

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Tuesday 13 December 2016 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Renata Hamvas (Chair)
Councillor Sunil Chopra
Councillor Sunny Lambe

OTHERS PRESENT: Jane Mitchell-Reilly, applicant for the review
Ian Baker, witness for the applicant for the review
Michael Smith, premises licence holder, CLF Art Café
Saija Kamarainen, premises licence holder, CLF Art Café
David Dadds, legal representative, CLF Art Café
Richard Bennetts, premises licence holder, Wazobia
P.C. Graham White, Metropolitan Police Service

OFFICER SUPPORT: Debra Allday, legal officer
Wesley McArthur, licensing officer
Paul Newman, environmental protection officer
Jayne Tear, licensing officer as a responsible authority
Gavin Blackburn, planning enforcement officer
Carolyn Sharpe, public health 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: THE CLF ART CAFÉ, UNIT A1, A2, & A3, AG1, BASEMENT A, THE BUSSEY BUILDING, COPELAND PARK, 133 COPELAND ROAD, LONDON SE15 3SN

The licensing officer presented their report. Members had no 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 meeting adjourned at 11.10am to allow the licensing officer time to produce extra copies of documents. The meeting resumed at 11.33am.

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

The meeting adjourned at 12.23pm for the sub-committee to take legal advice. The meeting reconvened at 12.47pm and the chair advised that the sub-committee would be adjourned to a future date in order that a full acoustic report can be produced.

The legal representative for the premises addressed the sub-committee, requesting that the meeting not be adjourned.

None of the other parties had any objection to the proposed adjournment.

The meeting went into closed session at 1.03pm.

The meeting resumed at 1.28pm and the legal officer read out the decision of the sub-committee.

RESOLVED:

That this matter be adjourned, part-heard, to 10.00 am on to 6 March 2017.

The licensing sub-committee direct that the premises is to be inspected by Southwark's environmental protection team (EPT) and that an acoustic report is prepared addressing:

- i. Whether sound limiters have been fitted and are working in the premises and if they are set at an appropriate level.
- ii. Whether there has been a change to the equipment involved in the broadcast or the limiting of sound from licensed entertainment and if so, whether the sound limiters have been re-set and to what level.
- iii. The viability of the external acoustic barrier.
- iv. Additional recommendations to noise insulation.

- v. The EPT report should be served on the representatives for the premises before 4.00pm on 27 January 2017.
- vi. Any response to the EPT report should be served on EPT and licensing unit before 4pm on 3 March 2017.

6. 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 Metropolitan Police Service representative addressed the sub-committee. The police advised that they had met with the licensee of the premises and had produced a list of conditions which would promote the licensing objectives.

The licensing officer representing the council as a responsible authority advised that they were satisfied with the conditions suggested by the police.

The environmental protection officer also confirmed that they were satisfied with the conditions suggested by the police. Members had questions for the police.

The licensee for the premises addressed the sub-committee. They advised that they were satisfied with the agreed conditions. Members had no questions for the licensee of the premises.

The meeting went into closed session at 1.56pm.

The meeting resumed at 1.59pm and the chair advised all parties of the decision.

RESOLVED:

That the council's licensing sub-committee, having considered an application made under Section 53A of the Licensing Act 2003 by the chief of police for the metropolitan police area for a review of the premises licence issued in respect of the premises known as Wazobia Restaurant, 670 Old Kent Road, London SE15 1JF 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 as follows:

That conditions 288, 289, 303, 424 be removed from the licence and that the following conditions be added:

1. 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 after 22.00 whilst the premises are in operation under the premises licence when the terminal hour is after 00.30. All persons that enter the premises including staff, patrons, DJ's 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.

2. That a 696 form must be submitted for any occasion in a premises licensed under the provisions of the Licensing Act 2003, using a DJ or MC performing to recorded background music, operating any time between 10pm and 6am, that is promoted in some form by outside promoter, where entry is either free, by invitation, pay on the door or by ticket.
3. That no spirits (alcohol containing more than 20% ABV) shall be sold by the bottle or half bottle unless served by a waitress in the clearly designated VIP area to groups of more than 10.
4. That all spirits (alcohol containing more than 20% ABV) shall be sold by the measure of 25ml or 35ml at a maximum of two measures per container/glass unless served by a waitress in the VIP area to groups of more than 10.
5. That two SIA registered door supervisors will be engaged when the premises are in operation Friday, Saturday or when the terminal hour is after 00.30 and will be employed at all times after 22:00 until the end of business and all patrons have vacated the premises. They will be engaged to monitor admission and re-admissions to the premises, security, protection, screening, dealing with conflict and ensure that conditions related to the use of the outside area are adhered to and that the dispersal policy for the premises is implemented.
6. That when SIA are required they will 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 and their assistants and mechanical counting devices to ensure that the maximum accommodation limit of the premises is not exceeded.
7. That alcohol is only to be served to customers that are seated and eating a substantial table meal and ancillary to that meal except Friday and Saturday's after 22.00 and Sundays proceeding a bank holiday. After 22:00 hours only customers who have ordered a substantial meal shall be served alcohol.
8. That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV System must be capable of capturing a clear facial image of every person who enters the premises. It should cover all areas within the premises including the outside area to the front in all lighting conditions. It should be designed, installed and maintained in compliance with the ICO CCTV Code of Practice.
9. That at least one member of staff should be on duty at all times the premises is open that is trained in the use of the CCTV and able to view and download images to a removable device on request of Police or council officer.
10. That all empty glassware to be cleared at a frequency of 30 minutes or less.
11. That an incident record is maintained and signed by the designated premises supervisor (DPS) on a weekly basis and is made available to police and council officers on request.
12. That all staff are trained in their responsibilities under the licensing act 2003 and the

signs of drunkenness and training records to be kept and updated every six months and shall, upon request, be made immediately available to officers of the police and the council.

13. That customers shall use no outside area after 22.00 other than those who temporarily leave the premises to smoke a cigarette and no more than five people at any one time. The area should be clearly designated and a system in place to limit the number outside.
14. That after 00.00 anyone that leaves to smoke in the designated area should be recorded or issued a pass indicating they are a re-admission and no one without such pass will be allowed back in.
15. That a record book of banned individuals shall be kept and held by the SIA on duty at the front door and made available to police and council officers for inspection on request.

Reasons

The reasons for this decision are as follows:

The licensing sub-committee heard from the Metropolitan Police Service representative who advised that conditions had been agreed and with the licence holder.

The licensing sub-committee heard from licensing as a responsible authority representing the council who confirmed that the conciliated conditions addressed licensing concerns.

The licensing sub-committee heard from the environmental protection officer, supporting the review who confirmed that the conciliated conditions addressed licensing concerns, the officer requested that it be noted that there had been two complaints of entertainment noise from the premises on 2 and 8 October 2016. Regardless, no additional conditions were required to address noise nuisance.

The licensing sub-committee heard from the premises licence holder who advised that he was in agreement with the conciliated conditions.

The sub-committee considered all the written and oral evidence before it and concluded that conciliated conditions were 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 chief executive 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.

Meeting ended at 1.59 pm.

CHAIR:

DATED: