



Licensing Sub-Committee

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

PRESENT: Councillor Renata Hamvas (Chair)
Councillor Sandra Rhule
Councillor Sunil Chopra

OTHERS PRESENT: Samantha Porter, designated premise supervisor, The Coronet
Craig Baylis, legal advisor, The Coronet
Richard Littman, director, The Coronet
Chung Lam, local resident
Blake Martyn-Jones, Elephant and Castle Shopping Centre
Asitha Ranatunga, legal advisor, Metropolitan Police Service
Ian Clements, Metropolitan Police Service
Aaron Clarke, Metropolitan Police Service
Stuart Whyte, Metropolitan Police Service
Saban Erturk, applicant, Istanbul Express
Councillor Leo Pollak, ward councillor

OFFICER SUPPORT: Debra Allday, legal officer
Rebecca Millardship, legal officer (observing)
Dorcas Mills, licensing officer
Farhad Chowdhury, health and safety officer
Andrew Weir, constitutional officer

1. APOLOGIES

Apologies were received from Councillor Tom Flynn. Councillor Sunil Chopra 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: THE CORONET, 28 NEW KENT ROAD, LONDON SE1 6TJ AND THE CORONET, RAILWAY ARCHES 3,4, 5 AND 6, ELEPHANT ROAD, ELEPHANT MEWS, LONDON SE17 1LB

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

The chair allowed the other person supporting the review to make their representations before the other parties as they had to leave due to other engagements. Members had questions for the other persons supporting the review.

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

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

A representative for the Elephant and Castle Shopping Centre addressed the sub-committee. Members had questions for the representative from the shopping centre.

The legal representative for the premises and the designated premises supervisor (DPS) addressed the sub-committee. Members had questions for the legal representative and the DPS.

All parties were given five minutes for summing up.

The meeting went into closed session at 1.32pm.

The meeting resumed at 3.10pm 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 Metropolitan Police for a review of the premises granted under the Licensing Act 2003 to Elephant Music Ltd in respect of the premises known as The Coronet, 28 New Kent Road, London SE1 6TJ and The Coronet, Railway Arches 3, 4, 5 and 6, Elephant Road, Elephant Mews, London SE17 1LB and also having had regard to all other relevant representations has decided it necessary for the promotion of the licensing objectives to:

Modify the conditions of the licence by imposing the following additional conditions:

1. That there shall be a minimum ratio of one SIA staff member to 75 patrons or at such ratio as the police may think fit following consultation with them in respect of any specific event.
2. That there shall be no high risk events, as assessed by the SCD9 pro-active licensing police intelligence unit.
3. That any advice provided by Police in relation to medium risk events shall be followed.
4. That a full briefing to SIA staff on security and safety issues and equipment shall be provided prior to all events.
5. That all staff and SIA door staff shall be trained in the premises crowd safety management policy and shall be retrained every three months.
6. That crowd safety, means of escape in the event of emergency and security at the venue shall be reviewed every three months.
7. That the premises shall notify the police of any unusual or suspicious change in profile of patrons.
8. That all public announcements shall be made by an effective amplification system. All announcements shall be made by a member of management.
9. That an ID scanning system to the reasonable satisfaction of police be installed and maintained. The system should be capable of sharing information about banned customers with other venues, identify the hologram of an ID and read both passports and ID cards, able to identify fake or forged ID documents to a reasonable standard. The system will be in operation at all times whilst the premises are in operation under the premises licence. All persons that enter the premises including all SIA registered door supervisors, patrons, DJs and associated staff will be scanned and have their details recorded on the system. The details shall be stored and made available on request for a period of no less than 31 days.
10. That the ID scanning system will be in operation for all events save for those events where 48 hours notice has been given to the police with no consequent objection. Any security company employed at the venue shall be ACS approved.
11. There shall be no dispensation licences permitted for SIA door staff.
12. That signs shall be displayed in the entrance foyer to the premises indicating that the premises operates a zero tolerance to drugs and states "No search, no entry, management reserve the right to refuse entry".
13. That there shall be no entry or re-entry to the premises after 03.00.
14. That the premises shall carry out suitable and sufficient violence at work risk assessments and regularly review the risk assessments for the premises.
15. Condition 799 be amended to read "That SIA door supervisors shall 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 or their assistants. The search arches shall be adopted for all events and all persons and a member of management shall be present to supervise the search procedures at all times.

Reasons

The reasons for this decision are as follows:

The licensing sub-committee heard from other persons supporting the review, namely a local resident representing the Albert Barnes House residents association who described the indirect activity from the premises including the overspill of people in the streets, noise nuisance, parking issues and public urination, which took place particularly over the weekends.

The licensing sub-committee heard from the Metropolitan Police Service representative, the applicant for the review who advised that the police had applied to the licensing authority for a summary review of the premises licence on 10 November 2015. This concerned a serious incident that had taken place on 8 November 2015 when a fight broke out involving approximately 15 patrons, a noxious gas was allegedly discharged and a person was found with a puncture wound and an SIA staff member witnessed a hand gun on the premises.

It was accepted that the premises have a good record of compliance and cooperation with the responsible authorities, including voluntarily closing following serious incidents and pre-emptively cancelling events based on police intelligence.

However, the police described the events of 8 November 2015 as a critical incident requiring off borough resources of 20 units and in which the weapons identified by the premises staff (CS gas canister, knife and handgun) together with poor evacuation of patrons justified this application. Whilst there has been a degree of conciliation between the police and the premises the police felt that additional conditions relating to the reduction of capacity and licensable hours would promote the prevention of crime and disorder licensing objective.

The licensing sub-committee heard from the health and safety officer supporting the review who advised that there had been several violent incidents associated with the premises and that the management needed to explain how to address violence in the premises.

The legal representative and the designated premises supervisor for the premises addressed the sub-committee. The legal representative advised that the premises would only remain open until 5 January 2017 and it was likely that they would surrender the licence at this point. Since the interim steps there have been four events where one event continued until 06.00 and there were in excess of 2000 patrons, which had proceeded without any incident arising.

The issue on 8 November 2015 concerned the particular type of clientele attending the premises and no further events of this type would proceed in the future. The premises advised that they had made a loss of around £300,000 as a result of the interim steps and regardless had approached the police and voluntarily withdrew their "insomnia night"

following concerns about fraudulent ticket sales. The number of events and patrons compared against the number of incidents and times referred to by the police could not justify the reduction in capacity and hours as proposed by the police.

The licensing sub-committee recognise the good working relationship, compliance and cooperation that the premises has with all of the responsible authorities. However, the events of 8 November were extremely serious and warranted the police's expedited review. The sub-committee also note the improvements made following the imposition of the interim steps and the sub-committee are confident that the additional conditions imposed will greatly reduce the risk that a similar incident will occur in the future. It is felt that the conditions are appropriate and necessary to address the licensing objectives.

The licensing sub-committee are concerned with the parking issues raised by the local resident and recommend that the premises takes steps to discourage their patrons driving to the premises. Furthermore, the licensing sub-committee would ask that the licensing unit liaise with parking enforcement regarding the issues in the area and explore the possibility of implementing a controlled parking zone.

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

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

Such appeal must be commenced by notice of appeal given by the appellant to the justices' clerk 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
- b) In the event of any notice of appeal being given, until the appeal is disposed of.

The interim steps will remain in place 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 premises licence holder may make representation against any interim steps imposed and a hearing to consider the representation will be held within 48 hours of receipt of the representation.

Any representation should be in writing and cannot be received outside of normal office hours.

6. LICENSING ACT 2003: ISTANBUL EXPRESS, 234 SOUTHWARK PARK ROAD, LONDON SE16 3RW

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

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

The ward councillor addressed the sub-committee. Members had questions for the ward councillor.

Both parties were given five minutes for summing up.

The chair advised that as it was late that the parties would be notified of the decision in writing.

The meeting went into closed session at 5.20pm for the members to make their decision.

RESOLVED:

That the application by Saban Erturk for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Istanbul Express, 234 Southwark Park Road, London SE16 3RW is granted as follows:

Licensable Activity	Monday to Sunday
Sale and supply of alcohol (off the premises)	08.00 to 23.00
Hours premises are open to the public	07.00 to 23.00

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 the following conditions:

1. That alcohol will not be exposed for sale within five metres of the premises entrance.
2. That no alcoholic beers, ciders or similar beverages with an alcohol by volume (ABV) of 6% or more shall be made available for sale at the premises.
3. That the premises shall operate a Challenge 25 age verification scheme.
4. That there will be a record of refusals which shall be made available to relevant authorities on request.
5. That a CCTV system shall be installed and maintained. The CCTV footage shall be stored for a minimum of 31 days and shall be made available to the relevant authorities on request.

6. That all staff shall be trained to operate the CCTV in the store.
7. That all staff authorising the sale of alcohol will hold a personal licence.
8. That the premises will maintain training records of all staff will be made available to relevant authorities upon request.

Reasons

This was an application submitted by Saban Erturk for a premises licence to be granted under the Licensing Act 2003 in respect of Istanbul Express, 234 Southwark Park Road, London SE16 3RW.

The licensing sub-committee heard evidence from the applicant who informed the sub-committee who stated that the premises would be run as a grocery store and would not retail high strength alcoholic beverages. The applicant advised the sub-committee that he had conciliated with the public health authority, in accordance with condition 2 (above).

The licensing sub-committee heard from other persons, namely a local ward councillor who gave evidence on behalf of the Manor tenants and residents association, in addition to the Blue Bermondsey Business BID who informed the sub-committee that whilst both groups supported and welcomed the applicant had his business to the area, they did not support the application for a premises licence to community safety issues and a saturation of licensed premises along the high street. The granting of a licence would undermine the licensing sub-committee's previous decision to revoke 2 licences for the same reasons.

Whilst the licensing sub-committee was sympathetic with the concerns raised by the local ward councillor and the Manor tenants and residents association, in addition to the Blue Bermondsey BID, neither the police nor Southwark's anti-social behaviour unite (SASBU) had raised any concerns. The area did not fall within a cumulative impact zone and as such, Southwark Park Road was not deemed to be considered saturated. The sub-committee recalls the revocation of the licence to the 2-premises on the Southwark Park Road, but are also aware that this was due to breaches in trading standards legislation, rather than wider community safety issues.

The licensing sub-committee see no justified reasons to not grant the licence. However, the sub-committee remind the ward councillor and other local groups including the residents that if there are concerns with the operation of this premises, there is the option to review the premises licence. In the meantime, if there are wider saturation and community safety issues in the area, the sub-committee would recommend the ward councillor to approach the licensing unit to have these addressed.

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

The licensing sub-committee 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 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 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 5.30pm.

CHAIR:

DATED: