



## Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Tuesday 2 June 2015 at 10.00 am at Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

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**PRESENT:** Councillor Renata Hamvas (Chair)  
Councillor Jon Hartley  
Councillor Charlie Smith

**OTHERS PRESENT:** Frank Boxer, applicant  
James Anderson, applicant  
James Dye, legal representative for the applicant  
Eileen Conn, witness for the applicant  
Diana Price, local resident

**OFFICER SUPPORT:** Debra Allday, legal officer  
Dorcas Mills, licensing officer  
Sarah Newman, environmental protection officer  
Jayne Tear, licensing officer representing the council as a responsible authority  
Farhad Chowdhury, health and safety officer  
Debbi Gooch, head of litigation (observing)  
Andrew Weir, constitutional officer

### 1. APOLOGIES

There were none.

### 2. CONFIRMATION OF VOTING MEMBERS

The members present were confirmed as the voting members.

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

There were none.

**4. DISCLOSURE OF INTERESTS AND DISPENSATIONS**

There were none.

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

It was noted that this item had been deferred to 22 June 2015.

**6. LICENSING ACT 2003: FRANKS CAFE, LEVEL 9 & 10, PECKHAM MULTI STORY CAR PARK, 95A RYE LANE, LONDON SE15 4ST**

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

The applicant and their representative addressed the sub-committee. The applicant also called on a witness. Members had questions for the applicant and their representative.

The licensing officer representing the council as a responsible authority addressed the sub-committee. They called on the council's principal surveyor as a witness. Members had questions for the licensing officer and their witness.

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

The health and safety officer addressed the sub-committee. Members had no questions for the health and safety officer.

All parties were given five minutes for summing up.

The meeting went into closed session at 12.18pm.

The meeting resumed at 1.01pm and the chair read out the decision of the sub-committee.

**RESOLVED:**

That the application submitted by Frank's Cafe Limited for the grant of a premises licence issued under the Licensing Act 2003 in respect of Franks Cafe, Level 9 &10, Multi Storey Car Park, 95A Rye Lane, London SE15 4ST be granted as follows:

<b>Licensable Activity</b>	<b>Monday to Sunday</b>
Sale and supply of alcohol (on the premises)	11.00 to 23.00
Hours premises are open to the public	11.00 to 23.30

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## Conditions

The operation of the premises under the licence shall be subject to relevant mandatory conditions, conditions derived from the operation schedule highlighted in Section M of the application form and conditions agreed by the applicant with the responsible authorities during the conciliation process:

1. That this licence will only have effect from 1 May to 30 September each year.
2. That a capacity limit of 1000 persons shall not be exceeded at any time and will be controlled by use of clickers.
3. That no open containers of alcohol or any other drink shall be taken outside of the premises.
4. That dedicated members of staff shall ensure that empty or unused drink containers and other materials are now allowed to accumulate on or around the perimeter wall.
5. That 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.
6. That a risk assessment will be prepared in relation to the need for SIA door staff including time and number but in any event whenever the premises is open for licensable activities a minimum of four SIA door staff will be on duty from 6pm on Sunday to Thursday until all members of the public have left the premises and a minimum of five from 6pm on Friday and Saturday but rising to eight from 8pm until all members of the public have left the premises. At least one SIA door staff is to be in place at the ramped entrance leading to level 9 from 6pm with a clicker.
7. That the volume control for “background” recorded music shall be stationed behind the bar, and under the sole control of the manger on duty.
8. That a dedicated telephone number shall be provided for local residents to contact the site manager whilst the premises is in operation.
9. That the premises shall operate the “Challenge 25” age identification scheme including full staff training and appropriate signage.
  - a) The premises shall operate an age check 'Challenge 25' policy whereby customers purchasing alcohol who look or appear to be under 25 years of age will be asked for an approved form of proof of age to verify their age. Approved forms shall include a driving licence, passport or a PASS approved proof of age card such as the Southwark Proof of Age (SPA) card.
  - b) All staff involved in the sale of alcohol shall be trained with regards in the age check 'Challenge 25' policy. A record of their training, including the dates that

each member of staff is trained, shall be available for inspection at the premises on request by the council's authorised officers or the police.

- c) Age check 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 age check 'Challenge 25' policy applies and proof of age may be required.
  - d) A register of refused sales of alcohol 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.
10. That a personal licence holder will always be present at the premises whenever they are conducting licensable activities.
  11. That a comprehensive risk assessments to be carried out by a competent person. All findings of the risk assessments shall be made available to this authority or the police and London Fire and Emergency Planning Authority.
  12. That a comprehensive dispersal policy shall be produced, maintained and updated, and all staff needs to be trained and made aware of any changes, a copy of the dispersal policy shall be made available to the council or police on request.
  13. That an NICEIC approved electrical inspection report of the premises shall be provided and a copy kept on site.
  14. That an evacuation plan shall be provided in regards to the premises and shall detail steps to be taken should all or any part of the premises need to be evacuated. The evacuation procedure needs to be in writing and made available to the council, police or fire officers on request.
  15. That all premises staff need to be trained in evacuation procedures including wheelchair users and this needs to be documented.
  16. That all electrical equipment, devices and systems used in the premises shall be maintained in good state of repair and effective working order.
  17. That in the event of failure of main lighting, emergency lighting shall be provided in all areas, customers shall be escorted out of the building safely.
  18. That floors and traffic routes needs to be kept free of obstacles, obstructions and any other article or substances that may cause person to slip, trip or fall.
  19. That 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 a certificate to be kept on site.
  20. That an appropriate barrier/device around the perimeter wall to the whole of the licensed area apart from the area marked in blue on the plan, 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 walls. The structure must be 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. The barrier shall be inspected daily by a competent person and any defects shall be repaired immediately.

21. That dedicated members of staff shall monitor the outside perimeter walls on both level 9 and 10 to ensure no one attempts horseplay or to climb on the wall.
22. That 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 structures 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 purpose intended.
23. That all drinks are to be served in polycarbonate glassware to prevent injuries to staff and to prevent incidents of violence where glassware can be used as weapons.
24. That a clear plan highlighting emergency exits shall be prominently displayed visible from any place in the premises.
25. That emergency exits shall be clearly marked with standard emergency exit signs (staircase and ramps).
26. That emergency numbers shall be displayed for all members of staff behind the counter.
27. That access shall be made available for emergency services at all times.
28. That anyone seen attempting to climb the barriers around the premises shall be immediately stopped by a member of staff.
29. That the security team shall be fully briefed to closely monitor the crowd and its presence close to the barriers.
30. That no objects or furnishing which would enable easier access/encourage climbing on to the perimeter wall must be placed one metre away from the perimeter wall other than in the area hatched blue on the plan.
31. That external waste handling, collections, deliveries and the cleaning of external areas shall only occur between the hours of 08.00 and 20.00.
32. That notices shall be provided on all doors/routes that patrons use to exit the premises to request that patrons leave in a quiet and orderly manner that is respectful to neighbours.
33. That noise from plant, patrons and activities at the premises shall not cause a public nuisance in the vicinity of the premises.

34. That the premises shall have in place and effectively execute a visitor/patron management strategy.
35. That SIA door supervisors shall have personal radios where they can be contacted by management and will have access to CCTV surveillance.
36. That all SIA door staff will receive fire and basic first aid training as will the manager on duty.
37. That a member of the door team will be stationed at the ground level exit from 30 minutes before close to 30 minutes after to assist in the safe and orderly dispersal of patrons.
38. That all patrons will be instructed to leave via the Rye Lane exit.
39. That door staff will remain on site until 30 minutes after the venue has closed.

### **Reasons**

This was a meeting to consider the application made by Frank's Cafe Limited for the grant of a premises licence issued under the Licensing Act 2003 in respect of Franks Cafe, Level 9 &10, Multi Storey Car Park, 95A Rye Lane, London SE15 4ST.

The licensing sub-committee heard evidence from the applicant who informed the sub-committee that they had agreed conditions with the authorities and all representations had been conciliated.

The responsible authorities, namely environmental protection team, licensing as a responsible authority and health and safety all confirmed that they had conciliated with the applicant.

The licensing sub-committee heard from a local resident objecting to the application who confirmed that she was now happy with the amended application and the conditions that would apply to the licence. She advised that she was satisfied by the fact that there would be no regulated entertainment, particularly no amplified music.

The licensing sub-committee also noted the two written representations from local residents objecting to the application who were not in attendance.

In reaching this decision the sub-committee had regard to all the relevant considerations and were satisfied that the agreed conditions were appropriate and proportionate to address the licensing objectives.

### **Appeal rights**

The applicant may appeal against any decision

- a) To impose conditions on the licence
- b) To exclude a licensable activity or refuse to specify a person as premises supervisor.

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

- a) That the licence ought not to be granted or
- b) That on granting the licence, the licensing authority ought to have imposed different or additional conditions to the licence, or ought to have modified them in a different way

may appeal against the decision.

Any appeal must be made to the Magistrates' Court for the area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the Magistrates' Court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

Meeting ended at 1.15pm.

**CHAIR:**

**DATED:**