

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 4 January 2024 at 10.00 am at Online/Virtual

PRESENT: Councillor Renata Hamvas (Chair)
Councillor Margy Newens
Councillor Andy Simmons

OFFICER SUPPORT: Debra Allday, legal officer
Matt Tucker, licensing officer
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: LOS ARRIEROS DE PITO, ARCH 144, EAGLE YARD GROUND FLOOR, 10 HAMPTON STREET, LONDON SE1 6SP

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

The applicant's legal representative addressed the sub-committee. Members had questions for the applicant's legal representative.

The licensing sub-committee heard from two other persons, local residents objecting to the application. Members had questions for the local residents.

The licensing sub-committee noted the written representations of 11 other persons who were not in attendance.

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

The meeting adjourned at 11.22am for the sub-committee to consider

The meeting reconvened at 12.15pm and the chair advised everyone of the decision.

RESOLVED:

That the application made by Los Arrieros De Pito Ltd for a premises licence to be granted under Section 17 of the Licensing Act 2003 in respect of the premises known Los Arrieros De Pito, Arch 144, Eagle Yard Ground Floor, 10 Hampton Street, London SE1 6SP be granted.

Hours

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| The supply of alcohol – to be consumed on the premises | Monday to Saturday: 09:00 to 20:30 Sunday: 10:00 to 20:30 |
| Opening hours | Monday to Sunday: 09:00 to 21:00 |

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 conditions agreed with the Metropolitan Police Service, licensing as a responsible authority and trading standards.

For the avoidance of all doubt, the conciliated conditions are detailed in the attached schedule of conditions.

Reasons

This was an application for a premises licence in respect of the premises known Los Arrieros De Pito, Arch 144, Eagle Yard Ground Floor, 10 Hampton Street, London SE1 6SP.

The licensing sub-committee heard from the applicant's representative who advised that the premises was a restaurant. The applicant wanted to have a good neighbourly relationship with the local residents and it was for this reason the applicant wished to work with the neighbours and the responsible authorities. The applicant's representative stated that it would comply with all of the measures imposed on the licence.

The applicant's representative confirmed that the premises had been operating as a restaurant since September 2023, serving Latin American and English food, but without the provision of alcohol. During the morning, the premises would serve breakfasts, coffees and pastries. Alcohol would not be sold until lunchtime.

They advised that the applicant had already agreed with the responsible authorities that there would be no al fresco dining and the applicant had no intention to apply for a pavement licence for table and chairs in the future. Furthermore, alcohol would only be served, ancillary to a table meal, with no vertical drinking or bar/waiting area for alcohol to be served.

As the local residents had raised concerns public urination by patrons of the other licensed premises in the locale, the sub-committee members asked a number of questions regarding the toilet facilities in the premises. The applicant's representative advised that there would be a ratio of at least one toilet to every 25 patrons. There would be sufficient toilet facilities (consisting of the gents: with one cubicle and one urinal and the females: two cubicles) and the applicant's representative confirmed that a specific disabled toilet would be installed in due course. The applicant's representative believed that the toilet facilities had sufficient space for disabled customers.

Although the premises did not have any acoustic sound proofing or a double lobby, the members of the sub-committee believed that it was unlikely that there would be any disturbance to local residents, given that the premises would be food led, all activities would be inside and because the premises would be closed after 21:00.

The applicant's representative confirmed that the applicant would endeavour not to use single use plastics, as provided in Southwark's statement of licensing policy.

The licensing sub-committee heard from other person A, who stated that the arch where Los Arrieros De Pito was located was previously the source of considerable noise and anti-social behaviour, when under the previous operator. The current application appeared quite modest as a food led restaurant. They stressed that there would be greater objection if the premises were to morph into a bar or played music.

Other person A also identified a yard area where there was a natural tendency for patrons leaving the local licensed venues to linger, congregate, chat and shout, the sound of which reverberated off the buildings. This significantly amplified sound for residents, meaning the sound of someone chatting next to an arch could clearly be heard by the residents in Draper House.

The licensing sub-committee then heard from other person B who confirmed that they resided in Draper House and concurred with everything raised by other person A. Other person B's recent experience with the licensed premises in the vicinity had included two stabbings, a murder and one attempted murder. They also stated that there had been fights virtually every weekend. This was in addition to the excessive noise and general anti-social behaviour from patrons.

The impact on the residents had been horrendous, with fear and constant sleep deprivation. Furthermore, Objector B would regularly see up to 10 people urinating behind the church, this included a chef from one of the local restaurants. Residents were frightened to walk around the area, especially at the weekend because any at any time, there could be a fracas involving intoxicated patrons. The members of the sub-committee also noted the content from the video footage supplied by objector B.

The licensing sub-committee noted the written representations of 11 other persons who were not in attendance.

Since representations were received initially in respect of the application, it was noted that the primary areas of dispute had reduced. The premises had been operating since September 2023 albeit without an alcohol licence and in the last three months, residents had not experienced any problems with the premises.

Although Objector A saw the application as reasonable, it was expressed that residents would be further appeased, should a premises licence be granted, if conditions were added to include:

- a. A "restaurant condition";
- b. A need for a dispersal policy;
- c. The hours when the handling of waste would not be permitted;
- d. Contact details for management, in the event of complaints; and
- e. Arrangements for Smokers.

Through the conciliation process with the responsible authorities the applicant had already agreed to conditions in relation to the matters.

It was also noted that although the responsible authorities had conciliated with the applicant, some of the wording for some of the conditions agreed with the Metropolitan Police Service and licensing as a responsible authority differed slightly. For the benefit of objectors, a schedule of conciliated conditions is attached to this notice of decision.

The other persons raised their concerns (both verbally and in written representations in the agenda) that the area in which Los Arrieros De Pito was located was saturated with licensed premises and therefore, should be a Cumulative Impact Area (CIA) under the Southwark statement of licensing policy 2021-2026. This would mean that there would be an automatic presumption that any new licensed premises within the area would likely add to the existing cumulative impact and should therefore be refused, unless applicants mitigate the potential cumulative impact in their applications.

For the benefit of residents, this was the subject of discussion at the full licensing committee meeting on 20 June 2023, details of which are located at:

<https://moderngov.southwark.gov.uk/ieListDocuments.aspx?CId=171&MId=7701&Ver=4>

Elephant and Castle has been in a monitoring area since 2011. However, neither Southwark's Metropolitan Police Service crime data nor the London Ambulance Service (LAS) alcohol call-out data demonstrated that Elephant and Castle should be made a CIA, although members agreed that the geographical area for Elephant and Castle should be extended to take into account the changing nature and expansion licensed premises within the locality to include Steadman Street.

It is important for residents to note that when an application is determined by the licensing sub-committee, each application is considered on its own merits taking into account the Licensing Act 2003, the Section 182 guidance and the Southwark statement of licensing policy.

While it is hoped that residents take some comfort in Elephant and Castle area being a monitoring area in terms of an alcohol CIA, the sub-committee remain concerned of the residents' complaints of crime and anti-social behaviour from the operation of other licensed premises in the vicinity.

Residents are urged to report their complaints to the relevant responsible authority. Alternatively, in cases where residents have serious concerns of the management of a licensed premises who consistently breach the terms of their premises licence or undermine any or all of the licensing objectives, there is a right to call the premises licence in for a review where ultimately, the licensing sub-committee could revoke the licence.

In reaching this decision the licensing sub-committee had regard to all the relevant considerations and the four licensing objectives and the public sector equality duty 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.

SCHEDULE OF CONCILIATED CONDITIONS

1. 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 in all lighting conditions. 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
2. That all CCTV footage shall be kept for a period of thirty one (31) days and shall be made immediately available for inspection to officers of the Police and the Council on request.
3. 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 police and / or council officers.
4. That if and when required, staff and/or SIA registered door supervisors 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 and shall be recorded in the staff training logs at the premises. These records shall be made immediately available for inspection to responsible authority officers on request.
5. That when licensable activities cease and until all patrons have vacated the venue, Staff and/or SIA registered door supervisors shall take a proactive role by politely encouraging customers to leave the venue in an orderly manner and not to loiter in Maldonado Walk or the adjacent car park area.
6. That staff and/or SIA registered door supervisors shall proactively monitor outside the premises and take all necessary steps to ensure that noise from their patrons or premises operation does not cause disturbance or public nuisance. 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 council or police officers on request.
7. That at the terminal hour staff and/or SIA registered door supervisors shall remain on the premises until all patrons have left the venue and its vicinity and shall ensure that no disturbance is caused to the venues neighbours.

8. 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 DPS and the names, addresses and dates of birth of all staff authorised to sell alcohol at the premises.
9. That clearly legible signs shall be prominently displayed where they can easily be seen and read by customers at all exits from the premises, requesting to the effect that customers leave the premises and area in a quiet and orderly manner. Such signs shall be maintained free from obstruction when the premises are in use in accordance with this licence and shall be written in English and multilingual according to the client base at the venue.
10. That clearly legible signage shall be prominently displayed where it can easily be seen and read by customers advising that no alcoholic drinks are permitted outside of the premises. Such signage shall be kept free from obstructions at all times and shall be written in English and multilingual according to the client base at the venue.
11. That clearly legible notices will be prominently displayed where they can easily be seen and read by customers stating the premises' drugs and weapons policy (zero tolerance). Such signage shall be kept free from obstructions at all times and written in English and multilingual according to the client base at the venue.
12. 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.
13. That clearly legible signage stating a dedicated contact telephone number for the premises shall be prominently displayed where it can easily be seen and read by passers-by. The signage shall state to the effect that the phone number shown can be used to contact the premises in respect of any complaints regarding the operation of the premises. If the telephone number relates to a mobile phone, then the duty manager / supervisor on duty shall have the mobile phone on their person at all times. Such signage shall be kept free from obstructions at all times.
14. 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 accessible at the premises at all times that the premises are in operation. The policy should include (but not necessarily be limited to) the following:

- I. Details as to how customer / staff egress at the premises shall be managed to minimise causing nuisance.
 - II. Details of public transport in the vicinity and how customers will be advised in respect of it.
 - III. Details of the management of taxis to and from the premises.
 - IV. Details of the management of any 'winding down' period at the premises.
 - V. Details of the use of security and stewarding in respect of managing customer dispersal from the premises.
 - VI. Details of any cloakroom facility at the premises and how it is managed.
 - VII. Details of road safety in respect of customers leaving the premises.
 - VIII. Details of the management of ejections from the premises.
15. That 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).
 16. That all relevant staff employed at the premises shall be trained in the latest version of the dispersal policy. 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. The dispersal policy shall be made immediately available to responsible authority officers on request.
 17. That 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.
 18. 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 6 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 and the signature of the trainer shall be included.
 19. 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.

20. That if and when required, staff and/or SIA registered door supervisors 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 and shall be recorded in the staff training logs at the premises. These records shall be made immediately available for inspection to responsible authority officers on request.
21. That an incident log shall be kept at the premises to record details of any of the following occurrences at the premises:
- Instances of anti-social or disorderly behaviour
 - Calls to the police or other emergency services
 - Any complaints received
 - Ejections of people from the premises
 - Visits to the premises by the local authority or emergency services
 - Any malfunction in respect of the CCTV system
 - All crimes reported by customers, or observed by staff
 - Any other relevant incidents.
22. That 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.
23. That the maximum number of people permitted on the premises at any one time (the 'accommodation limit') is 60 people (excluding staff). The accommodation limit shall be known by all staff and shall not be exceeded at any time.
24. That 'Ask for Angela' posters (or posters relating to whatever similar scheme may be recommended by the council and / or the police at any time) shall be displayed in the female toilet facilities and kept free from obstructions at all times. All staff shall be trained in the 'Ask for Angela' scheme (or similar scheme) and shall perform the appropriate course of action in the event of a customer requesting assistance. 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.

25. 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.
26. That customers shall use no outside area other than those who temporarily leave the premises to smoke a cigarette with no more than four people permitted to smoke at one any time. The area should be clearly marked by rope/post barrier system and shall not encroach the car park area. The Staff or/and SIA registered door supervisors shall instruct customers to stay within the designated area. The area will be controlled by Staff or/and SIA registered door supervisors to prevent any disturbance to their neighbours.
27. That no alcoholic drinks or glassware shall be removed from the premises.
28. That any external areas of the premises will be closed to customers between 22:00 hours and 09:00 hours the following day except for up to a maximum of 10 people at any one time using the external areas after 22:00 hours to smoke only. All outdoor furniture must be rendered unusable by 22:15 hours each day.
29. That any spills of liquid onto the floor at the premises' shall be cleared away as soon as possible on a continuous basis whilst the premises are in use. Any wet floors will be clearly demarcated to prevent slips being caused by the wet floors. Relevant 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.
30. That broken or waste glass / earthenware shall be cleared away as soon as possible on a continuous basis whilst the premises are in use to minimise risk of injury. Relevant 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.
31. That appropriate first aid equipment / materials shall be kept at the premises in a dedicated first aid box / boxes. The first aid box(es) shall be kept easily accessible and unobstructed at all times. All staff shall be made aware of where the first aid boxes are located.
32. That the supply of alcohol on the premises shall only be to a person seated taking a hot table meal there and for consumption by such a person as ancillary to their meal only.
33. That there shall be no vertical drinking in the premises.
34. That all licensable activities shall cease 30 minutes before the terminal hour.
35. That there shall be no DJ led music events held at the venue.

36. That any litter caused by the operation of the premises shall be cleared away from the immediate vicinity of the premises periodically throughout operating hours, and at the end of trade, on each day that the premises are in operation. Relevant 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.
37. That if a Pubwatch scheme exists in respect of the local area, the licensee/management will join and participate in the Pubwatch scheme.
38. That external waste handling, collections of goods from the premises, deliveries of goods to the premises and the cleaning of external areas shall only occur between the 08:00 hours and 22:00 hours.
39. That all windows and external doors shall be kept closed after 18:00 hours, except for the immediate access and egress of persons. External doors shall be fitted with self-closers.
40. That all drinks shall be sold in cans or plastic bottles, or will be decanted into recyclable polycarbonate (or a similar material), or cardboard drinking receptacles. Glass drinking receptacles will not be used at the premises at any time.
41. That the premises shall operate an age check 'Challenge 25' policy whereby customers purchasing alcohol who look or appear to be under 25 years of age will be asked for an approved form of proof of age to verify their age. Approved forms shall include a driving licence, passport or a PASS approved proof of age card such as the Southwark Proof of Age (SPA) card.
42. That all staff involved in the sale of alcohol shall be trained in the age check 'Challenge 25' policy. A record of their training, including the dates that each member of staff is trained, shall be available for inspection at the premises on request by the council's authorised officers or the police.
43. That Age check or 'Challenge 25' signage shall be displayed at entrances to the premises, areas where alcohol is displayed for sale and at points of sale to inform customers that an age check 'Challenge 25' policy applies and proof of age may be required.
44. That a register of refused sales of alcohol shall be maintained in order to demonstrate effective operation of the policy. The register shall be available for inspection at the premises on request by council authorised officers or the police.
45. That there shall be no unaccompanied minors under the age of 16.

The meeting ended at 12.21pm.

CHAIR:

DATED: