

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Monday 6 June 2011 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Linda Manchester (Chair)
Councillor Althea Smith
Councillor the Right Revd Emmanuel Oyewole

OTHERS PRESENT: Adejumo Kunle, Planet Nollywood
Paula Mendez, Planet Nollywood
Gary Grant, barrister
Indy Kenth, Enterprise Inns
Adebayo Adejumo, Planet Nollywood
Bill Masini, Trading Standards
Local resident
PC Ian Clements, Metropolitan Police Service
Mr N Yeo, Metropolitan Police Service
James West, Metropolitan Police Service legal services
Councillor Adele Morris (observing)

OFFICER SUPPORT: Jayne Tear, Licensing unit
Dorcas Mills, Licensing unit
Felix rechtman, Legal services
Caroline Kayward, Legal services (observing)
Virginia Wynn-Jones, Constitutional team

1. APOLOGIES

There were none.

2. CONFIRMATION OF VOTING MEMBERS

The three members present were confirmed as voting members. In the absence of the chair, the vice-chair chaired the meeting.

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

The chair gave notice of the following additional papers relating to item 5 and 6 which were circulated at the meeting:

- Proposals by the premises license holder
- Job confirmation from security firm.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003 - PLANET NOLLYWOOD, 319 CAMBERWELL ROAD, LONDON SE5 OHQ (EXPEDITED REVIEW)

The expedited and summary reviews on the premises were heard together.

6. LICENSING ACT 2003 - PLANET NOLLYWOOD, 319 CAMBERWELL ROAD, LONDON SE5 OHQ (SUMMARY REVIEW)

The sub-committee adjourned at 10.30am to read the late and urgent papers. The sub-committee reconvened at 10.50am.

The chair of the sub-committee agreed that each party would have 25 minutes rather than 15 to present their cases.

The licensing officer presented her report. Members had questions of the licensing officer.

The police presented their application for a review of the premises. Members had questions. The licensee's barrister had questions.

A local resident addressed the sub-committee. Members had questions for the local resident. The licensee's barrister had questions for the local resident.

The sub-committee adjourned at 11.55am for a comfort break, and reconvened at 12.05pm.

The representative of the freeholder addressed the sub-committee. Members had questions for the representative. The licensee's barrister had questions for the representative.

The licensee of the premises addressed the sub-committee. Members had questions for the licensee. The police's barrister had questions for the licensee.

All parties were given five minutes to sum up.

At 1.50pm the meeting went into closed session to discuss the application.

At 3.30pm the meeting resumed and the chair read out the following decision:

RESOLVED:

That the council's Licensing Sub-Committee, having had regard to the application by Metropolitan Police for a summary review under Section 53A of the Licensing Act 2003 of the premises licence granted to Mr Adekunle Adejumo in respect of the premises known as Planet Nollywood, situated at 319 Camberwell Road, London SE5 OHQ and having had regard also to all other relevant representations has decided it necessary for the promotion

of the licensing objectives and specifically the prevention of crime and disorder objective and public safety objective:

1. To suspend the premises licence for a period of 28 days.
2. That all licensable activities Sunday –Thursday must terminate by 23.00 hours with a closing time of 23.30 hours.
3. That at all licensable activities Friday – Saturday must terminate by 01.00 hours with a closing time of 01.30 hours.
4. That the present designated premises supervisor, Mr Adejumo, is to be replaced forthwith.
5. That a sound limiter be installed at the premises with levels set in conjunction with the council's environmental protection team.
6. That new conditions 4 – 7 (as at a) – d)) as per proposals by premises licence holder be added to the licence:
 - a) The premises shall operate an agecheck '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 license, passport or PASS approved proof of age card such as the Southwark Proof of Age (SPA) card.
 - b) All staff involved in the sale of alcohol shall be trained in the agecheck '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.
 - c) Agecheck 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 agecheck 'Challenge 25; policy applies and proof of age may be required.
 - d) 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 the council's authorised officers or the police.
7. That condition 290 be amended so that 2 SIA registered door supervisors (one of whom should be a female) be required to be on the premises after 21.00 hours till close under this licence on Fridays and Saturdays.
8. That condition 308 be amended so that there is no re-admission after midnight on Friday and Saturday.
9. That existing condition 331 be deleted.
10. That existing condition 342 be deleted.
11. That a new condition be added to the licence whereby 'No drinks are allowed outside the premises at any time'.

For the avoidance of any doubt when reaching this decision the sub-committee did not rely on submissions relating to noise by two local residents who refused to identify their names and addresses to the licensee.

Reasons

The reasons for this decision are as follows:

This was a hearing of an application by the Metropolitan Police for a review of the premises licence in respect of the premises known as Planet Nollywood as well as a hearing of a further application by the Metropolitan Police for a summary review of the

premises licence of the premises known as Planet Nollywood following a hearing which took place on 12 May 2011 in which the licence was suspended until today.

The sub-committee heard evidence from the Metropolitan Police that there has been a number of serious crime related incidents at the premises in recent months to include an incident on 6 May 2011 in which two firearms were found on an individual within the premises. The police therefore submitted that the premises are connected to serious crime and further submitted that the premises had been mismanaged by the current designated premises supervisor (DPS), Mr Adejumo, by allowing such incidents to take place at the premises. The police further submitted that Mr Adejumo had mismanaged the premises and failed to adhere to the conditions attached to his licence.

The licensee accepted that he was naive and mismanaged the premises which he claimed was due to inexperience rather than any intentional act. On the morning of the hearing counsel acting for the licensee submitted two further documents indicating that the licensee now intends to rethink the business and have decided not to run a nightclub anymore but instead decided to run a restaurant and bar. The licensee further offered to step down as DPS and attended accompanied by Ms Mendez who he proposed to take over from him as DPS.

The sub-committee were satisfied that a number of serious incidents of crime and disorder had taken place at the premises in recent months. The sub-committee further were satisfied that Mr Adejumo was inexperienced and mismanaged the premises.

Appeal Rights

This decision is open to appeal by either:

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

Such appeal must be commenced by notice of appeal given by the appellant to the justices chief executive 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.

The 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 closed at 3.50pm.

CHAIR:

DATED: