills, licensing officer
Alan Blissett, environmental protection officer
Andrew Weir, constitutional officer

1. APOLOGIES

Apologies were received from Councillor Sunil Chopra.

2. CONFIRMATION OF VOTING MEMBERS

The three members present were confirmed as voting members. In the absence of the chair, Councillor Jeff Hook, the vice chair of the licensing committee, chaired the sub-committee.

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

It was noted that there was a supplemental agenda.

Local residents also requested that they be allowed to distribute a petition. The applicant's representative objected to this petition due to lateness. The council's legal advisor agreed with the objection, and also noted that some names on the petition had not made a representation in the statutory period. Therefore, the sub-committee decided not to accept the petition.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003 - GREAT EXHIBITION P.H, 193 CRYSTAL PALACE ROAD, LONDON SE22 9JL

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

The applicant addressed the sub-committee. Members had questions for the applicant. With the permission of the chair, local residents, had questions for the applicant. The ward councillor also had questions for the applicant.

The environmental protection officer addressed the sub-committee. Members had no questions for the environmental protection officer.

Local residents addressed the sub-committee. Members had questions for the residents.

The ward councillor addressed the sub-committee. Members had no questions for the ward councillor.

All parties were given five minutes to sum up.

The sub-committee went into closed session at 11.55am. The meeting resumed at 12.05pm.

RESOLVED:

That the application Zelgrain Ltd for a variation of a premises licence issued under the Licensing Act 2003 in respect of Great Exhibition, 193 Crystal Palace Road, London SE22 be partially granted as set out below:

- That no modifications be made to the current permitted opening hours and licensable activities.

Conditions

In addition to the decision as above, the following conditions will apply:

1. That the use of the Gin Yard area of the premises by patrons shall cease at 9.00pm on each night.
2. That no licensed entertainment activities shall take place in the Gin Yard at any time.
3. That existing condition 315 be modified to refer only to the front external area closing at 10.30pm.

In addition the following conditions shall be removed from the licence:

- Conditions 109, 110, 127, 163, 167, 168, 177 and 178.

Reasons

This was an application to vary the premises licence for the Great Exhibition, a public house on the junction of Crystal Palace Road and Underhill Road.

The variation application originally sought to extend the opening hours and the hours for licensable activities, to remove purported unnecessary conditions and to regularise the use of the external area known as the Gin Yard. Following 48 objections by local residents, and a conciliation hearing, the applicant modified the application to no longer seek further opening hours and further hours for licensable activities. Therefore, this hearing was held to determine the remaining issues to the application.

At the commencement of the hearing the sub-committee addressed a legal issue, namely whether the Gin Yard, which is already being used, has been used in breach of the existing licence conditions. In particular the suggestion was made by residents that the Gin Yard did not have licensing for the consumption of alcohol. The applicant's representative submitted that consumption is not a licensable activity and therefore there has been no breach of the licence. The legal advisor agreed with this submission, and added that the plan to the premises identified the perimeter of the premises and this supported the validity of consumption of alcohol in the Gin Yard.

A second legal issue arose following the commencement of the hearing, namely that a petition of approximately forty persons, some of which had made representations, was sought to be presented by the resident objectors. The applicant's representative objected to this petition due to lateness. The legal advisor agreed with the objection, and also noted that some names on the petition had not made representation in the statutory period. Therefore, the sub-committee decided not to accept the petition and did not rely on it in making its determination.

A third legal issue arose, namely the status of the environmental protection objection. The applicant's representative asserted that as the objection had been withdrawn the email of Ms Sarah Newman dated 21 August 2012 was not admissible. The legal advisor doubted the validity of this assertion, because the recommendations in the email were made following the applicant no longer seeking extended hours and a proper construction of the

email suggests that Ms Newman wanted the suggestions to be taken into account and would not have withdrawn the objection if made aware that the applicant would object to the suggestions in the email. In any event, in making this determination, the sub-committee did not consider it necessary to rely on Ms Newman's suggestions, and instead made its determination based on the representations made by residents. In addition, the sub-committee did not rely on the comments made by Mr Alan Blissett from the environmental protection team, even though the applicant did not object to that evidence.

The sub-committee heard from the applicant and its representatives, who stressed that they wanted to operate the premises in a proper manner and not upset local residents. The sub-committee noted that the current operators have managed the premises since September 2011, and on that basis the sub-committee did not take into account issues in relation to noise nuisance before that time. The applicant notes that the manager of the pub lives on the premises and desires the premises to be family friendly. The sub-committee noted that the company owning the premises licence operates 50 other premises.

The sub-committee heard from three residents who live in the immediate vicinity of the premises. The totality of this evidence was that extreme noise is arising from patrons using the newly established Gin Yard. It was clear from the forceful nature of the submissions made by these residents that the use of the Gin Yard is causing considerable discomfort to themselves, their families and other residents in the vicinity. This evidence was supported by the ward councillor, who also made a representation on his own behalf, and spoke on behalf of the local residents who were in serious opposition to the use of the Gin Yard at all. It was clear to the sub-committee from the evidence given today by residents, and the 48 written objections, that the residents would prefer the Gin Yard not to be used at all. It was asserted that the nature of the premises has changed with the introduction of the Gin Yard, with the shift of patrons to that area, and the sub-committee accepted that this has occurred and notes that the area is a highly residential area.

The sub-committee has given close consideration to prohibiting the use of the Gin Yard for the consumption of alcohol. At present, the area can be used until the closing of the premises. The sub-committee notes the applicant's proposal to close the Gin Yard at 9.30pm Sunday to Thursday and 10.30pm on Friday and Saturday. The sub-committee considers that the very close proximity of the Gin Yard to a large number of residential properties requires a stricter closing time in order to address the licensing objective of the prevention of public nuisance. Therefore, in accordance with its powers under Section 35 of the Licensing Act, the sub-committee has decided that the use of the Gin Yard by patrons shall cease at 9.00pm on each night.

In addition, the sub-committee noted that some of the representations made by residents concerned noise nuisance arising from the front of the premises. This was further emphasised by one of the residents who spoke at today's hearing. The sub-committee was concerned that the existing condition that the front external area close to drinking patrons at 11.30pm was causing significant noise nuisance, and noted that some of the representations stated that crime and disorder were arising at the front of the premises. Therefore, in accordance with Section 35, the sub-committee has decided to modify the condition by reducing the time to 10.30pm by which the front drinking area must be closed to drinking patrons. Therefore the existing condition 315 is modified to refer only to the front external area closing at 10.30pm.

The sub-committee has decided to remove conditions 109, 110, 127, 163, 167, 168, 177 and 178, at the request of the applicant, as these conditions are no longer necessary on the licence, being either redundant or dealt with by other suitable legislation.

For the sake of certainty, no licensed entertainment activities shall take place in the Gin Yard at any time.

In conclusion, the sub-committee considers this determination to be the most appropriate, proportionate and necessary way of addressing the licensing objectives, in particular the prevention of public nuisance.

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) the variation ought not to have been made; or
- b) that, when varying the licence, the Licensing Authority ought not to have modified the conditions of the licence, or ought to have modified them in a different way

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.

The meeting ended at 1.50pm.

CHAIR:

DATED:



Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Friday 7 September 2012 at 10.00 am at Ground Floor Meeting Room G02B - 160 Tooley Street, London SE1 2QH

PRESENT:	Councillor Sunil Chopra (Chair) Councillor Renata Hamvas Councillor David Hubber
OTHERS PRESENT:	Councillor Adele Morris, ward councillor Gregor Swift, Nandos representative Cassie Whitehouse, Nandos representative Julia Palmer, Nandos representative Paulo Sequeira, Nandos representative Robert Kitchen, Nandos representative Maxine Pear, Nandos representative
OFFICER SUPPORT:	David Paabo, legal officer Wesley Mcarthur, licensing officer Andrew Weir, constitutional officer Sean Usher, constitutional officer (observing)

1. APOLOGIES

There were none.

2. CONFIRMATION OF VOTING MEMBERS

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

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. NANDO'S, ARCH 86, SCORESBY STREET, LONDON SE1 8NJ

The licensing officer presented his report and circulated an addendum containing conditions submitted by the applicant. There were no questions.

The applicant's representative presented the application and called upon the Nandos staff as witnesses. Members had questions.

The ward councillor stated her objections to the application. There were no questions for the ward councillor.

All parties were given 5 minutes to sum up.

At 10.45am the meeting went into closed session to consider the application.

The meeting resumed at 11.40am and the chair read out the decision.

RESOLVED:

That the application submitted by Nando's Chickenland Ltd for a premises licence in respect of Arch 86, Scoresby Street, London, SE1 8NJ is granted as follows:

Licensable Activity	Monday to Thursday	Friday and Saturday	Sunday
Late night refreshment		23:00 – 00:00	
Supply of alcohol	11:30 – 23:00	12:00 – 23:30	12:00 – 23:00
Hours premises are open to the public	07:00 – 23:30	07:00 – 00:00	07:00 – 23:30

Conditions

In addition to the hours granted above, the following conditions will apply:

1. Each of the proposed conditions 1 to 10 on the applicant's amended operating schedule be attached to the licence, subject to condition 9 being amended to read:

“Signs will be clearly displayed advising customers not to take their drinks outside.”

In addition two further conditions be attached:

2. An alarm be attached to the fire exit door to Scoresby Street.
3. No drinks to be taken outside.

Reasons

This is an application for a new premises licence for Nando's Chickenland Ltd in respect of Arch 86, Scoresby Street, London, SE1 8NJ.

Four objections were made to the application. As a result, the applicant submitted a revised operating schedule containing measures to address the objectors' concerns. The sub-committee is satisfied that the revised operating schedule meets the objectors' concerns and the licensing objectives, in particular the prevention of public nuisance and

the prevention of crime and disorder. The sub-committee is satisfied that the nature, operation and style of the restaurant is such that it will not add to the cumulative impact within the saturation zone.

The sub-committee was informed during the hearing by the applicant that it would agree to a condition that an alarm be installed on the fire exit door to Scoresby Street in order to further prevent customers using this door and thereby causing public nuisance in Scoresby Street. Therefore, the condition is attached to this effect. Secondly, the applicant stated during the hearing that were a condition to be attached preventing customers drinking outside it would be agreeable to such a condition. Therefore, the sub-committee, being concerned of public nuisance caused by outside drinking, has decided to attach a condition that there be no outside drinking.

The sub-committee considers this decision and the conditions contained in it to be the most appropriate and proportionate way to address the licensing objectives, pursuant to this application.

Appeal rights

That the licensee and any person who made relevant representations in relation to the application 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.

The meeting closed at 11.45am.

CHAIR:

DATED:

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Friday 14 September 2012 at 10.00 am at Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Sunil Chopra (Chair)
Councillor Jeff Hook
Councillor Althea Smith

OTHERS PRESENT: Councillor Dan Garfield
John Wallington, Southwark Street Traders

OFFICER SUPPORT: David Paabo, legal officer
Dorcas Mills, licensing officer
Kenny Uzodike, constitutional officer

1. APOLOGIES

There were none.

2. CONFIRMATION OF VOTING MEMBERS

The three members present were confirmed as voting members.

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

It was noted that item.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003 - PECKHAM LODGE HOTEL, 110 PECKHAM ROAD, LONDON SE15 5EU

The committee was informed that the applicant had requested that the item be deferred to allow for time for the completion of works.

RESOLVED:

That the application by Euro Hotels (Peckham) Ltd, for a premises licence issued under the Licensing Act 2003 in respect of Peckham Lodge Hotel, 110 Peckham

Road, London SE15 5EU be deferred.

6. GAMBLING ACT 2005 - APPLICATION FOR A BINGO PREMISES LICENCE IN RESPECT OF THE PREMISES KNOWN AS VENUE BINGO, 281 WALWORTH ROAD, LONDON SE17 2TG

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

The applicant and his solicitor addressed the sub-committee. Members had questions for the applicant. The ward councillor also had questions for the applicant.

A local resident addressed the sub-committee. Members had questions for the resident.

The ward councillor addressed the sub-committee. Members had no questions for the ward councillor.

All parties were given five minutes to sum up.

The sub-committee went into closed session at 11.55am. The meeting resumed at 12.05pm.

RESOLVED:

That the application by Venue Gaming Limited for a grant of a Bingo premises licence at 281 Walworth Road be partially granted as set out below.

That the following mandatory conditions shall apply:

- 1) Notice stating that no person under the age of 18 years is permitted to play bingo on the premises shall be displayed in a prominent place at every entrance to the premises.
- 2) No customer shall be able to enter the premises directly from any other premises in respect of which one of the following permissions has effect:
 - Casino premises licence
 - An adult gaming centre premises licence
 - A betting premises licence other than a track premises licence.
- 3) a. This paragraph shall apply where children or young persons or both are permitted by the licence holder to enter the premises, and category B or C gaming machines are made available for use on the premises.
 - b. Any area of the premises to which category B and C gaming machines are located:
 - i Shall be separated from the rest of the premises by a physical barrier which is effective to prevent access other than by an entrance designed for the purposes;

- ii Shall be supervised at all times to ensure children or young persons or both do not enter the area; and
 - iii Shall be arranged in such a way that ensures all parts of the area can be observed by the persons mentioned in sub-paragraph (c).
- c. The reference to supervision in this paragraph means supervision by:
- i One or more persons whose responsibilities include ensuring children or young persons or both do not enter the area; or
 - ii Closed circuit television which is monitored by one or more persons whose responsibilities include ensuring that children or young persons or both do not enter the area.
- d. A notice stating that no person under the age of 18 years is permitted to enter the area shall be displayed in a prominent place at the entrance to any area of the premises in which Category B or C gaming machines are made available for use.
- 4) a. In the case of a charge for admission to the premises, a notice of that charge shall be displayed at a prominent place at the principal entrance to the premises.
- b. In the case of any other charges in respect of gaming, a notice setting out the information in sub-paragraph (c) shall be displayed at the main point where payment for the charge is to be made.
- c. The notice in sub-paragraph (b) shall include the following information:
- i The cost (in money) of each game card (or set of game cards) by an individual in respect of a game of bingo;
 - ii In respect of each game card (or set of game cards) referred to in paragraph (i) the amount that will be charged by way of a participation fee for entitlement to participate in that game; and
 - iii A statement to the effect that all or part of the participation fee may be waived at the discretion of the person charging it.
- d. The notice may be displayed in electronic form;
- e. A reference in this paragraph to a charge in respect of gaming does not include an amount paid for an opportunity to win one or more prizes in gaming to which section 288 of the 2005 Act (meaning of "prize gaming") applies.
- 5) a. The rules of each type of game that is available to be played on the premises other than games played on gaming machines shall be available to customers within the premises.
- b. The condition in sub-paragraph (a) may be satisfied by:

- i Displaying a sign setting out the rules;
 - ii Making available leaflets or other written materials containing the rules; or
 - iii Running an audio-visual guide to the rules prior to any bingo game being commenced.
- 6) Any automated teller machine (ATM) made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling in order to do so.

That the following default conditions be attached to bingo premises licence:

- 1) Subject to paragraph (b) no facilities for gambling shall be provided on the premises between the hours of midnight and 9.00am.
- 2) The condition in paragraph (1) shall not apply to making gaming machines available for use.

Reasons

This is an application for a bingo premises licence in respect of 281 Walworth Road SE17.

Six representations were received objecting to the application. One of these objections was made by Councillor Dan Garfield and another John Wallington on behalf of Southwark Association of Street traders both of whom attended today and gave detailed reasons on why they objected to the application.

The sub-committee heard from the applicant's solicitor and was satisfied that the applicant is a reputable operator and is proposing appropriate measures to meet the licensing objectives. In particular a Challenge 25 policy and no entry to persons under 18. The sub-committee is satisfied that the small size of the premises will limit the scope for problem gambling. The sub-committee notes that the premises have been closed for some time.

The sub-committee heard from Councillor Dan Garfield that crime and disorder on the nearby Trafalgar estate is serious. It would have assisted the sub-committee if it had been provided with more detailed evidence from the police on this issue. The police did not make any representation. The sub-committee also notes that there were no representations from the schools and safeguarding vulnerable adults and children.

The sub-committee appreciated the concerns raised by Mr Wallington, in particular a trend towards a lack of diversity in the East Street market. Under the existing law, the sub-committee found on the evidence before it, that the proper decision is to grant the application.

Appeal rights

That the licensee and any person who made relevant representations in relation to the application 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 designated officer 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.

The meeting ended at 12.35pm.

CHAIR:

DATED:



Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Tuesday 18 September 2012 at 10.00 am at Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Sunil Chopra (Chair)
Councillor The Right Revd Emmanuel Oyewole
Councillor Ian Wingfield

OTHERS PRESENT: Councillor David Noakes
Lourdes Barnes, Kentucky Fried Chicken representative
Zhi An, Kentucky Fried Chicken representative
Richard Thomson, London South Bank University representative
Stephen Kay, London Southbank University representative

OFFICER SUPPORT: Debra Allday, legal officer
Wesley McArthur, licensing officer
Andrew Weir, constitutional officer
Sean Usher, constitutional officer (observing)

1. APOLOGIES

There were none.

2. CONFIRMATION OF VOTING MEMBERS

The 3 members present were confirmed as the voting members.

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

There was none.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003 - KENTUCKY FRIED CHICKEN, 35 CAMBERWELL CHURCH, STREET, LONDON SE5 8TR

The licensing officer presented his report. There were no questions.

No objectors were in attendance.

The applicant addressed the sub-committee. Members had questions.

The applicant was given five minutes to sum up.

At 10.20am the sub-committee went into closed session. At 10.55am the sub-committee resumed in open session and the chair read out the decision.

RESOLVED:

That the application by Kentucky Fried (GB) limited for a variation of a premises licence issued under the Licensing Act 2003 in respect of Kentucky Fried Chicken, 35 Camberwell Church Street, London SE5 8TR is granted as follows:

	Monday to Thursday	Friday	Saturday	Sunday
Extended Activities				
Late night refreshment		02.00-03.30	02.00-03.30	
Opening hours of premises		02.00-04.00	02.00-04.00	

Conditions

The following additional conditions shall apply:

1. That a litter pick shall take place before 11.00pm, 50 yards around the premises.
2. That a litter pick shall take place at 7.00am, 50 yards around the premises.

Reasons

This was an application by by Kentucky Fried (GB) limited for a variation of a premises licence issued under the Licensing Act 2003 in respect of Kentucky Fried Chicken, 35 Camberwell Church Street, London SE5 8TR.

The sub-committee noted the objection from the local resident concerning the issue of littering under the licensing objective of the prevention of nuisance.

The licensing sub-committee heard evidence from the applicant who advised that it was company policy to carry out at least five litter picks each day within a 50 yard radius of the premises. The last being carried out at 7.00pm. Any litter picks carried out after that time

would be undertaken by two members of staff for security reasons.

The licensing sub-committee considered that it was necessary and proportionate for the prevention of public nuisance to impose conditions in respect of the above.

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 variation ought not to have been made; or
- b) That, when varying the licence, the licensing authority ought not to have modified the conditions of the licence, or ought to have modified them in a different way

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.

6. LICENSING ACT 2003 - LONDON SOUTH BANK UNIVERSITY STUDENT CENTRE, 103 BOROUGH ROAD, LONDON SE1 0AA

The licensing officer presented his report and a late item (an updated operating schedule and a document relating to security arrangements) was circulated to all parties. Members had no questions for the licensing officer.

The applicant addressed the sub-committee. Members had questions. The local ward councillor, Councillor David Noakes, had questions for the applicant.

Councillor Noakes addressed the sub-committee and members had questions for the councillor.

All parties were given five minutes to sum up.

At 11.40am the sub-committee went into closed session to consider the application. At 12.40pm the sub-committee returned and the chair read out the decision.

RESOLVED:

That in respect of the application submitted by London South Bank University for a provisional statement in respect of London South Bank University Student Centre, 103 Borough Road, London SE1 0AA, the sub-committee issues the following statement:

That, if the outstanding works are completed, the sub-committee would be minded to grant a premises licence for the hours and activities specified below, together with the conditions

specified below which the sub-committee considers appropriate to meet the licensing objectives.

Please note, a provisional statement is not a permission to conduct licensable activities. An application for a premises licence shall be required at a later date.

Licensable Activity	Monday to Wednesday	Thursday	Friday and Saturday	Sunday
(a) Plays	09:00 – 00:30	09:00 – 01:30	09:00 – 03:00	09:00 – 22:30
(b) Films	09:00 – 00:30	09:00 – 01:30	09:00 – 03:00	09:00 – 22:30
(e) Live Music	09:00 – 00:30	09:00 – 01:30	09:00 – 03:00	09:00 – 22:30
(f) recorded music	09:00 – 00:30	09:00 – 01:30	09:00 – 03:00	09:00 – 22:30
(g) performances of dance	09:00 – 00:30	09:00 – 01:30	09:00 – 03:00	09:00 – 22:30
(h) Anything of a similar description to (e), (f) or (g)	09:00 – 00:30	09:00 – 01:30	09:00 – 03:00	09:00 – 22:30
(i) provision of facilities for making music	09:00 – 00:30	09:00 – 01:30	09:00 – 03:00	09:00 – 22:30
(j) Provision of facilities for dancing	09:00 – 00:30	09:00 – 01:30	09:00 – 03:00	09:00 – 22:30
(k) provision of facilities for entertainment of a similar description to (i) or (j)	09:00 – 00:30	09:00 – 01:30	09:00 – 03:00	09:00 – 22:30
(l) late night refreshment	23:00 – 00:30	23:00 – 01:30	23:00 – 03:00	N/A
(m) supply of alcohol	11:00 – 00:30	11:00 – 01:30	11:00 – 03:00	12:00 – 22:30
(o) hours premises are open to the public	09:00 – 01:00	09:00 – 02:00	09:00 – 03:30	09:00 – 23:00

Conditions

In addition to the hours specified above, the following conditions are considered appropriate to meet the licensing objectives:

1. The conditions in the amended operating schedule entitled “Application for a Provisional Statement to be granted under the Licensing Act 2003” be included subject to the amended hours as detailed above.
2. That condition 3 of Appendix 3 of the amended operating schedule have the additional words: “after 8 o’clock in the morning”.

3. That the conditions as set out in the document entitled "Security Deployment" (dated 13 September 2012) be included.

Reasons

This was an application submitted by London South Bank University for a provisional statement in respect of London South Bank University Student Centre, 103 Borough Road, SE1 0AA.

The licensing sub-committee heard from the licensing officer that the three responsible authorities had withdrawn their representations following receipt of the operating schedule entitled "Application for a Provisional Statement to be granted under the Licensing Act 2003".

The licensing sub-committee also heard evidence from the applicant and the ward councillor, Councillor David Noakes.

The ward councillor gave evidence concerning issues of crime and disorder and nuisance that he had been advised of by local residents. The sub-committee noted that none of these issues had been submitted as formal representations. However, the licensing sub-committee considered that it was appropriate and proportionate when taking into account the Southwark saturation policy and the prevention of public nuisance, prevention of crime and disorder, to impose these conditions.

Appeal rights

That the applicant and any person who made relevant representations in relation to the application 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.

The meeting closed at 12.45pm.

CHAIR:

DATED:

This page is intentionally blank.

LICENSING COMMITTEE DISTRIBUTION LIST (OPEN)**MUNICIPAL YEAR 2012-13****NOTE:** Original held by Constitutional Team; all amendments/queries to Andrew Weir Tel: 020 7525 7222

Name	No of copies	Name	No of copies
Members		Officers	
Councillor Sunil Chopra (Chair)	1	Richard Parkins, Health Safety Licensing and Environmental Protection Unit Manager	1
Councillor Jeff Hook (Vice Chair)	1	Debra Allday, Legal Services	1
Councillor Michael Bukola	1	David Paabo, Legal Services	1
Councillor Dora Dixon-Fyle	1	Ian Millichap, Constitutional Manager	1
Councillor Renata Hamvas	1	Virginia Wynn-Jones, Constitutional Team	1
Councillor David Hubber	1	Andrew Weir, Constitutional Team	10
Councillor Lorraine Lauder MBE	1		
Councillor Michael Mitchell	1		
Councillor Abdul Mohamed	1		
Councillor Adele Morris	1		
Councillor Wilma Nelson	1		
Councillor the Right Revd Emmanuel Oyewole	1		
Councillor Althea Smith	1		
Councillor Ian Wingfield	1		
		Total: 29	
		Date: 26 October 2012	