



LICENSING SUB-COMMITTEE

Minutes of the Licensing Sub-Committee held on Thursday 3 August 2023 at 10.00 am. The meeting took place remotely on MS Teams.

PRESENT: Councillor Andy Simmons (Chair)
Councillor Sunny Lambe
Councillor Charlie Smith

OFFICER SUPPORT: Toyin Calfos, legal team
Matt Tucker, licensing team
Tim Murtagh, constitutional team

1. ELECTION OF CHAIR

The clerk opened the meeting.

Councilor Sunny Lambe nominated Councillor Andy Simmons to be the chair for the meeting. This was seconded by Councillor Charlie Smith.

2. APOLOGIES

There were no apologies for absence.

3. CONFIRMATION OF VOTING MEMBERS

The voting members were confirmed verbally, one at a time.

4. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

There were none.

5. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

**6. LICENSING ACT 2003: HORANGEE POCHA, CROWN AND ANCHOR,
116 NEW KENT ROAD, LONDON SE1 6TU**

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

The sub-committee also noted the written representations from other persons objecting to the application, who were not present at the meeting.

All parties were given up to five minutes for summing up.

The meeting adjourned at 11.11am for the sub-committee to consider its decision.

The meeting reconvened at 12.05pm and the chair advised everyone of the decision.

RESOLVED:

That the application made by KSQ London Ltd, for a premises licence to be varied under Section 34 of the Licensing Act 2003 in respect of the premises known as Horangee Pocha, Crown and Anchor, 116 New Kent Road, London, SE1 6TU be granted as follows:

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, agreed conditions with the responsible authorities and any additional conditions as agreed by the licensing sub-committee all as outlined below:

Opening hours of the premises:	
Monday to Thursday	12:00 - 02:30
Friday to Saturday	12:00 - 03:30
Sunday	12:00 - 02:30
Recorded Music – Indoors:	
Monday to Thursday	12:00 - 02:00
Friday and Saturday	12:00 - 03:00
Sunday	12:00 - 02:00
Late Night Refreshment – Indoors:	
Monday to Thursday	23:00 - 02:00
Friday and Saturday	23:00 - 03:00
Sunday	23:00 - 02:00

Sale by retail of alcohol to be consumed on premises:	
Monday to Thursday	12:00 - 02:00
Friday and Saturday	12:00 - 03:00
Sunday	12:00 - 02:00
Sale by retail of alcohol to be consumed off premises:	
Monday to Thursday	12:00 - 02:00
Friday and Saturday	12:00 - 03:00
Sunday	12:00 - 02:00

Conditions imposed by the Metropolitan Police Service

1. That SIA/Staff shall ensure that when patrons leave the venue they do not loiter in the vicinity of the premises for any reason.
2. When taxis are ordered for customers, the taxi service shall instruct the driver's not to sound the car horns outside the premises, but to approach the premises in person and verbally (without raised voices) alert staff that the drivers are at the premises to collect customers.
3. There shall be no DJ led events held at the venue.
4. A zero tolerance drugs and weapons policy shall be in place at the premises. Anybody found with or using drugs and/or weapons will be ejected from the premises and shall not be admitted/re-admitted. Any person who is suspected of having drugs on their person will be asked to consent to a search, and should they refuse the search that person shall be ejected from the premises. All relevant staff shall be trained in the drugs policy. A record of the training shall be kept in the staff training logs at the premises. The training record shall include the printed name of the trainee and the date that the training was received.
5. A dispersal policy shall be in place for the premises and a copy of it shall be kept/ be always accessible at the premises when the premises are in operation. The policy should include (but not necessarily be limited to) the following:
 - Details as to how customer/staff egress at the premises shall be managed to minimise causing nuisance.
 - Details of public transport in the vicinity and how customers will be advised in respect of it.
 - Details of the management of taxis to and from the premises.
 - Details of the management of any 'winding down' period at the premises.
 - Details of the use of security and stewarding in respect of managing customer dispersal from the premises.

- Details of any cloakroom facility at the premises and how it is managed.
 - Details of road safety in respect of customers leaving the premises.
 - Details of the management of ejections from the premises.
 - Details of how refuse/waste in the local vicinity arising through the operation of the premises will be cleared up (e.g., flyer clean up, post event clean up).
6. All relevant staff employed at the premises shall be trained in the latest version of the dispersal policy and a record of the training shall be kept in the staff training logs at the premises. The training record shall include the printed name of the trainee and the date that the training was received. The dispersal policy shall be made immediately available to responsible authority officers on request.
 7. That the number of patrons using the smoking area after 2300hrs shall not exceed 10 persons and shall be monitored by staff.
 8. All off sales shall be in sealed containers for consumption away from the premises, the exception being the outside area to the front of the premises which may be used until 2300hrs.
 9. That only experienced and reputable delivery companies will be able to make deliveries on behalf of the venue. That details of the delivery companies used shall be recorded in written format and made available to police or council officers
 10. There shall be signage instructing all staff/delivery drivers/riders to respect local residents, keep noise levels down and switch engines off whilst waiting.
 11. That staff shall monitor the delivery driver/riders waiting area and ensure that the operatives do not cause any nuisance be that noise or otherwise to their neighbours.
 12. There shall be regular glassware collection throughout the venue.
 13. 'Ask for Angela' posters (or posters relating to whatever similar scheme may be recommended at any time) shall be displayed in the female toilet facilities and kept free from obstructions at all times. All relevant staff shall be trained in the 'Ask for Angela' scheme (or similar scheme). A record of the training shall be kept in the staff training logs at the premises. The training record shall include the printed name of the trainee and the date that the training was received.
 14. That if a Pubwatch scheme exists in respect of the local area, then the licensee/ management will join and participate in the Pubwatch scheme.
 15. The Premises must have a welfare and vulnerability policy and all staff must receive this training. All new staff must receive this training before starting their role and all staff must have refresher training every 12 months. All training must be recorded and these records must be available on immediate request by the police or authorised council officers.

Conditions imposed by the Licensing Unit

1. Conditions 288 & 289 to remain. The CCTV system shall be correctly time and date stamped. The CCTV system shall cover all interior and exterior areas of the premises, including the frontage of the premises, and shall collect clearly defined/focused footage.
2. Condition 341 to remain. The register shall be clearly and legibly marked on the front cover as a register of refused alcohol sales, with the address of the premises and the name of the licence holder. The register shall be used to record details of all refused sales of alcohol. The register shall be kept/be accessible at the premises at all times. The register shall be made immediately available for inspection at the premises to responsible authority officers on request.
3. Condition 342 to be replaced with the following –
 - That an incident log shall be kept at the premises to record details of any of the following occurrences at the premises:
 - i. Instances of anti-social or disorderly behaviour
 - ii. Calls to the police by the premises' staff
 - iii. Any complaints received
 - iv. Ejections of people from the premises
 - v. Visits to the premises by the local authority or emergency services
 - vi. Any malfunction in respect of the CCTV system
 - vii. All crimes reported to the venue
 - viii. All seizures of drugs or offensive weapons
 - ix. Any other relevant incidents
4. The incident log shall contemporaneously record the time, date, location in the premises and description of each incident, the printed and, if possible, signed stating the name of the person reporting the incident and any action taken in respect of the incident. The incident log shall be available/be accessible at the premises at all times that the premises are in use, and shall be made immediately available to responsible authority officers on request. All relevant staff employed at the premises shall be trained in the use of the incident log. Details of such training, including the printed name(s) of the trainee(s) and the date(s) that the training was given, shall be recorded in the staff training logs at the premises.
5. Conditions 345 & 346 to be replaced with the following –

That the premises' management shall regularly monitor any external areas of the premises and the immediate frontage of the premises and take all necessary steps to ensure that noise from patrons, or the premises' operation, does not cause disturbance or nuisance of any kind. A log of such monitoring including the printed name of the person who undertook the monitoring, the date & time of the monitoring and any observations or actions taken subsequent to the monitoring shall be kept at the premises and be made immediately available to responsible authority officers on request. All relevant staff employed at the premises shall be

trained in the use of the incident log. Details of such training, including the printed name(s) of the trainee(s) and the date(s) that the training was given, shall be recorded in the staff training logs at the premises.

6. That a zero tolerance policy to illegal drug use will be implemented and maintained at the premises. All staff shall be trained in respect of the premises' drug policy. A record of such training shall be kept in the staff training logs at the premises. The training record shall include the printed name of the trainee and the date that the training was received.
7. That clearly legible signage shall be prominently displayed in the toilets where it can easily be seen and read by customers, advising to the effect that the taking of illegal drugs will not be tolerated at the premises. These notices shall be kept free from obstructions at all times.
8. That clearly legible signage shall be prominently displayed where it can easily be seen and read by customers, at all exits from the premises and in any external areas, requesting to the effect that customers leave the premises and locale in a quiet and orderly manner with respect to local residents. Such signage shall be kept free from obstructions at all times.
9. That clearly legible signage shall be displayed where it can easily be seen and read by customers and staff identifying all emergency escape routes and emergency exits at the premises. Such signage shall be kept free from obstructions at all times.
10. That, in addition to any such non-illuminated signage, illuminated emergency escape route and emergency exit signage ('emergency lighting') shall be installed at the premises, be maintained in full working order, be operational at all times that the premises are in use and shall be maintained free from obstruction at all times.
11. That all emergency exits, emergency escape routes and entry / exit doors at the premises shall be kept free from obstructions at all times that the premises are in use.
12. That fire-fighting/fire safety equipment, in accordance with the findings of the fire risk assessment devised in respect of the premises, shall be kept at the premises in easily accessible and unobstructed locations.
13. That a dispersal policy to assist with patrons leaving the premises in an orderly and safe manner shall be devised and maintained regarding the premises. A copy of the dispersal policy shall be kept at the premises with the premises licence and shall be made immediately available for inspection to council and/or police officers on request. All staff shall be trained in the implementation of the latest version of the dispersal policy. Details of such training, including the printed name of the trainee and the date of the training, shall be recorded in the staff training logs at the premises.

14. That staff shall be trained to, and shall request if and when required, that customers behave at, and/or leave, the premises and locale in a quiet and orderly manner. Customers deemed by staff to be engaging in anti-social behaviour shall be asked to leave the premises. The details of such training, including the printed name(s) of the trainee(s) and the date(s) that the training was given, shall be recorded in the staff training logs at the premises.
15. That staff shall be trained to arrive at, conduct themselves at the premises at all times, and leave the premises in an orderly manner, with particular care taken when staff close the premises at the end of trade on each day. The details of such training, including the printed name(s) of the trainee(s) and the date(s) that the training was given, shall be recorded in the staff training logs at the premises.
16. That clearly legible signage shall be prominently displayed where it can easily be seen and read by customers at all exits requesting to the effect that customers do not consume alcoholic drinks bought at the premises in the vicinity of the premises. Such signage shall be kept free from obstructions at all times.
17. That all staff shall be trained in their responsibilities under the Licensing Act 2003, the promotion of the licensing objectives and the terms and conditions of this licence. Records pertaining to such training shall be kept (the staff training logs), shall be updated every 6 months and shall be made immediately available police and/or council officers on request. The training record shall include the trainee's name (in block capitals), the trainer's name (in block capitals), the signature of the trainee, the signature of the trainer, the date(s) of training and a declaration that the training has been received and understood.
18. That clearly legible signage shall be prominently displayed where it can easily be seen and read by customers in the premises' toilets advising to the effect that the taking of illegal drugs will not be tolerated at the premises. These notices shall be kept free from obstructions at all times.
19. That an entry policy will be devised and maintained at the premises. A copy of the entry policy shall be kept at the premises with the premises licence and shall be made immediately available for inspection to responsible authority officers on request. The entry policy shall cover (but not necessarily be limited to):
 - I. Safe customer entry to the premises,
 - II. If / when applicable, searching/scanning of attendees,
 - III. The barring of customer entry to the premises for any reason,
 - IV. Restricted items (e.g. weapons/drugs or any other items restricted by the licensee),
 - V. Pre-opening safety checks of the premises,
 - VI. Dealing with overcrowding and/or crowd surges
 - VII. Dealing with suspect packages

20. All relevant staff shall be trained in the implementation of the latest version of the entry policy and the details of such training, including the printed name(s) of the trainee(s) and the date(s) that the training was given, shall be recorded in the staff training logs at the premises.

21. That the maximum number of people permitted on the premises at any one time (the 'accommodation limit') is 180 people (excluding staff). The accommodation limit shall be known by all staff and shall not be exceeded at any time.

Reasons

The sub-committee convened following an application made by KSQ London Ltd, for a premises licence to be varied under Section 34 of the Licensing Act 2003 in respect of the premises known as Horangee Pocha, Crown and Anchor, 116 New Kent Road, London, SE1 6TU.

The sub-committee heard from the licensing officer. He stated that the application received 5 objections however, the applicant conciliated with the police and licensing unit and as a result, their representations had been withdrawn. The committee were given a copy of the agreed conditions which are incorporated into this notice.

The officer went on to state conciliation was achieved after the applicant agreed to reduce the hours applied for and subjected the premises/organisation to a number of new conditions aimed at promoting the licensing objectives. He stated that 3 objections to the variation application remained outstanding and all those who objected, were local residents. The residents were informed of the conditions agreed between the responsible authorities and the applicant however, their objections remained. The sub-committee were told that 1 of the residents who had raised an objection had confirmed his attendance at the meeting whilst the other 2 had not.

The licensing officer confirmed that they had not received any complaint about the premises.

The sub-committee heard from the applicant. He stated that he had acquired the premises in 2012, during the London Olympics but closed sometime thereafter due to slow trading. Last year, he and his wife decided to re-invest in the business due to regeneration in the area and an increasing interest in Korean culture. He stated that he wanted residents to be introduced to Korean food, drink and culture which would include karaoke. He said that the business had introduced the Korean BBQ/grill tables and karaoke. He said the business is food led. He said there was no opportunity for vertical drinking as patrons were seated at a table on arrival. He went on to describe the premises as a restaurant with 20 tables which are all fully serviced. The introduction of the BBQ/grill tables meant there was no remaining room within the premises for dancing. He said the premises could seat up to 180 patrons

The applicant stated that it was in his interest to work closely with responsible authorities, local residents and businesses to garner their support to make the business a success. He stated that he would be amenable to working with local residents to ensure his premises did not cause a nuisance and that he would address any concerns they may

have. The applicant went on to confirm that he is in the process of implementing the conditions agreed and the business substitute's single use plastic for recyclable paper and cardboard.

The sub-committee heard from the resident. He stated he had made several complaints to the environmental protection team pertaining to noise nuisance, in particular drilling sounds coming from the premises in the middle of the night after customers had left the premises. He also stated people would congregate outside the premises and would be very loud in the early hours of the morning. He suggested the smoking area should be moved to the other side of the venue and that the outside area should be monitored by SIA operatives who are trained in dealing with anti-social behaviour. He went on to say that the premises created a noise nuisance on Friday and Saturday evenings. He also stated that the premises produced a lot of rubbish which should be collected twice a week as weekly collections were insufficient.

The committee then considered the objections put by the two residents who did not attend the meeting. In essence, they were concerned with the noise nuisance caused by the business and the effect extending the hours of operation would have on their quality of life. One of the residents thought the business was overall, beneficial to the area.

In making its decision the sub-committee considered the applicant's case, all of the objections and the conditions agreed through conciliation. The sub-committee were mindful of Southwark's Statement of Licensing Policy 2021-2026 and was aware the hours applied for fell outside of that policy. The sub-committee considered its obligations under the Equalities Act 2010, and decided to make an exception to Southwark's Statement of Licencing Policy on the grounds that the application catered to a particular group within the borough, making the premises unusual. It decided to grant the application.

When considering the conditions agreed with the responsible authorities, it amended/removed some conditions to avoid duplication. Whilst considering the conditions, the sub-committee formed the view that the conditions agreed were proportional given the extended hours of the licensable activities applied for, and that the business is a food led restaurant.

The sub-committee formed the view that the conditions would promote the licensing objectives and allay the concerns put forward by all parties whose objections remained outstanding.

The sub-committee were heartened that the applicant stated the restaurant does not use single use plastics and would continue not to use single use plastics.

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

Appeal rights

The applicant may appeal against any decision to modify the conditions of the licence; and:

Any person who made relevant representations in relation to the application who desire to contend that:

- a) The variation ought not to be been granted; 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.

CHAIR:

DATED: