

## Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 24 November 2016 at 10.00 am at Ground Floor Meeting Room G02B - 160 Tooley Street, London SE1 2QH

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**PRESENT:** Councillor Renata Hamvas (Chair)  
Councillor Sunil Chopra  
Councillor Lorraine Lauder MBE

**OTHERS PRESENT:** Vincent barbe, applicant, Tanner Street Doodle Bar  
Thomas O'Maoileoin, legal representative, Tanner Street Doodle Bar  
Richard Bennetts, licensee, Wazobia  
P.C. Graham White, Metropolitan Police Service

**OFFICER SUPPORT:** Debra Allday, legal officer  
Wesley Mearthur, licensing officer  
David Franklin, licensing officer (team leader)  
Jayne Tear, licensing officer as a responsible authority  
Ken Andrews, environmental protection officer  
Carolyn Sharpe, public health officer  
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

The chair advised that the following item would be considered as an urgent item:

Item 7, Licensing Act 2003: Wazobia Restaurant, 670 Old Kent Road, London SE15 1JF.

The chair advised that the order of business would be varied to hear item 7 first.

**4. DISCLOSURE OF INTERESTS AND DISPENSATIONS**

There were none.

**5. LICENSING ACT 2003: BIMS AFRICAN FOOD STORE, 102 RYE LANE, LONDON SE15 4RZ**

This item was conciliated prior to the meeting.

**6. LICENSING ACT 2003: UNIT 60 DRUID STREET AND ARCHES 30-33 TANNER STREET, LONDON SE1 2HQ**

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 representative.

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

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

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

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

All parties were given five minutes for summing up.

The meeting went into closed session at 12.24pm.

The meeting resumed at 2.35pm and the chair did read out the decision of the sub-committee.

**RESOLVED:**

That the application by Doodle Bar Ltd for a variation of a premises licence issued under the Licensing Act 2003 in respect of the premises known as Tanner Street Doodle Bar, Unit 60 Druid Street and Arches 30-33 Tanner Street, London SE1 2EZ is granted for the crisscrossed area on the attached plan as follows:

<b>Licensable activity</b>	<b>Hours</b>
To extend recorded music (indoors) from the deregulated	Sunday to Thursday 23:00 to 23:30 Friday and Saturday 23:00 to 00:30

finish time of 23:00 to:	
To extend live music (indoors) from the deregulated finish time of 23:00 to:	Sunday to Thursday 23:00 to 23:30 Friday and Saturday 23:00 to 00:30
late night refreshment (indoors) to:	Sunday to Thursday 23:00 to 23:30 Friday and Saturday 23:00 to 00:30
To extend sale of alcohol hours for consumption on/off the premises to:	Sunday to Thursday 22:30 to 23:30 Friday and Saturday 22:30 to 00:30
The extend the opening hours of the premises to:	Sunday to Thursday 23:00 to 00:00 Friday and Saturday 23:00 to 01:00

### 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 the following additional conditions agreed by the licensing sub-committee meeting:

1. That there shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
2. That on Fridays and Saturdays after 23:00 that a minimum of two SIA licensed door supervisors shall be on duty at the entrance of the premises. This would also apply in the event of any other occasion in which the premises operates closing hours after 00:00.
3. That any staff engaged outside the entrance to the premises or supervising or controlling queues shall wear high visibility jackets or vests.
4. That no noise generated on the premises or by its associated plant or equipment shall emanate from the premises, nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
5. That loud speakers shall not be located by the entrance or outside the premises building.
6. That the doors opening into the market area be closed from 22:00 except for emergency exit. All other windows and external doors shall be kept closed after 23:00 except for immediate access and egress.
7. That notices shall be prominently displayed at any area used for smoking, requesting patrons to respect the needs of local residents and to use the area quietly.
8. That a direct telephone number for the duty manager at the premises shall be displayed at the premises and be made available to local residents.

9. That the licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.
10. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 250 persons.
11. That an incident log shall be kept at the premises and made available on request to an authorised officer of the council or the police. It will record the following:
  - (a) All crimes reported to the venue.
  - (b) All ejections of patrons.
  - (c) All incidents of disorder.
  - (d) Any seizures of drugs or offensive weapons.
  - (e) Any refusal of the sale of alcohol
  - (f) All complaints received
  - (g) Any faults in the CCTV system
  - (h) Any visit by relevant authority or emergency service.
12. That patrons permitted to temporarily leave then re-enter the premises to smoke shall not be permitted to take drinks or glass containers with them.
13. That the licence holder shall enter into an agreement with a Hackney carriage or private carriage firm to provide transport for customers, with contact numbers made readily available to customers.
14. That the Druid Street entrance shall function as an acoustic lobby and that only one set of double doors may be opened at one time.
15. That no beers, lagers or ciders with an ABV of above 6.5% will be sold at the premises, unless prior written permission has been obtained from a Metropolitan Police Licensing Officer for Southwark. Such permission must be kept at the premises and made available immediately on request to relevant authorities.
16. That there shall be no entry or re-entry to the premises after 23:00.
17. That the dispersal policy shall be kept at the premises and shall be made available to relevant officers of the council or the police on request.

## **Reasons**

The reasons for the decision are as follows:

The licensing sub-committee heard from the applicant who explained the business model for the premises, that this is a combination of a bar and a restaurant where patrons are encouraged to doodle on chalk boards. They stated that during the day it was a family orientated premises. They relied on their experience with a sister bar that was open for seven years, although now closed, in Wandsworth. They stated that the DPS has experience of running premises with late night licences.

The applicant acknowledged the concerns raised by the responsible authorities and

offered a reduction in the hours sought. They sought to address the concerns which focussed on crime and disorder and public nuisance.

They explained that all members of staff received induction training with a refresher course given after 12 months. They stated that there would be a personal licence holder at the premises at all times. They also provided a copy of their dispersal policy and advised the sub-committee that the area was well served by public transport.

In addressing the concerns raised about noise nuisance, they highlighted that the premises are under rail tracks and on a busy road, which are noisy in themselves. Furthermore, the area is well served by other drinking establishments. In response to questions asked, the applicant clarified that there is now a double glazed sound lobby on the Druid Street entrance. Furthermore, sound absorbing foam had also been installed.

They explained that before any events take place at the premises, a risk assessment would be carried out and that they would increase staff and security levels as appropriate.

They noted that no objections had been received from local residents and that they had avoided this by actively engaging with the local community.

The licensing sub-committee heard from the Metropolitan Police Service representative, who indicated that they had concerns relating not only to the lack of control measures in place regarding the dispersal of patrons, but also the crime and disorder that could arise owing to the late hours of alcohol supply. Specific reference was made to the fact that the entrance and exit points were directly opposite residential premises. The lack of provision of information as to how the premises would avoid issues formed the basis of the representations made.

The licensing sub-committee heard from the environmental protection officer who also raised concerns about the proximity of the premises to residential areas. There was concern also relating to the layout of the premises and the fact that there did not appear to be facility for sufficient noise control measures to be accommodated.

The licensing sub-committee heard from the licensing officer representing the council as a responsible authority, who was concerned that the hours applied for exceeded those set out in the licensing policy and insufficient information had been provided, meaning that they were not able to justify departing from that set criteria.

There were also concerns raised regarding the lack of control measures in place to avoid further issues arising. The representative also highlighted that the dispersal policy would need to be provided and that the current measures in place governing the off sales of alcohol were insufficient.

The licensing sub-committee heard from the public health officer who raised concern regarding public safety attributed to long hours of vertical drinking within a small premises. They also raised the fact that the hours sought were outside of the guidance hours set out in the policy.

The licensing sub-committee considered all of the oral and written representations before it and noted that this was an application to vary a licence that had already been granted. They acknowledged the representations made by all of the responsible authorities and the guidelines set out in the council's licensing policy.

The sub-committee were reassured by the experience of the designated premises

supervisor and the submissions made in addressing the concerns raised by the authorities. They were satisfied that the conditions listed above would ensure that the licensing objectives are promoted.

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

### **Appeal rights**

The applicant may appeal against any decision to modify the conditions of the licence.

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 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: WAZOBIA RESTAURANT, 670 OLD KENT ROAD, LONDON SE15 1JF**

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

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

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

Both parties were given five minutes for summing up.

The meeting went into closed session at 10.30am.

The meeting resumed at 10.34am and the chair read out the decision of the sub-committee.

### **RESOLVED:**

The council's licensing sub-committee, having had regard to the representations by the representatives of Wazobia Restaurant, 670 Old Kent Road, London SE1 1JF, against interim steps imposed at the expedited review on 17 November 2016 has agreed to:

Modify the conditions imposed by way of interim steps at the licensing sub-committee on 17 November 2016 be amended as follows:

1. That one member of staff should be on duty at all times, the premises is open and that are trained in the use of CCTV and able to view and download images to a removable device immediately on request of police or council officers and all images held for a minimum of 31 days.
2. That condition 424 be amended to read: "That whenever there is regulated entertainment after 22:00, a minimum of two SIA registered door supervisors shall be employed and must be provided with and use hand held metal detection units and to ensure that searches are carried out in respect of all admissions to the premises. This applies to all members of the public or performers and their assistants. Mechanical counting devices are also to be used to ensure that the maximum capacity limit of the premises is not exceeded. This condition will also apply if the premises operated beyond 00:00 hours.
3. That a record book of banned individuals containing the banned individual's personal details or a facial image taken from the premises CCTV system shall be held by the SIA registered door supervisors at the front door and will be made available.

### **Reasons**

This was a hearing to consider representations from the representatives of Wazobia Restaurant, 670 Old Kent Road, London SE1 1JF against the interim steps imposed at the expedited review on 17 November 2016.

The DPS informed the licensing sub-committee that following the interim steps being imposed on 17 November 2016, it was not possible to have two members of staff working at the same time 7 days a week who can operate the CCTV, as there was insufficient staff. He suggested that this condition should be amended to read one member of staff.

The DPS confirmed that after discussing condition of the interim steps, he withdrew his representation concerning this condition.

He also explained that until the full determination of the review application on 13 December 2016 regulated entertainment had been voluntarily suspended and the premises would operate as a restaurant only. In the circumstances, he was finding it difficult to employ any SIA door staff because of the very limited hours that they would be required for. He therefore asked the committee to remove this condition.

Concerning condition 12 the DPS advised the licensing sub-committee that when removing people from the premises, it was practically impossible to get these persons to cooperate in passing their personal details and therefore asked if this condition could be amended so that only facial images taken from the CCTV system would be sufficient.

The licensing sub-committee heard from the representative from the Metropolitan Police Service who confirmed that he had met with the DPS at the premises the previous day and confirmed that a new comprehensive CCTV system had been installed and the company installing had provided initial training and additional training to all staff would be provided. The officer confirmed that he was happy with the suggested amendments proposed by DPS in respect of the interim steps conditions 6 and 12 and concerning condition 10, this

could be amended that one SIA be employed between 20:00 until closing.

The Licensing sub-committee are grateful to the parties to be able to conciliate much of the representations and the amendments to the interim steps conditions 6 and 9 are accepted. The premises are still permitted to provide regulated entertainment. The incidents detailed in the Notice of Decision dated 17 November 2016 demonstrates that alleged incidents of violence occur when regulated entertainment is provided. Therefore, this sub-committee amend the interim steps condition 10, so that SIA staff are only required if regulated entertainment is provided or if the premises are open after 00:00 hours, should the premises have a temporary events notice.

Until the final determination of this review, the licensing sub-committee are of the view that it would be appropriate and proportionate to attach the conditions listed above in order to promote the licensing objectives.

### **Appeal rights**

There is no right of appeal to a magistrates' court against the licensing authority's decision at this stage.

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.

Meeting ended at 2.45 pm

**CHAIR:**

**DATED:**

**[CABINET ONLY]**

**DEADLINE FOR NOTIFICATION OF CALL-IN UNDER SECTION 21 OF THE OVERVIEW AND SCRUTINY PROCEDURE RULES IS MIDNIGHT, [DATE].**

**THE ABOVE DECISIONS WILL NOT BE IMPLEMENTABLE UNTIL AFTER THAT DATE. SHOULD A DECISION OF THE CABINET BE CALLED-IN FOR SCRUTINY, THEN THE RELEVANT DECISION WILL BE HELD IN ABEYANCE PENDING THE OUTCOME OF SCRUTINY CONSIDERATION.**