



Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 10 October 2024 at 10.00 am at Innovation Space, Ground Floor, 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Renata Hamvas (Chair)
Councillor Sunil Chopra
Councillor Jane Salmon

OTHER COUNCILLORS PRESENT: Councillor Ellie Cumbo (observing)

OTHER AUTHORITIES PRESENT: P.C. Mark Lynch, Metropolitan Police Service

OFFICER SUPPORT: Charlotte Precious, legal officer
Andrew Heron, licensing officer
Jayne tear, licensing officer
Wesley McArthur, licensing responsible authority officer
Farhad Chowdhury, health and safety officer
Yemisi Forrest, trading standards 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.

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: HOT BOX CHICKEN AND PIZZA, ARCH 182, 30 MANOR PLACE, LONDON SE17 3BB

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

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

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

The health and safety officer addressed the sub-committee. Members had questions for the health and safety officer.

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 11.45am for the sub-committee to consider its decision.

The meeting reconvened at 11.49am and the chair advised attendees of the decision.

RESOLVED:

That the application made by Mr Ibrahim Mohamed for a premises licence to be granted under Section 17 of the Licensing Act 2003 in respect of the premises known as Hot Box Chicken and Pizza, Arch 182, 30 Manor Place, London SE17 3BB be granted as follows:

1. Late night refreshment (indoors):
 - Sunday to Thursday: 23:00 to 02:00
 - Friday and Saturday: 23:00 to 03:00

2. Opening hours:

- Sunday to Thursday: 23:00 to 02:00
- Friday and Saturday: 23:00 to 03:00.

Conditions

The operation of the premises under the licence shall be subject to the relevant mandatory conditions, any conditions derived from the operation schedule highlighted in Section M of the application form and the following conditions:

1. That all deliveries related to the takeaway are conducted away from the front of the premises.
2. That staff shall monitor the delivery drivers / riders and ensure that the operatives do not cause any nuisance, be that noise or otherwise, to their neighbours.
3. That staff shall regularly monitor the external area(s) of the premises and, if / when required, shall request that customers behave in a quiet and orderly manner with respect to local residents.
4. That a zero tolerance policy to illegal drug use will be implemented and maintained at the premises. All relevant staff shall be trained in the implementation of the latest version of the drug policy and details of such training shall be recorded in the staff training logs at the premises.
5. That a dispersal policy shall be devised and enforced by the venue at all times the venue is open. The policy shall assist with patrons leaving the premises in an orderly and safe manner. 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
 - a. Details as to how customer / staff egress at the premises shall be managed to minimise causing nuisance
 - b. Details of public transport in the vicinity and how customers will be advised in respect of it
 - c. Details of the management of taxis to and from the premises
 - d. Details of the management of any 'winding down' period at the premises
 - e. Details of the use of security and stewarding in respect of managing customer dispersal from the premises
 - f. Details of road safety in respect of customers leaving the premises
 - g. Details of the management of ejections from the premises
 - h. Details as to how any physical altercations at the premises are to be managed
 - i. 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. 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.
7. That staff shall take a proactive role at the exit door asking customers to leave the premises quietly and as quickly as possible at the terminal hour.
8. 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, the signature of the trainer shall be included.
9. 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. 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.
10. 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.
11. 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.
12. 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.
13. That an incident log shall be kept at the premises to record details of any of the following occurrences at the premises:

- a. Instances of anti-social or disorderly behaviour
- b. Calls to the police or other emergency services
- c. Any complaints received
- d. Ejections of people from the premises
- e. Visits to the premises by the local authority or emergency services
- f. Any malfunction in respect of the CCTV system
- g. All crimes reported by customers, or observed by staff
- h. Any seizures of drugs or weapons
- i. 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. Details of incidents shall be recorded contemporaneously. 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. That all Digital records of training and/or logs shall be made immediately available to Police and council officers on request.

14. That no third party hire of the premises shall be permitted at any time.
15. That the maximum number of people permitted on the premises at any one time (the 'accommodation limit') is 60 people (excluding staff). This shall be split between 30 people permitted within the 'Shisha Place' (as set out on the plan of the premises), and 30 within the café, at any one time. The accommodation limit shall be known by all staff and shall not be exceeded at any time.
16. That clearly legible signage shall be prominently displayed both inside and outside the premises where it can easily be seen and read by delivery drivers advising to the effect that:
 - a. all vehicle engines are turned off
 - b. that all delivery drivers behave in a quiet and orderly manner with respect to local residents
 - c. that delivery drivers do not use vehicle horns to attract the attention of workers at the premises or otherwise use their vehicle horns unnecessarily when approaching or leaving the premises
 - d. that delivery drivers do not engage in unnecessary revving of engines on approaching or leaving the premises and locale.

17. 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 passersby. 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. Such signage shall be kept free from obstructions at all times.
18. That clearly legible signage shall be prominently displayed where it can easily be seen and read by customers, at all exits from the premises, in the shisha lounge and in any external areas, requesting to the effect that customers behave in a quiet and orderly manner and / or 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.
19. 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.
20. That suitable external containers for customer's cigarette butts shall be provided at all times that the premises are in use. Such containers shall be emptied regularly to ensure that they can be used at all times that the premises are in use, and so that they do not overflow and cause cigarette butt litter in the vicinity.
21. 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 20:00 hours, except for food deliveries from the premises.
22. That after 22:00 no person under 16 years old shall be permitted on the premises unless they are accompanied by an adult.

Reasons

On 2 November 2024, Mr Ibrahim Mohamed applied under section 17 of the Licensing Act 2003 for a premises licence in respect of the premises known as Hot Box Chicken and Pizza, Arch 182, 30 Manor Place, London SE17 3BB.

The licensing officer and author of the report informed the committee that no noise or nuisance complaints had been received in respect of the premises.

The applicant's representative explained that the premises had been operating as a takeaway since 2008, the applicant took over in 2019 and served both residents and the local community. His customers were predominantly taxi and minicab drivers who visited the premises after 22:00, sometimes when they finished work

between 02:00 and 03:00.

The premises had been serving late night refreshment without a licence, the previous owner had also done so for many years and so the applicant didn't realise one was needed. An inspection on a nearby venue caused officers to notice Hot Box Chicken and Pizza and advise them to apply for a licence, which they promptly did. The premises was of low impact to the surrounding area; they didn't serve alcohol, didn't play music, couldn't be hired for parties and therefore did not attract large crowds that would cause nuisance to the local residents.

The premises was bordered by a railway line on one side, and Walworth police station on the other, the closest residents were on the opposite side of the road to the venue. Delivery drivers tied their bikes to the railings next to the police station and then collected deliveries from the side of the premises adjacent to the railway line, away from local residents, meaning drivers didn't congregate outside and cause a nuisance.

The premises had seats to accommodate 30 people but had never been full, the café within the premises was new and had only been in operation for 2-3 months so customers were not used to it. Customers used to collect their food and eat it in their cars, but recently there had been a blend of dining in and taking food to go.

The applicant believed there was space for 50 customers in the area known as the 'Shisha Place' on the floor plan, and 10 at the front of the premises where customers enter to order takeaway and then leave. Those wanting to sit down and smoke shisha enter the premises through the entry at the side, by the railway line.

The fireplace within the shisha area was relocated after concerns were raised by the council's health and safety department. The fire supplied coal for the shisha and the applicant intended to have fire extinguishers next to it.

The metropolitan police service submitted that the terminal hours were far outside those recommended within the Southwark statement of licensing policy 2021-2026 (SOLP) and would have a detrimental effect on the local community by means of an increase in crime and disorder, noise nuisance and anti-social behaviour. They suggested that robust conditions were necessary to address the licensing objectives.

A representative for the council's health and safety department as a responsible authority raised concerns in respect of the accommodation limit, they questioned whether the area allocated for shisha smoking was large enough to safely accommodate 60 people and proposed this should be split between the different areas of the premises. A fire risk assessment had been completed but had not considered an accommodation limit. They confirmed they no longer had concerns in relation to the location of the fireplace.

The representative for licensing as a responsible authority expressed concerns regarding the proposed terminal hours and recommended numerous conditions to

reduce the potential adverse effects on the local community.

The sub-committee noted that the council's environmental protection team had withdrawn their representation after agreeing a further condition with the premises. They also noted and considered the three representations submitted by other persons in support of the application.

Whilst the hours applied for were outside of those recommended by the SOLP, the premises had been operating into the late hours for a long period of time without causing issues for local residents. It was therefore evident that the premises could operate to a later hour without adversely affecting the licensing conditions.

The sub-committee observed that the premises had been prepared to agree a significant raft of conditions with the responsible authorities in advance of the hearing, but agreement could not be found regarding the later hours.

The sub-committee determined that conditions for monitoring delivery drivers, maintaining the exterior of the premises, providing a clearly visible contact number, and implementing a dispersal policy would ensure effective management of the premises, minimise disturbances, and promptly address any incidents, thereby promoting and bolstering the licencing objectives and allaying concerns raised.

The sub-committee agreed with the health and safety team that the capacity of 60 persons should be split between the main areas of the premises. They noted that the premises did not intend to allow third parties to hire the venue and considered that a condition preventing this would further allay concerns raised by the responsible authorities.

The sub-committee recommended that the smoking of shisha should only be permitted in the rear yard, named the 'Shisha Place' within the floor plans, and only occur when the canopy is open at least 50% of the way.

In reaching this decision the sub-committee had regard to all of the relevant considerations, the four licensing objectives and the public sector equality duties 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 desires to contend:

- a) That the licence ought not to have been granted; or
- b) That, on granting the licence, the licensing authority ought not 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.

6. LICENSING ACT 2003: CITY WINES (AKA DENNIS WINES), 141 JAMAICA ROAD, LONDON SE16 4SH

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

There was a brief discussion regarding admitting late evidence from trading standards. The representative for the premises advised that they would not want this to be considered.

The trading standards officer, the applicant for the review addressed the sub-committee. Members had questions for the trading standards officer.

The licensing responsible authority officer, supporting the review, addressed the sub-committee. Members had no questions for the licensing responsible authority officer.

The representative for the premises addressed the sub-committee. Members had questions for the representative for the premises and the premises licence holder.

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

The meeting adjourned at 2.10pm for the sub-committee to consider its decision.

The meeting reconvened at 3.12pm and the chair advised attendees of the decision.

RESOLVED:

That the council's licensing sub-committee, having considered an application made under Section 51 of the Licensing Act 2003, by the council's trading standards service, for the review of the premises licence issued in respect of the premises known as City Wines (aka Dennis Wines), 141 Jamaica Road, London SE16 4SH, and having had regard to all other relevant representations, has decided that it is

appropriate, necessary and proportionate in order to promote the licensing objectives to revoke the licence.

Reasons

The sub-committee heard from the council's trading standards service, the applicant for the review, that on 20 August 2024 they applied to the licensing authority for a review of the premises licence in respect of the premises known as City Wines (aka Dennis Wines), 141 Jamaica Road, London SE16 4SH.

Within the application, trading standards made reference to material to be circulated at a future date. This was overlooked due to a member of staff leaving and trading standards sought permission to submit the material at the start of the hearing.

Whilst the representative for the licensing authority agreed with the introduction of the material, the representative for the premises raised concerns that they had not had time to consider the material, nor take instructions upon it and objected to its inclusion as a whole. The material was therefore not taken into consideration in accordance with Regulation 18 of the Licensing Act 2003 (Hearings) Regulations 2005.

The application primarily related to the offence of selling alcohol to a minor, amongst other offences, and concerned the prevention of crime and disorder and the protection of children from harm licensing objectives.

On Saturday 15 June 2024, officers within Southwark Council's trading standards team were undertaking an underage sales test purchase exercise with a 15 year old male volunteer. The representative for trading standards explained that the owner of the business, and the premises licence holder, sold a 500ml bottle of Fullers Bengal Lancer 5.4% ABV to the underage volunteer for £2.50. No questions were asked of the volunteer prior to the sale.

An inspection was consequently conducted at the premises and a number of offences were found to have been committed, including the keeping of smuggled goods contrary to s.144 Licensing Act 2003 and offences contrary to the Tobacco and Related Products Regulations 2016 regarding electronic cigarettes (vapes) with excess tank capacity. 10 illegal vapes with excess tank capacity were found to be present on the premises, there were also 21 bottles of Alomo Bitters which appeared to have been smuggled without payment of duty.

Trading standards noted that the tobacco grantry was open, with tobacco products clearly and openly on display to the public. There were no A3 statutory notices stating that tobacco products couldn't be sold to under 18 year olds and two opened packets of cigarettes were found on the till, often a sign that single cigarettes were being sold.

The business owner was invited for an interview under caution whereupon he fully admitted selling alcohol to a minor contrary to s.146 Licensing Act 2003. He explained that the volunteer had a hood up and he should have asked him to lower it. He further stated that the vapes and alcohol in question were brought to the shop by companies who deliver such items and he did not have any invoices for them.

Trading standards informed the sub-committee that on 15 February 2024, the business owner sold a vape to a minor as part of a previous test purchase operation. This was conducted after a number of complaints were made by the public notifying trading standards that vapes were being sold by the premises to minors from the local estate. The business owner was interviewed under caution, admitted the offence along with offences relating to possession of illegal vapes and a quantity of illicit tobacco, and signed a simple caution.

A further test purchase was attempted on 6 June 2024, with a different 15 year old volunteer. The volunteer was told by the person behind the counter that he didn't know him and that he should try somewhere else. Shortly after this, a further complaint was made about vapes being sold by the premises to those in school uniform, which should make it obvious that they were underage. No receipts were provided for the vapes and bitters seized on 15th June 2024.

The representative for trading standards corrected an error within their application; a refusals book was found at the premises and had been signed by one of the officers present at the inspection on 15^h June 2024. A copy of this was provided with the agreement of all parties.

Trading standards recommended that the licence be revoked; the premises had shown a consistent pattern of behaviour including multiple examples of underage sales, despite enforcement action taken by trading standards. The intervention had not made a difference, there was a clear disregard of licensing objectives and they had no confidence that there would be a change in conduct in the future.

The sub-committee then heard from a representative of the licensing authority who fully supported the review and the suggestion to revoke the premises licence. They submitted that the business owner had repeatedly shown that he would sell high risk products to minors, irrespective of warnings and cautions. The only suitable action in respect of this premises was to revoke the licence.

Lastly, the sub-committee heard from the representative for the premises who accepted that there had been failings in the past. He was a young man who had started a small family business in taking over the premises; he was married, had a child and was keen to make the business work. In respect of the sale of alcohol to underage persons on 15th June 2024, it had been raining outside and the customer came in with their hood up. The premises licence holder didn't want to ask them to remove it because of the rain. He was also having family problems and was on his phone so he was distracted. This account was given by way of explanation and it was emphasised that it was not a defence.

In respect of the illegal vapes, the business owner stocked 6 different brands and 5/6 varieties of each, out of those only 10 were illegal, the remainder were fully compliant. After the last inspection, the business owner went online, printed out the rules and guidance and studied them thoroughly to ensure he was fully aware of the rules. The alcohol found in the store room, the Alomo Bitters, were not for sale. A supplier gave them to the licence holder who kept them in the store room, he did not have an invoice as he had not yet paid for them.

At the interview on 15 February 2024, the business owner took all responsibility for his failures. He implemented a new system and since then contended that the system worked as the vape was not sold at the test purchase on 6th June 2024, albeit it was a colleague who conducted this interaction, not the business owner.

It was also explained that he intended to refit the shop, changing the shutter in front of the tobacco so that it was easier to close after each use. He wasn't able to do this earlier due to sourcing the funding for it.

The sub-committee considered very carefully whether to revoke the premises licence as requested by trading standards and licensing.

The sub-committee were concerned that the business owner's explanations did not stand up to scrutiny; he was unable to detail the new system he claimed to have put in place, other than to say that the till provided a reminder to check the customers age. He found it difficult to describe the local school uniform, other than to explain that they wore a grey blazer. He was also unable to name the school, despite saying that he had a very good relationship with the teachers.

It appeared that the business owner either found it difficult to challenge customers as to their age, or simply had no regard for the laws on sales to minors. He explained that two teachers from the local school stood outside of the shop after school hours in order to keep an eye on the students, although this only happened on weekdays. He described an incident where a colleague was hit in the face after refusing a sale and a knife was found beneath the cash register at the last inspection, although it was noted that the licence holder said this was to cut fruit for customers.

When asked about who the suppliers were for his vapes and alcohol, the licence holder was unable to name any other than to say they are in New Cross. He also struggled to detail what proportion of his sales were due to alcohol.

Whilst the sale of electronic cigarettes is not under the purview of licensing, the sub-committee considered that the previous offences and complaints regarding this premises showed a pattern of behaviour and a propensity to disregard the law and sell illegal products to minors. They considered the business owner to be out his depth and to have very little control or understanding of his own business.

The sub-committee considered that there were no conditions that could be imposed to ensure the licencing objectives were achieved. Nor would further training, removal of the designated premises supervisor or a period of suspension assist as the breaches all concerned the business owner.

The decision was therefore made that the only appropriate, necessary and proportionate action to take was to revoke the licence, particularly in order to protect young people from harm. In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives.

Appeal rights

This decision is open to appeal by either:

- a) The applicant for the review
- b) The premises licence holder
- c) Any other person who made relevant representations in relation to the application

Such appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the Magistrates' Court for the area within the period of 21 days beginning with the day on which the appellant was notified by this licensing authority of the decision.

This decision does not have effect until either:

- a) The end of the period for appealing against this decision; or
- b) In the event of any notice of appeal being given, until the appeal is disposed of.

The meeting ended at 3.14pm.

CHAIR:

DATED: