

## Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Monday 14 May 2012 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

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**PRESENT:** Councillor Sunil Chopra (Chair)  
Councillor Renata Hamvas  
Councillor the Right Revd Emmanuel Oyewole (Reserve)

**OTHERS PRESENT:** PC Ian Clements, Metropolitan Police Service  
James Battison, applicant  
Alvarez Cardona, applicant

**OFFICER SUPPORT:** Tracy McCarthy, licensing enforcement officer  
Felix Rechtman, legal officer  
Kristie Ashenden, licensing officer  
Alan Blissett, environmental protection officer  
Virginia Wynn-Jones, constitutional officer

### 1. APOLOGIES

Apologies were received from Councillor Linda Manchester. Councillor the Right Reverend Emmanuel Oyewole sat on the sub-committee as the reserve.

### 2. CONFIRMATION OF VOTING MEMBERS

The members present were confirmed as the voting members.

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

There was none.

### 4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

### 5. LICENSING ACT 2003 - 10 BERMONDSEY ST, LONDON SE1 2ER

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

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

The meeting went into closed session to consider the application.

The meeting resumed and the chair read out the decision as follows:

**RESOLVED:**

That the application made by Number 10 Bermondsey Street Limited for a grant of a premises licence under the Licensing Act 2003 in respect of the premises known as 10 Bermondsey St, London SE1 2ER be approved as follows:

Activity	Hours						
	Mon	Tues	Weds	Thurs	Fri	Sat	Sun
A. Plays	09.00 – 00.00	09.00 – 00.00	09.00 – 00.00	09.00 – 00.00	09.00 – 00.00	09.00 – 00.00	10.00 – 23.00
B. Films	09.00 – 00.00	09.00 – 00.00	09.00 – 00.00	09.00 – 00.00	09.00 – 00.00	09.00 – 00.00	10.00 – 23.00
E. Live Music	09.00 – 00.00	09.00 – 00.00	09.00 – 00.00	09.00 – 00.00	09.00 – 00.00	09.00 – 00.00	10.00 – 23.00
F. Recorded Music	09.00 – 00.00	09.00 – 00.00	09.00 – 00.00	09.00 – 00.00	09.00 – 00.00	09.00 – 00.00	10.00 – 23.00
G. Performance of Dance	09.00 – 00.00	09.00 – 00.00	09.00 – 00.00	09.00 – 00.00	09.00 – 00.00	09.00 – 00.00	10.00 – 23.00
H. Anything similar to E, F, G	09.00 – 00.00	09.00 – 00.00	09.00 – 00.00	09.00 – 00.00	09.00 – 00.00	09.00 – 00.00	10.00 – 23.00
I. Provision of facilities for making music	09.00 – 00.00	09.00 – 00.00	09.00 – 00.00	09.00 – 00.00	09.00 – 00.00	09.00 – 00.00	10.00 – 23.00
J. Provision of facilities for dancing	09.00 – 00.00	09.00 – 00.00	09.00 – 00.00	09.00 – 00.00	09.00 – 00.00	09.00 – 00.00	10.00 – 23.00
K. Provision of facilities for ent. similar to I or J	09.00 – 00.00	09.00 – 00.00	09.00 – 00.00	09.00 – 00.00	09.00 – 00.00	09.00 – 00.00	10.00 – 23.00
M. Supply of alcohol on premises	11.00-00.00	11.00-00.00	11.00-00.00	11.00-00.00	11.00-00.00	11.00-00.00	11.00-22.30

**Conditions**

The operation of the premises under the licence shall be subject to compliance with the operation schedule highlighted in Section P of the application form and the following conditions agreed by the sub-committee:

- a) All mandatory conditions set out in the Licensing Act 2003 relating to:
  - (i) Authorisation of the retail sale of alcohol; and
  - (ii) The provision of door supervision.
- b) The following additional special conditions developed through discussion from the

original operating schedule attached to the variation application as follows:

- (i) When the premises is in operation under its licence and alcohol is being supplied or the premises is holding an event or is hired by a third party then at least two(2) SIA registered door supervisors will be employed. They will be provided with hand held metal detectors to assist with the searching of all persons entering the premises. A member of door staff will also be provided with a mechanical counting device to ensure that no more than 400 persons are on the premises at any one time.
- (ii) At least one SIA registered door supervisor will be employed immediately outside the front of the premises to aid in the quiet and orderly dispersal of patrons from the premises. The premises will endeavour to employ the services of at least one female door supervisor when possible.
- (iii) That no amplified live or recorded music is played within the southern arch, except within the enclosed area set deep into the southern vault behind the 'mock public house'.
- (iv) That the entrance doors and lobby doors inside the entrance of No 10 be more effectively sealed to improve sound insulation integrity of the premises.
- (v) That the 4 windows within the arch above the entrance to No 10 be more effectively sealed to improve sound insulation integrity of the premises.
- (vi) That the northern vault be suitably ventilated with an extract and fresh air intake system, where any openings at the front of the premises be baffled to ensure sound insulation integrity of the premises.
- (vii) That any non-portable equipment used in connection with the licensable activities at the premises held up to proposed curfew hours, not be removed from the premises until the day time following the performance.
- (viii) That the two arches to the rear of the northern arch not be used for regulated entertainment.

### **Reasons**

This was a hearing of an application by 10 Bermondsey Street Limited for a premises licence in respect of the premises known as No. 10 Bermondsey Street, such application was made under Section 17 of the Licensing Act.

The sub-committee heard evidence from the applicant that he only intends to use the premises for about a year until the whole area is redeveloped by Network Rail and that mainly the premises will be used as a theatre or similar use but not as a pub or a night club. The applicant further submitted that most nights the venue will be closed to the general public and only open to ticketholders. The applicant referred the sub-committee to the long list of measures he offered as part of the application process in order to promote the licensing objectives and pointed out that he has now agreed some further conditions with the police and environmental protection team, which resulted in conciliation with the said responsible authorities.

The sub-committee considered written representation made by interested parties and noted that none of the said objectors turned up for the sub-committee hearing. The sub-committee found these representations to be very general and largely concerned with the need for a further licensed establishment in the area which does not fall within any of the objectives in the act.

The sub-committee found this application to be a reasonable one and resolved to grant this application and consider that the granting of this application will not have adverse impact on any of the licensing objectives.

### **Appeal rights**

That the licensee and any person who made relevant representations in relation to the application may appeal against the decision. Any appeal must be made to the magistrate court for the petty sessions area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the designated officer 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 - MR PIGGY, 113C & 122 ELEPHANT ROAD, LONDON SE17 1LB**

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

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

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

The meeting went into closed session to consider the application.

The meeting resumed and the chair read out the decision as follows:

### **RESOLVED:**

To add the following additional condition agreed by the sub-committee:

- No spirits (alcohol containing more than 20% abv) to be sold by the bottle or half-bottle during the operation under the licence.

To limit the hours for sale by retail of alcohol to be consumed on the premises to:

Sale by retail of alcohol to be consumed on the premises	Friday: 11:00 - 02.00	Saturday: 11:00 - 02.00
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### **Reasons**

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 Mr Piggy in Elephant & Castle, such application was made under Section 51 of the Licensing Act.

The sub-committee heard evidence from the Metropolitan Police that they had serious concerns about the management of the premises and therefore decided to make this review application on the basis of the crime and disorder objective as well as the public safety objection in the Act. As far as crime and disorder is concerned, the police submitted that during January and February of this year there were a number of serious incidents outside the premises such as assaults causing actual bodily harm. The vast majority of these incidents occurred late at night between 3.00am and 5.00am. As far as public safety is concerned the police submitted that at least on one occasion the fire escape was blocked, that the London Fire Brigade was critical of the way fire prevention measures were undertaken and that on a number of occasions the premises were found to be in breach of the existing conditions of the licence. The police further submitted that on a number of occasions heavily intoxicated individuals were spotted either inside or outside the premises and that this was largely due to the practice of the premises selling spirits in bottles and half-bottles. In light of all these submissions the police asked for the licence to be revoked but if the sub-committee was not minded to make such an order, that the police ask for the hours of operation to be cut to 2.00am on the weekends and that spirits should not be sold by the bottle.

The sub-committee then heard from the licensee that he has been trying to cooperate with the responsible authorities and the majority of incidents relied upon by the police actually related to people coming from other premises in the vicinity. The licensee further submitted that the premises are mainly run as a restaurant and that staff within the premises have been given clear instructions not to sell alcohol to heavily intoxicated individuals. The licensee also submitted that he wanted to work more closely with the police in order to prevent such issues from occurring in the future.

The sub-committee accepted the police evidence that some of the incidents outside the premises are directly connected to the premises and are directly connected to excessive alcohol consumption on the premises. The sub-committee also found the health and safety breaches to be very serious but noted that the council's health and safety service has now withdrawn their representations. The sub-committee found that the majority of the crime and disorder incidents occurred late night after 2.00am and therefore in the circumstances found it necessary to limit the supply and sale of alcohol on Friday and Saturday to 2.00am. The sub-committee also considers that the practice of selling spirits by the bottle and half-bottle to be directly connected to crime and disorder and therefore found it necessary to add a condition to the licence whereby no spirits (alcohol containing more than 20% abv) should be sold by the bottle or half-bottle during the operation under the licence.

The sub-committee wants to make it very clear to the licence that they view these incidents very seriously and on this occasion they decided not to revoke the licence but if such practice will continue that on any further review a different approach will be taken.

### **Appeal rights**

That the licensee and any person who made relevant representations in relation to the application may appeal against the decision. Any appeal must be made to the magistrate court for the petty sessions area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the designated officer 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 closed at 1.35pm.

**CHAIR:**

**DATED:**