

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Wednesday 12 August 2015 at 10.00 am at Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

PRESENT:	Councillor Renata Hamvas (Chair) Councillor David Hubber Councillor Adele Morris
OTHERS PRESENT:	John Hobday, director, Anspach and Hobday Paul Anspach, director, Anspach and Hobday Jane O'Brien, local resident Lindsay McNamara, local resident A Locke, local resident Alex Lines, local resident Councillor Hamish McCallum, ward councillor P.C. Graham White, Metropolitan Police Service H. Patel, representative from P & S Convenience S. Nayar, representative from P & S Convenience Philip Somrakis, legal representative, P & S Convenience Courney Davis, premises user, Unite 3, Ormside Street
OFFICER SUPPORT:	Debra Allday, legal officer Dorcas Mills, licensing officer Mark Orton, licensing officer David Franklin, licensing team leader Debbi Gooch, head of litigation (observing) Bill Masini, trading standards officer Gerald Gohler, constitutional officer (observing) Andrew Weir, constitutional officer

1. APOLOGIES

Apologies were received from Councillor Eliza Mann. Councillor David Hubber was in attendance as the reserve member.

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: ANSPACH AND HOBDAY, 116 - 118 DRUID STREET, LONDON SE1 2HH

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

The applicant for the review and their witness addressed the sub-committee. Members had questions for the applicant for the review and their witness.

The Metropolitan Police Service representative addressed the sub-committee. Members had questions for the police.

The ward councillor, representing local residents supporting the review, addressed the sub-committee. Members had questions for the ward councillor.

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

The directors of the premises addressed the sub-committee. Members had questions for the directors of the premises.

All parties were given five minutes for summing up.

The meeting went into closed session at 10.43am.

The meeting resumed at 11.52am and the chair read out the decision of the sub-committee.

RESOLVED:

That the council's licensing sub-Committee, having had regard to the application by an other person for a review of the premises granted under the Licensing Act 2003 in respect of the premises known as Anspach & Hobday, 118 Druid Street, London SE1 2HH having had regard also to all other relevant representations has decided it necessary for the promotion of the licensing objectives to:

Modify the conditions of the licence as follows:

1. That alcohol for consumption off the premises is not sold for immediate consumption in the area around the premises and is supplied in sealed containers that require a tool such as a bottle opener or corkscrew to be opened.
2. That clearly legible signage will be prominently displayed at all patron exits, where it can easily be seen and read, requesting that patrons leave the premises in a quiet and orderly manner that is respectful to neighbours.
3. That clearly legible signage will be prominently displayed where it can easily be seen and read, requesting that alcohol sold as off sales should not be opened and consumed in the vicinity of the premises and that alcohol purchased at the premises cannot be consumed outside the designated area.
4. That the licensable area is defined on the plans to prevent the consumption of alcohol, sold for the purpose of consumption on the premises, outside the defined area.
5. That on Saturdays, alcohol may be consumed in the designated external area to the front of the premises between the hours of 11.00 and 18.00. On all other days, the use of the designated external area for the consumption of alcohol is only permitted between the hours of 11.00 and 21.00. At all other times this external area shall be used for access & egress and for smoking only.
6. That SIA staff are employed on Saturdays from 12.00 until 18.00 or until the premises are closed to ensure that customers consuming alcohol do not go outside of the designated area.
7. That the premises licence holder submits a policy that deals with patrons that consume alcohol outside the designated area and with patrons who are causing public nuisance.
8. That external waste handling, collections, deliveries and the cleaning of external areas shall only occur between the hours of 08.00 and 20.00.
9. That there be a maximum capacity of 30 in the designated external area.
10. That on Saturdays, the premises shall provide one additional toilet facility.
11. That the premises shall provide and display a dedicated telephone number of the management of the premises to local residents.
12. That glassware shall be collected at regular intervals from the designated external area whilst in use.

Reasons

The reasons for this decision are as follows:

The licensing sub-committee heard from the applicant for the review and their witness who

advised that their concerns related to public nuisance and noise from the patrons of the premises. They advised that patrons used Druid Street to consume alcohol. Patrons were also urinating on the local estate in front of children. They were also leaving bottles along the walls and leaving broken bottles and rubbish on the estate.

The licensing sub-committee heard from the Metropolitan Police Service who advised that the behaviour described by the applicant for the review could amount to anti-social behaviour. However, the police informed the sub-committee that they had not witnessed such behaviour. Furthermore only one crime was recorded and it was the premises that was the victim.

The licensing sub-committee noted that the environmental protection team and the premises had agreed on a number of conditions during conciliation.

The licensing sub-committee heard from a ward councillor who spoke on behalf of a local resident in support of the review. The ward councillor wanted to see the license conditions tightened to address the local residents' concerns.

The licensing sub-committee noted the two representations supporting the review and the petition with 46 signatories also supporting the review.

The licensing sub-committee heard from one other person supporting the premises. They advised that this was a well respected and responsibly run premises. They advised that they personally had not witnessed any of the alleged behaviour from the patrons of the premises.

The licensing sub-committee noted the other 21 representations from other persons supporting the premises along with a petition of 578 signatories.

The licensing sub-committee heard from the two directors of the premises who advised that the brewery was set up in February 2014 and that they produced small batches of high quality beer. Its on sales allow for the growth and expansion of the business. They refuted the allegations made by the applicant for the review and felt that the concerns raised should not have been brought to the table today. They stated that they engaged with local residents in addition to the licensing team and they channelled any complaints through the licensing team. Any recommendations suggested by the licensing team were implemented and it was felt that they could do no more than what was suggested and they were fulfilling the licensing objectives.

The sub-committee noted that the premises operates from a small railway arch on Druid Street and is one of a growing number of craft breweries that has been established in recent years in and around the Bermondsey area. The sub-committee noted that in recent years a busy food and drink market scene had evolved in the area and this was having an impact on local residents. The sub-committee were concerned that the issues raised by the local residents could not wholly be attributed to the premises. The sub-committee were pleased with the premise's engagement with the conciliation process with the environmental protection team and noted that the residents' agreement with the proposed conditions would address their concerns.

The sub-committee would request that the premises engages with all parties, particularly the residents if they intend to change their operating hours and/or their business model.

For the benefit of the premises, the sub-committee recommends that additional CCTV is installed to monitor the external areas. The sub-committee would also ask that the premises install a more robust 'barrier' to delineate the designated external area.

Appeal rights

This decision is open to appeal by either:

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

Any appeal must be made to the Magistrates' Court for the area (or any such area) in which the premises concerned 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.

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.

6. LICENSING ACT 2003: P&S CONVENIENCE LTD., 1 LOCKWOOD SQUARE, CLEMENTS ROAD, LONDON SE16 2HS

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

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

The Metropolitan Police Service representative addressed the sub-committee. Members had no questions for the police.

The representatives from the premises and their legal representative addressed the sub-committee. Members had questions for the representatives from the premises.

All parties were given five minutes for summing up.

The meeting went into closed session at 3.13pm.

The meeting resumed at 3.40pm and the chair read out the decision of the sub-committee.

RESOLVED:

That the council's licensing sub-committee, having had regard to the application by the trading standards team for a review of the premises granted under the Licensing Act 2003 to P & S Convenience Ltd in respect of the premises known as P & S Convenience Ltd, 1 Lockwood Square, Clements Road, London SE16 2HS having had regard also to all other

relevant representations has decided it necessary for the promotion of the licensing objectives to suspend the licence until 31 August 2015, inclusive.

In addition, the conditions agreed between applicant and the responsible authorities during conciliation shall apply.

Reasons

The licensing sub-committee heard from all parties who confirmed that they had agreed a number of conditions prior to the meeting. The only outstanding matter was that of a proposed suspension and the length that it should be.

The licensing sub-committee considered the facts of the case and the inspection that took place on 8 May 2015 was as a result of a complaint received from a local resident that the premises had sold cigarettes to her 16 year old son, a lottery ticket to her 15 year old son and alcohol to her daughter who was around the age Of 18 at the time but failed to take steps to verify this.

At the time of the visit one person was working at the premises who was identified as being an illegal immigrant. Furthermore, a full sized base ball bate was found behind the counter and the employee advised that this was used to deal with difficult customers. There were also a number of breaches of the licence conditions.

The licensing sub-committee took the view that there were a number of aggravating features, particularly underage sales, the employment of the illegal immigrant and the offensive weapon found at the premises and in the circumstances felt that the suspension was appropriate and proportionate in the circumstances.

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.

Any appeal must be made to the Magistrates' Court for the area (or any such area) in which the premises concerned 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.

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.

7. LICENSING ACT 2003: UNIT 3, ORMSIDE STREET, LONDON SE15 1TR - TEMPORARY EVENT NOTICE

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

The premises user, applying for the temporary event notice addressed the sub-committee. Members had questions for the premises user.

The Metropolitan Police Service representative addressed the sub-committee. Members had questions for the police.

All parties were given five minutes for summing up.

The meeting went into closed session at 4.42pm.

The meeting resumed at 5.13pm and the chair read out the decision of the sub-committee.

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 Mr. Courtney Davis in respect of the premises known as Unit 3, Penarth Centre, Penarth Street, London, SE15 1TR in regards to an event to take place between 23:00 on 15 August 2015 and 08:00 on 16 August 2015.

Reasons

This was a temporary event notice given by the premises user, Mr. Courtney Davis, in respect of the premises known as Unit 3, Penarth Centre, Penarth Street, London, SE15 1TR in regards to an event to take place between 23.00 on 15 August 2015 and 08.00 on 16 August 2015.

The licensing sub-committee heard evidence from the premises user who advised that this was an annual event for the Jamaican Independence Day and it was for friends and family. He said it would be ticketed and that the capacity would be up to 150.

The licensing sub-committee heard evidence from the police who advised that there had been an increase in complaints of violence and crime and disorder in the area and that the premises was not suitable for such an event.

The sub-committee found that there was no known issue regarding this applicant and that there had been no trouble with previous events run by him. There was only one incident provided by the police that involved unit number 3 and the sub-committee were not satisfied to issue a counter notice in this application.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives.

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: TASTY SPICE, 207 RYE LANE, SE15 4TP - TEMPORARY EVENT NOTICE

This item had been withdrawn prior to the meeting.

Meeting ended at 5.20 pm

CHAIR:

DATED: