



Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Monday 8 June 2015 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Renata Hamvas (Chair)
Councillor David Hubber
Councillor Eliza Mann

OTHERS PRESENT: Alexandre Christopher Abitol, applicant, Ali Baba Snack Bar
Jack Spiegler, legal representative, Ali Baba Snack Bar
Diana Price, local resident
Gary Bignell, applicant, Tesco
Jeremy Bank, legal representative, Tesco

OFFICER SUPPORT: Debra Allday, legal officer
David Franklin, licensing team leader
Jayne Tear, licensing officer representing the council as a responsible authority
Victoria Foreman, constitutional officer (observing)
Andrew Weir, constitutional team

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: ALI BABA SNACK BAR, LEVEL 7 & 8, PECKHAM MULTI STORY CAR PARK, 95A RYE LANE, LONDON SE15 4TG

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

The applicant and their legal representative addressed the sub-committee. Members had questions for the applicant and their legal representative.

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

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

All parties were given five minutes for summing up.

The meeting went into closed session at 11.15am.

The meeting resumed at 11.53am and the chair read out the decision of the sub-committee.

RESOLVED:

That the application submitted by Pamphlet Limited for the grant of a time limited premises licence from 8 June 2015 to 9 October 2015 issued under the Licensing Act 2003 in respect of Ali Baba Snack Bar, Level 7 & 8, Peckham Multi Story Car Park, 95A Rye Lane, London SE15 4TG be granted as follows:

Licensable Activity	Thursday to Sunday
Sale and supply of alcohol (on the premises)	11.00 to 22.30
Hours premises are open to the public	11.00 to 23.00

Conditions

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

1. That a capacity limit of 200 persons shall not be exceeded at any time and will be controlled by use of clickers.
2. That no open containers of alcohol or any other drink shall be taken outside of the premises.

3. 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.
4. That the volume control for “background” recorded music shall be stationed behind the bar, and under the sole control of the manger on duty.
5. That a dedicated telephone number shall be provided for local residents to contact the site manager whilst the premises is in operation.
6. That the premises shall operate an age check 'Challenge 25' policy whereby customers purchasing alcohol who look or appear to be under 25 years of age will be asked for an approved form of proof of age to verify their age. Approved forms shall include a driving licence, passport or a PASS approved proof of age card such as the Southwark Proof of Age (SPA) card.
7. That 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.
8. That 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.
9. That 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, 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 7 and 8 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 patrons and their 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.
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 door staff will remain on site until 30 minutes after the venue has closed.
39. That the general manager on site alongside security shall ensure that all guests are directed to exit via the Rye Lane exit of the car park. They shall also be able to instruct guests on how to access night buses, overground, and local taxi firms if travelling outside of Peckham.
40. That an SIA door supervisor shall be placed at the start of the ramp on level 7 leading up to the bar from 1800 to 23.00 on all days that the premises is open. This door supervisor shall monitor the capacity limit of 200 with the use of a hand clicker. The manager of the premises shall ensure that the capacity limit is not exceeded during the daytime before 18.00.
41. That the opening and closing times will be made prominent to guests via signage.
42. That one member of the staff shall be responsible for ushering guests down through to the correct Rye Lane exit at the ramp from level 6.

Reasons

This was a meeting to consider the application made by Pamphlet Limited for the grant of a premises licence issued under the Licensing Act 2003 in respect of Ali Baba Snack Bar, Level 7 & 8, Peckham Multi Story Car Park, 95A Rye Lane, London SE15 4TG.

The licensing sub-committee heard evidence from the applicant who informed the sub-committee that the application had largely been conciliated. They advised that they had run a local juice bar in Peckham for some time but this would be the first year that they would have a presence at the car park. They informed the sub-committee that this would be a much smaller operation to Frank's Bar and would be a more family orientated operation with a maximum capacity of 200. They advised that in their opinion the conditions conciliated with the licensing authority would be sufficient to address the four licensing objectives and the local saturation policy.

The licensing sub-committee heard from the licensing officer representing the council as a responsible authority who advised that they had conciliated with the applicant and that these conditions would satisfy her concerns.

The licensing sub-committee heard from a local resident objecting to the application who confirmed that she was happier after reading the conciliated conditions but that she still had some concerns regarding the amplification of music and the impact of 200 patrons dispersing from the premises.

The licensing sub-committee considered the 42 conciliated conditions very carefully and was satisfied that these conditions would satisfy the four licensing objectives and the local saturation policy. The sub-committee were assured that the conditions in the lease to the premises that there be no amplified music and a similar condition on the planning permission would address the local resident's concerns regarding noise nuisance. The local resident is reminded that should they have any concerns of the operation of the licence then they can bring the licence back to the sub-committee for review.

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

Appeal rights

The applicant may appeal against any decision

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

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

- a) That the licence ought not to be been 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.

7. LICENSING ACT 2003: SOUTHWARK THE CUT EXPRESS, (TESCO), 3-11 THE CUT, LONDON SE1 8JZ

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

The applicant and their legal representative addressed the sub-committee. Members had questions for the applicant.

All parties were given five minutes for summing up.

The meeting went into closed session at 12.38pm.

The meeting resumed at 1.30pm and the chair read out the decision of the sub-committee.

RESOLVED:

That the application submitted by Tesco Stores Ltd for the grant of a premises licence issued under the Licensing Act 2003 in respect of Southwark The Cut Express (Tesco) 3-11 The Cut, London SE1 8JZ be granted as follows:

Licensable Activity	Monday to Sunday
Sale and supply of alcohol (off the premises)	06.00 to 00.00
Hours premises are open to the public	06.00 to 00.00

Conditions

The operation of the premises under the licence shall be subject to relevant mandatory conditions, conditions derived from the operation schedule highlighted in Section M of the application form and all the conditions set out in licence number 847294 dated 23 January 2015.

Reasons

This was a meeting to consider the application made by Tesco Stores Ltd for the grant of a premises licence issued under the Licensing Act 2003 in respect of Southwark The Cut Express (Tesco) 3-11 The Cut, London SE1 8JZ.

The licensing sub-committee heard evidence from the applicant and their legal representative who informed the sub-committee that whilst this was an application for a new licence it was in effect a variation to the previous licence in that the application only sought to obtain an additional one hour per day for the sale of alcohol and the operating hours. The legal representative advised the sub-committee that the premises had planning permission to operate until 00.00 and that this licensing application sought to bring the planning and licensing permissions in line with each other.

The legal representative detailed a range of robust measures that Tesco had in place at all stores, including this premises and how there would be no impact in the cumulative impact as the premises have already been in operation for the past 12 months. The legal representative advised that they had liaised with the police and confirmed that all of the conditions attached to the existing licence would apply to this new licence should it be granted.

The licensing sub-committee noted the written representations from five local residents objecting to the application. The local residents' concerns related to noise nuisance and crime and disorder. The local residents were not in attendance.

The licensing sub-committee considered the application carefully, particularly with regard to the cumulative impact. However, the premises have been in operation for around 12 months, during which time there have been no formal complaints made against them. No representations have been received from any of the responsible authorities. The application seeks only one additional hour for the sale of alcohol and it is noted that other premises in the locality have operating hours in excess of 00.00. The sub-committee noted that this application brought the premises licence in line with the planning permission and are satisfied that the robust management procedures and the attached conditions would satisfy the four licensing objectives and the local residents' concerns.

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

Appeal rights

The applicant may appeal against any decision

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

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

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

may appeal against the decision.

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

Meeting ended at 1.37 pm

CHAIR:

DATED: