

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Tuesday 5 December 2023 at 10.00 am at Online/Virtual: please contact andrew.weir@southwark.gov.uk for a link to the meeting and the instructions for joining the online

PRESENT: Councillor Renata Hamvas (Chair)
Councillor Sandra Rhule
Councillor Kath Whittam

OFFICER SUPPORT: Debra Allday, legal officer
Andrew Heron, licensing officer
Wesley McArthur, licensing responsible authority officer
Joseph Mannix, licensing officer (observing)
Andrew Weir, constitutional officer

1. APOLOGIES

The chair explained to the participants and observers how the meeting would run.

Everyone then introduced themselves.

There were no apologies for absence.

2. CONFIRMATION OF VOTING MEMBERS

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

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: LOCAL EXPRESS, 154 JAMAICA ROAD, LONDON SE16 4BD

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

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

The licensing responsible authority officer addressed the sub-committee. Members had questions for the licensing responsible authority officer.

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

The meeting adjourned at 10.57am for the sub-committee to consider

The meeting reconvened at 11.24am and the chair advised everyone of the decision.

RESOLVED:

That the application made by Thanigasalam Senthuran and Kajananan Thanigasalam for a premises licence to be varied under Section 34 of the Licensing Act 2003 in respect of the premises known as Local Express, 154 Jamaica Road, London SE16 4BD be granted as follows:

Hours

Supply of alcohol (for consumption off the premises)	Monday to Sunday: 00:00 to 00:00 (24 hour sales of alcohol)
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Conditions

1. That alcohol may only be displayed for sale in the areas delineated in red bold of the plan (attached).
2. That a minimum of 16 high definition CCTV camera shall be installed at the premises, covering all public areas.
3. That the premises shall be fitted with automatic doors that can be locked by operating switches away from the entrance. All relevant staff employed at the premises shall be trained in the use of the operating switches. 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.

4. That at any time that alcohol shall be sold after 00:00 (midnight), a minimum of three (3) staff shall be employed, one of whom shall be a personal licence holder, and on duty on the shop floor of the premises at all times.
5. That all relevant 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 ('the staff training logs') shall be kept at the premises, shall be updated every six months and shall be made immediately available to responsible authority officers on request. The training logs shall include the trainee's name (in block capitals), the trainer's name (in block capitals), the date(s) of training and a declaration that the training has been received and understood by the trainee. If the staff training logs are a paper hardcopy then the signature of the trainee, the signature of the trainer shall be included.
6. That a written record of all staff authorised to sell alcohol at the premises shall be kept at the premises and will be made available to responsible authority officers immediately on request. The authorisation record shall include the name and address of the premises, the name of the licensee, the name of the designated premises supervisor (DPS) and the names, addresses and dates of birth of all staff authorised to sell alcohol at the premises.
7. 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.
8. That any 'off sales' of alcohol shall be provided in sealed containers and shall be taken away from the premises.
9. 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.
10. That if and when required, staff shall interact with customers to ensure that customers behave at the premises in a quiet and orderly manner and also 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. Staff shall be trained in this and 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 and

shall be made immediately available to responsible authority officers on request.

11. That conditions 288, 289 and 351 shall be replaced by the following:
 - a) That a digital CCTV system shall be installed at the premises, shall be maintained in full working order and shall be continually recording at all times that the premises are in use. The CCTV system must be capable of capturing a clear facial image of every person who enters the premises. The CCTV system shall be correctly time and date stamped at all times. 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.
 - b) That all CCTV footage shall be kept for a period of thirty one (31) days and shall be made immediately available to responsible authority officers on request.
 - c) That a member of staff shall be on duty at all times that the premises are in use, who is trained in the use of the CCTV system and who is able to view, and download to a removable storage device, CCTV footage at the immediate request of responsible authority officers.
 - d) That clearly legible signage shall be prominently displayed where it can easily be seen and read by customers advising to the effect that CCTV is in operation at the premises. The signage shall be kept free from obstructions at all times.
12. Condition 348 to be replaced by the following:
 - a) 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 or other emergency services
 - (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 by customers, or observed by staff
 - (viii) Any other relevant incidents

The incident log shall record the time, date, location in the premises and description of each incident, details of any action taken in respect of the incident and the printed name of the person reporting the incident and. 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. Details of incidents shall be

recorded contemporaneously. If the incident log is a paper hardcopy then the signature of the person reporting the incident in the log shall also be included. 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.

Reasons

This was an application for a premises licence in respect of Local Express, 154 Jamaica Road, London SE16 4BD.

The licensing sub-committee heard from the applicants who advised that they had run the premises for two years, during which time no adverse incidents had occurred, nor had there been any complaints regarding the premises during this time.

They advised that the premises primarily sold wines and not high strength beers, lagers or ciders. The premises was a convenience store and very much a food led premises, and no more than approximately 20% of the premises overall income was through alcohol sales. From the plan of the premises, the applicant indicated to where alcohol was located being: the Coldco 375 fridge, with wines next to it and spirits held behind the counter. The applicants did not anticipate that this would change.

The application for a 24 hour licence was made due to customer demand. The premises was located directly next door to Bermondsey tube station and customers, mainly shift workers, sometimes wanted to obtain a bottle of wine on the way home. However, currently, after midnight all alcohol was locked away.

When asked by members about street drinkers and, what appeared to be, homeless people sleeping on the pavement outside the shop, it was confirmed that there was a condition prohibiting the sale of single cans of beers, lagers or ciders and further, there was a maximum 6.5% ABV for them.

The licensing officer confirmed that at a recent inspection and no high strength product was found on the premises both of which were conditioned nor was there any issues found at the premises, with the exception of the counter was in the wrong place according to the plans, this was immediately rectified by the Applicant by way of a minor variation.

The licensing sub-committee then heard from the licensing as a responsible authority officer who stated that late night off-licences, especially those with 24 hour sales, often become hub for crime disorder and anti-social behaviour particularly from problem drinkers, with customers who may have been to other venues and who wanted to continue to party. Such off-licences and convenience stores affected local residents, commuters and sometimes even, the staff of the shop.

Licensing as a responsible authority recommended the closing times provided in Southwark's statement of licensing policy 2021-2026 (SoLP) which was ratified by local councillors. It was the officer's contention that the hours recommended in the SoLP promoted the licencing objectives. If members were minded to grant the application, the officer suggested conditions should be added to the premises licence, in addition to certain other conditions (detailed in the agenda) being amended to make them more robust. Despite this, the officer maintained that a 24 hour licence was not suitable.

This was an application for a premises licence in respect of Local Express, located on Jamaica Road, an arterial thoroughfare. The premises are in a parade of shops immediately next to Bermondsey Tube Station and other local bus stops.

The applicants confirmed that they had no residents living above the premises and although residential housing is nearby, other licensed premises are closer.

Although the SoLP recommends the closing time for off-licences and alcohol sales in grocers and supermarkets as 23:00 hours, the premises already has licensing hours until 00:00 hours. In the two years the Applicants have managed the premises, no incidents of crime or anti-social behaviour have been reported.

Of note, the police, as the main source of advice on crime and disorder (paragraph 2.1 Home Office Revised Guidance issued under section 182 of the Licensing Act 2003) did not submit a representation, objecting the application or identify any anti-social behaviour issues in the vicinity of the premises.

Regardless, in promoting the licensing objectives it is for the sub-committee to consider the likelihood of the potential crime and disorder and add conditions to target on the deterrence and prevention of crime and disorder. It is for this reason that the robust conditions detailed in this notice of decision are to be added to the premises licence.

The 24 hour licence is granted in the applicants' knowledge that a business supplying alcohol after midnight, they are obliged to pay the late night levy that funds extra enforcement costs that the night-time economy generates for police and licensing authorities.

In reaching this decision the sub-committee had regard to all the relevant considerations, the four licensing objectives and the public sector equality duty and determined that this decision was appropriate and proportionate.

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 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.

The meeting ended at 11.27am.

CHAIR:

DATED: