



Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Tuesday 23 April 2024 at 10.00 am at Online/Virtual

PRESENT: Councillor Margy Newens (in the chair)
Councillor Barrie Hargrove
Councillor Sunny Lambe

OFFICER SUPPORT: Toyin Calfos, legal officer
Andrew Heron, licensing officer
Mark Prickett, environmental protection officer
Andrew Weir, constitutional officer

1. ELECTION OF CHAIR

The clerk opened the meeting at 10.06am.

Councillor Margy Newens was nominated by Councillor Sunny Lambe to be the chair for the meeting. This was seconded by Councillor Barrie Hargrove.

2. APOLOGIES

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

Everyone then introduced themselves.

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: TASTY AFRICAN FOOD, 57-59 CAMBERWELL ROAD, LONDON SE5 0EZ

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

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

The meeting adjourned at 11.13am for the sub-committee to consider

The meeting reconvened at 12.00pm and the chair advised everyone of the decision.

RESOLVED:

That the application made by Anthony Abiodun Adams, for a premises licence to be varied under Section 34 of the Licensing Act 2003 in respect of the premises known as Tasty African Food, 57-59 Camberwell Road, London SE5 0EZ is granted as follows:

The sale by retail of alcohol (on sales)	Sunday to Thursday: 09:00-22:30 Friday to Saturday 09:00-23:30
Recorded Music	Sunday to Thursday 09:00-23:00 Friday to Saturday 09:00-23:30
Late Night Refreshment	Friday to Saturday 23:00-23:30
Opening hours	Sunday to Thursday: 09:00-23:00 Friday to Saturday 09:00-00:00

The licensing sub- committee noted that two of the conditions agreed with the Metropolitan Police acting in its capacity as a responsible authority “the police” the variation to the off sales provision was erroneous because the applicant did not apply to vary the existing off sales provision. To that end, the licensing sub-committee removed those conditions.

Conditions

The licensing sub- committee noted that two of the conditions agreed with the Metropolitan Police acting in its capacity as a responsible authority “the police” the variation to the off sales provision was erroneous because the applicant did not apply to vary the existing off sales provision. To that end, the licensing sub-committee removed those 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 F, I, J, K, L and M of the application form, agreed conditions with the responsible authorities and any additional conditions as agreed by the licensing sub-committee:

1. That the applicant is to encourage patrons to use public transport and update their website accordingly.
2. That the applicant is to provide a dedicated telephone number which shall be prominently displayed within the premises and made available to residents for the purposes of conflict resolution.

Conditions conciliated with the police

1. That the dispersal policy shall 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.
 - (ix) Details as to how any physical altercations at the premises are to be managed.
 - (x) 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).
2. 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. If the dispersal policy is a paper document then the signature of the trainees shall also be included. The dispersal policy shall be made immediately available to responsible authority officers on request.
 3. That the CCTV system shall cover all interior and exterior areas of the premises to which the public have access inclusive of the frontage of the premises, and the system shall collect clearly defined/focused footage.
 4. That the venue shall nominate a member of staff to be a warden. That when licensable activities cease and at the time of the venue closing, they shall encourage the patrons to leave the premises and the local area of the venue, quietly to prevent anti-social behaviour. This duty shall be carried out in a high visibility clothing.
 5. That when the terminal hour is beyond 23.00, a minimum of one (1) SIA registered door supervisor will be employed at the premises at all times from 2200 hours until 15 minutes after the premises terminal hour to ensure patrons do not loiter in the area and cause no disturbance to residents. They will be employed to control entry to the premises, to deal with the searching/scanning of customers, to deal with any anti-social or disorderly behaviour by their patrons at the premises or the area immediately outside, to deescalate confrontations, to assist with emergency escape from the premises, to deal with the ejection of people from the premises, to assist management in liaising with the police regarding instances of crime and to assist with ensuring that the premises' dispersal policy is adhered to. When deployed, they shall remain at the premises until all patrons have vacated the premises. The door supervisors shall be easily identifiable by hi-visibility garment.
 6. That no alcohol or glassware shall be removed from the premises after 00.00, this shall be controlled by staff and/or SIA registered door supervisors.

7. 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
8. That the incident log shall be completed at the time of the incident or immediately after without delay and shall include 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. The incident log shall be kept on the premises and 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 and a record of this training shall be kept on the premises and include a minimum of name and date of training. These records shall be made immediately available for inspection to responsible authority officers on request.
9. That there shall be no dedicated dancefloor area.
10. 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 and details of training shall be kept in the staff training records and made immediately available upon request by any responsible authority officer.
11. That clearly legible signage shall be prominently displayed where it can easily be seen and read by customers in the toilets advising to the effect that the taking of illegal drugs will not be tolerated at the premises
12. That if a Pubwatch scheme exists in respect of the local area, then the licensee / management will join and participate in the Pubwatch scheme.
13. That the venue shall support "Ask for Angela" or another similar safety initiative and posters shall be displayed on the premises. All staff shall be trained in "Ask Angela" or a similar safety initiative and a record of this training shall be kept on the premises and made available for inspection immediately to responsible authority officers upon request.

Reasons

The licensing sub-committee convened to consider an application for variation in respect of the premises known as Tasty African Food, 57-59 Camberwell Road, London SE5 0EZ.

The licensing sub-committee heard from the licensing officer who outlined the nature of the application and the remaining objections. He confirmed that premises was not situated in a community impact area "CIA". He highlighted that there was an additional statement from a resident who was unable to attend and a subsequent response from the applicant. He explained that the police had made an error during the conciliation process in that it had considered and conditioned terms for off sales when, off sales did not form part of the application. He also mentioned that the police had not considered the provision of late night refreshment in light of its conciliated conditions. He mentioned that the variation before the licensing sub-committee only related to Fridays and Saturdays.

The licensing sub-committee heard from the applicant. He stated that the premises opened on 17 June 2022 and it had always been his primary objectives to comply with the licensing objectives and adhere to his licence conditions. He said he was surprised that there were objections to his application from neighbours as he had only had one complaint from a neighbour who expressed a concern regarding late hour activity at the premises. Following that complaint, he checked the integrity sound proofing and limiter which was found to be operating well and he resolved the issue by turning off the music.

He stated that he has done a lot to ensure that his premises was not a cause of nuisance for his neighbours stating that CCTV had been installed, his staff are properly trained, that he has an effective dispersal policy, good sound proofing and a noise limiter within the premises.

He went on to say that many of the neighbours patron his business. He said that the premises normally closes around 9pm but on some occasions he will have patrons who came from further afield and when that happened, he would like a later closing times so that they could have the full dining experience. He said he would also like to open later for special events such as birthdays.

He said that he had considered the objections put by residents and other persons. In his quest to reconcile, he had significantly reduced the hours originally asked for in his variation application. The applicant stated that his patrons typically arrived at 8pm on Fridays and Saturdays and he was concerned that he would have to rush them out the door. He confirmed Fridays and Saturdays were busy and, he would employ eight members of staff to assist during busy periods. He concluded by asking for support to help his business grow as it was still relatively young.

In answer to the committee member's questions, he stated that he serves a broad spectrum of the community and that the premises specialises in afro fusion food. He said that the restaurant is closed on Monday and Tuesday but they provide a

takeaway service on those days which closes at 21:00. He went on to state that the restaurant is opened Wednesday to Sundays and currently closes at 23:00. All alcohol sold is consumed with food and there is no dancefloor as the tables are fixed. He explained that the restaurant and deli takeaway complimented each other as a number of patrons who used the deli would come later in the week for the dining experience.

He confirmed that there was an issue on 17 June 2022 (opening night) where a resident complained about the noise and he turned off the sound system in response. He denied being opened into the following morning and not being present on the scene. He noted that the resident had mentioned in his representation that he was very co-operative with him. He also mentioned a further incident in November 2023, when the premises were said to be operating outside its operating times. He stated that food and drink had already been served and that complaint arose out of the dispersal policy at the time. He stated that the event had finished but due to the bad weather, he permitted patrons to wait inside the restaurant for their cabs. He said that those were the only two issues which have arisen since he had held his licence for the premises.

He pointed out that there had been issues in the past with the basement club which is situated below the premises. He stated that the basement club is separate and is now longer operating.

The applicant confirmed that he was willing to provide a contact number to residents for the purposes of conflict resolution and make public transport links more transparent on the website.

The licensing sub-committee heard from an officer from the environmental protection in its capacity as the responsible authority. He noted that the variation applied for and conciliated went beyond the hours stated in Southwark's Statement of Licensing Policy 2021-2026 which states the appropriate closing time for a restaurant in that area is 23:00

The officer stated that since the applicant had taken over and managed the restaurant, the premises had been well managed and had not been the cause of many of the noise nuisance issues. However, the officer stated that in November of last year, a warning letter was issued against the premises after the premises had been found by enforcement officers to be operating outside its permitted hours. The officer confirmed that there have been no issues with the premises when it operates within its permitted hours.

The officer expressed concerns that the premises may move to a drink led establishment and did not think the structure of the building rendered itself suitable for late night use.

In relation to the structure of the building, the officer mentioned that he believed the internal transmission emanating from the building both inside and out, caused noise nuisance issues. He noted that the when the premises operated within it

permitted hours, there were no complaints.

In answer to a committee member question regarding other complaints, the officer stated outside of the complaint in November 2023, the other complaints either related to the basement night club or there was no clear evidence to conclude that the complaint related to the restaurant.

The officer went on to state that he noted the premises had never applied for a TEN and suggested the premises could conduct its business using this method without the need to vary.

When asked by a committee member about later opening hours, he suggested that the variation could be extended by an hour with a competent management structure in place but anything beyond that would likely cause nuisance.

In summing up, the applicant stated that he did not believe TENs would be an adequate solution would not be sufficient to allow footfall patrons to attend later in the day. He stated that having an extra hour would assist him managing the extra footfall.

After hearing all the parties, the licensing sub-committee retired to deliberate the application.

The licensing sub-committee was mindful not to consider complaints that did not relate directly to the restaurant.

Nor did it consider the erroneous off sales provisions as conciliated by the police. The licensing sub-committee noted that off sales did not form part of the application to vary and so, had not been consulted on. As a result, the licensing sub-committee removed the conciliated condition 7 and the provision relating to off sales sale.

In considering all the representations of those who had objected; the licensing sub-committee went on to consider the conciliated conditions. It recognised the applicant had significantly reduced the hours applied for in order to achieve conciliation. The licensing sub-committee accepted that the premises was well run and believed some leeway should be given as it considered several similar premises close by, operated until midnight.

It took the view, objections raised could be allayed by allowing the variation to extend the existing licence by one hour on Fridays and Saturdays and by providing all residents with a contact number which is to be prominently displayed within the premises so residents could contact the applicant to raise issues, should they occur.

The licensing sub-committee also considered that it would be prudent for the applicant to give better particulars of public transport links on its website to enable patrons to better plan their journeys to and from the premises.

The licensing sub-committee formed the view that the revised conditions were proportional, would promote the licensing objectives and allay the concerns put forward by the environmental protection team, other persons and would allow the applicant to grow his business.

In reaching its 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.

The meeting ended at 12.05pm.

CHAIR:

DATED: