

## Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Monday 30 January 2017 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 Lorraine Lauder MBE

**OTHERS PRESENT:** Ciara Webster, applicant, Lost Rivers  
David Seymour, applicant, Brew by Numbers  
Paul Scarborough, applicant, Rock Island  
Mr Mahir Kilic, proposed designated premises supervisor, Rock Island  
Rupert Jones, legal representative, Rock Island  
Jeremy Leach, Walworth Society representative  
Katrina Hogg, local resident  
Graham White, Metropolitan Police Service

**OFFICER SUPPORT:** Debra Allday, legal officer  
Rebecca Millardship, legal officer  
Jayne tear, licensing as a responsible authority officer  
Paul Newman, environmental protection officer  
Hannah Lilley, street markets officer  
Lisa York, markets and street trading manager  
Bill Masini, trading standards officer  
Dorcas Mills, licensing officer  
Carolyn Sharpe, public health authority 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**

There were none.

**4. DISCLOSURE OF INTERESTS AND DISPENSATIONS**

There were none.

**5. REVOCATION OF TRADING LICENCES**

The sub-committee noted the open report and considered the revocation of two street trading licences.

The sub-committee agreed to revoke the licence of the traders after hearing the report from the street trading officers and considering the information outlined in appendices I and M, which the street trading officers had brought to the meeting.

The remaining applications to revoke street traders' street trading licences were withdrawn.

**6. LICENSING ACT 2003: LOST RIVERS (LAND ADJACENT TO ARTWORKS), ELEPHANT ROAD, LONDON SE17 1AY**

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 Licensing Sub-Committee be adjourned part heard in order for the applicant to produce an acoustic report and a draft noise management plan in order for the responsible authorities to approve and/or comment upon it.

Further this Licensing Sub-Committee considers it necessary in the public interest to extend time and adjourn the determination of this application until 10am on Monday 6 March 2017 pursuant to paragraph 11 of the Licensing Act 2003 (Hearing) Regulations 2005.

**7. LICENSING ACT 2003: BREW BY NUMBERS, RAILWAY ARCH, 75 ENID STREET, LONDON SE6 3RA**

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

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

The licensing officer representing the council as a responsible authority addressed the sub-committee and informed them that the had agreed a number of conditions with the applicant. Members had questions for the licensing officer.

The licensing sub-committee noted that the environmental protection officer had conciliated with the applicant in advance of the meeting.

The licensing sub-committee heard from a local resident objecting to the application. Members had questions for the local resident.

All parties were offered five minutes for summing up.

The meeting went into closed session at 1.19pm

The meeting resumed at 1.32pm. The chair did not read out the decision of the sub-committee as nobody was present.

**RESOLVED:**

That the application made by Brew By Numbers Ltd for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Brew By Numbers, Railway Arch, 75 Enid Street, London SE16 3RA is granted as follows:

<b>Licensable activity</b>	<b>Hours</b>
Sale and supply of alcohol (on the premises)	Monday to Sunday from 08:00 to 22:30
Sale and supply of alcohol (off the premises)	Monday to Sunday from 08:00 to 23:00
Operating hours	Monday to Sunday from 08:00 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, the conciliated conditions agreed with the responsible authorities and the following additional conditions agreed by the sub-committee:

1. That the dispersal policy shall be kept at the premises with licence and made available for inspection by authorised officers.
2. That clear legible signage shall be prominently displayed where it can be easily seen and read, requesting that alcohol sold as off sales should not be opened and consumed in the vicinity of the premises
3. That no drinks in opened containers shall be allowed outside the premises, which includes the area directly outside the front exit door.
4. That all staff shall be trained with in regards to the conditions on the licence and the four licensing objectives. The training records shall include the name of the member of staff; and the date of the training. Training records shall be kept at the premises and made available for inspection by authorised officers
5. That the toilets located outside of the premises must be secured and not accessible for general public use outside of the hours of operation.
6. That a maximum of 5 patrons at any one time, may stand in the area directly outside the front exit door to smoke.
7. That any barriers erected to contain patrons within the limits of the premises must be within the limitations of the permitted land agreed with network rail and not obstruct any highways.

## **Reasons**

The reasons for the decision are as follows:

The licensing sub-committee heard from the applicant who was able to explain that the company had been occupying another premises a number of arches down from this premises. He stated that, in short, the business concept had become increasingly popular and as such the existing premises were no longer able to cope with the capacity of patrons regularly attending.

He explained that the new premises would be able to accommodate the patrons inside the venue under the railway arch. He also explained that as the venue was created for the purpose of hosting patrons, investment was being made to ensure that adequate seating was provided to patrons and following the conciliation meeting with environmental protection team they would be investing in PVC sheeting to reduce noise nuisance. The applicant highlighted that he had acknowledged the observations and objections made by the local residents and was taking action to try and address the issues.

The licensing sub-committee heard from the licensing responsible authority who indicated that they had met with the applicant before the meeting and had conciliated on the basis of

having agreed a number of conditions with the applicant.

The licensing sub-committee noted that the environmental protection officer had conciliated with the applicant.

The licensing sub-committee heard that one of the local residents had considered the conciliated conditions agreed with EPT and as a result had withdrawn their representations.

The sub-committee heard from one other local resident objecting to the application. The resident stated that they were reassured that the existing premises were no longer proposing to host patrons outside and that the purpose of the new premises was to move the patrons inside with only a limited amount of individuals being permitted to use the outside area for smoking. They did however identify that whilst the PVC sheet was a good idea, they did not anticipate it being able to stop the noise reaching local residents.

The resident also raised concerns, based on the running of the existing premises regarding the patrons using their gardens and those of their neighbours to urinate. It was set out that whilst the premises were complying with legal guidelines by having two toilets available for the number of patrons, it was however not sufficient to prevent patrons from acting in such a manner. It was suggested that perhaps more pro-active security staff could go a long way to prevent this being an issue. Finally the resident set out that there is an issue regarding where and how the perimeter of the premise should be marked, it was discussed that there is an issue with patrons standing in the roads and that there was a clear safety issue.

The applicant was able to address the concerns raised by the resident to such an extent that the resident was able to say that they felt that their concerns had been allayed.

The licensing sub-committee considered all of the oral and written representations before it and were of the opinion that in the circumstances that the licence should be granted. They recognised the attempts made by the applicant to address concerns raised by the relevant authorities and the residents and felt that the conciliated conditions went a long way to prevent further nuisance to local residents. A number of further conditions were also given so as to further protect the residents and the patrons themselves.

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:

- 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) 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.

**8. LICENSING ACT 2003: ROCK ISLAND (FORMERLY THOMAS A BECKET), 320-322 OLD KENT ROAD, LONDON SE1 5UE**

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

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

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

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

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

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

All parties were offered five minutes for summing up.

The meeting went into closed session at 3.04pm

The meeting resumed 3.12pm. The chair did not read out the decision of the sub-committee as nobody was present.

**RESOLVED:**

That the application made by Paul Anthony Scarborough for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Rock Island (formerly Thomas A Becket), 320-322 Old Kent Road, London SE1 5UE is granted as follows:

<b>Licensable activity</b>	<b>Hours</b>
Sale and supply of alcohol (on the premises)	11:00 to 23:30 Monday to Sunday
Late night refreshment	23:00 to 23:30 Monday to Sunday
Opening hours	11:00 to 00:00 Monday to Sunday

Non standard timings: None	

## 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, the conciliated conditions agreed with the responsible authorities and the following additional conditions agreed by the sub-committee:

1. That all of the previous management of Thomas A Becket Leisure Investments Limited namely: Kazi Hasnat Abdul, Abdul Kashim, Abdul Baian, Hatem Yavuz, Mahfuz Chowdhury, Apeksha Dandekar and Richard Devlin be prohibited from the premises at all times. The same individuals are prohibited to have any involvement whatsoever in the running of the premises or be a director or shareholder of Rock Island Food and Leisure Limited.
2. That should either Rock Island Food and Leisure Limited or Kazi Hasnat Abdul, Abdul Kashim and Abdul Baian terminate the lease dated 14 December 2016 to the premises (Ground Floor Thomas A Becket, 320-322 Old Kent Road, SE1 5UE) terminate the lease before its expiry (in December 2031) by serving a break notice, the premises licence holder will surrender the premises licence to the licensing authority on expiry of the break notice.
3. That the premises have a maximum accommodation limit of 120 patrons made up of: 85 seated patrons and 15 waiting patrons inside the premises and also, 16 seated patrons outside the premises.
4. That the garden/outside area will be closed and clear of patrons by 22:30 daily after which only a maximum of 5 smokers may enter the garden at any one time. No drinks are permitted in the garden area after 22:30.
5. That a written dispersal policy is provided to the licensing authority and shall be kept at the premises and made immediately available for inspection by the police and authorised council officers.
6. That the premises will install a CCTV system and maintain this system in good working order, the system will be of evidential quality in all lighting conditions and should be able to capture a clear facial image of all persons that enter the venue. All public areas will be covered including the bar and smoking areas. All CCTV footage will be kept for a period of thirty one (31) days and shall, upon request, be made immediately available for inspection to officers of the police or the council.
7. That there shall be at least one member of staff on duty at all times the premises are in operation under its licence trained and proficient in the operation of the CCTV system capable of operating and retrieving footage on request of the police or other authorised officer.
8. That intoxicating liquor shall not be sold or supplied on the premises otherwise than

to persons taking table meals and for consumption by such persons as an ancillary to their meal or awaiting to be seated within a designated waiting area with a maximum of 15 at any time.

9. That all staff concerned in the sale or supply intoxicating liquor undergoes a training scheme for such duties. Records of such training will be kept and made available for inspection, immediately on request by police or other authorised officer.
10. That all incidents of violence and or disorder that result in an injury to another will be reported to the police as soon as practicable. The reasoning behind any delayed report will be recorded in the incident report book. This report book will be made available for inspection immediately by any authorised officer from the police or council.
11. That a personal licence holder is on the premises and on duty at all times after 20:00 when intoxicating liquor is supplied.
12. That two SIA registered door supervisors will be engaged when the premises are in operation. They will be employed Thursday, Friday, Saturday and Sunday after 20:00 until the end of business and all patrons have vacated the premises. They will be engaged to monitor admission and re-admission 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.
13. That SIA when engaged at the premises will be issued mechanical counting devices to ensure that the maximum accommodation limit of the premises is not exceeded.
14. That no spirits (alcohol containing more than 20% ABV) shall be sold by the bottle or the half bottle.
15. That all spirits (alcohol containing more than 20% ABV) shall be sold by the measure of 25ml or 35ml at a maximum of 2 measures per container/glass.
16. That all children on the premises shall be accompanied by a responsible adult.
17. There shall be no entry or re-entry to the premises after 23:00.
18. That there will be no deliveries of stock made to the premises between 22:00 and 08:00 on any day.

### **Reasons**

The reasons for the decision are as follows:

The licensing sub-committee heard from the applicant who advised that he would be a restaurant and he had partnered up with the Rock Island Cyprus and intended to turn the venue into a premises similar to TGI Friday or Steak House without losing its heritage. The premises became an asset of community value in 2015 following the revocation of the previous premises licence. The previous premises licence holder(s) and the applicant are unconnected. A lease had been granted by the freehold owners and as a result, the Rock Island Cyprus was a separate legal entity and agreed that if the lease to the premises



terminated for whatever reason, the premises licence would be surrendered upon the termination of the lease. The applicant was also agreeable to prohibit any of the previous management to enter the premises or have any involvement in the running of the business. The premises would have an emphasis on good quality American food that would celebrate the boxing heritage of the premises.

The licensing sub-committee heard from the Metropolitan Police Service representative who advised that the operating schedule indicated that whilst the application was for a restaurant, the premises is subject to a community order and designated an asset of community value and should remain a public house. Public houses are permitted to serve food but the schedule indicates that the venue would solely be for food and alcohol only served as ancillary to food. Unless the community order is removed and the planning permission changed then the operation as described would not be allowed under the order. The officer also referred to Southwark's statement of licensing policy and highlighted that the proposed hours fell outside of the closing hours suggested in the statement of licensing policy. The representation has suggested conditions that should be in place regardless of terminal hour and also conditions that should be in place if the terminal hour falls after midnight.

The licensing sub-committee heard from the licensing responsible authority officer who referred to issues that led to the revocation of the previous premises licence (to Thomas A Beckett). The officer sought assurances that the previous licensees or management or have any control over the premises and/or the licensable activities that may take place at the premises. The officer also recommended that the closing time be brought into line with Southwark statement of licensing policy.

The officer for licensing as a responsible authority called the Chair of the Walworth Society as a witness. He advised the sub-committee that the premises became an asset of community value in June 2015 as residents were concerned with that the premises would be sold, and would lose a further licensed premises in the area. The Chair of the Walworth Society felt assured that the crime and disorder and public nuisance previously associate to the premises would not re-occur and was pleased with the proposals to bring back the asset into the community's usage.

The licensing sub-committee heard from the environmental protection officer who advised that the hours applied for exceeded the recommended hours for a restaurant or public house within the Southwark statement of licensing policy. The premises were structurally connected to residential premises and that the proposed conditions to prevent public nuisance did not address the officer's concerns who sought a terminal hour of 23:00.

The licensing sub-committee heard from the public health authority officer who advised that that the increased hours of alcohol sales, such as those detailed in the application are associated with increased alcohol consumption, alcohol related injuries and alcohol related harm. Public health sought an earlier end time in regards to the sale of alcohol and that they are brought in line with Southwark's statement of licensing policy.

The licensing sub-committee noted the representations from other persons who were not present.

The licensing sub-committee considered all of the oral and written representations before it and were of the opinion and recognised that the premises had been unused since the licence revocation in 2014. A significant period of time had passed and the local community could be satisfied that the crime and disorder previously associated with the

premises would not occur again.

The premises would be run by totally new management who were agreeable to prohibit any of the previous management entering the premises or being involved in the running of the business. Rock Island has demonstrated that they are committed to taking advantage of the heritage and bringing the premises back into the community. With the strict conditions imposed, this licensing sub-committee are satisfied that a premises licence should be granted and that Rock Island can make a success of its venture.

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:

- 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) 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.

## **9. REVOCATION OF TRADING LICENCES**

### **EXCLUSION OF PRESS AND PUBLIC**

It was moved, seconded and

#### **RESOLVED:**

That the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in category 1 and 2 of paragraph 10.4 of the Access to Information Procedure Rules of the Southwark Constitution.

The following is a summary of the decisions taken in the closed section of the meeting.

The licensing sub-committee considered the closed information relating to this report.

Meeting ended at 3.13 pm

**CHAIR:**

**DATED:**