

## Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Monday 13 May 2013 at 10.00 am at Ground Floor Meeting Room G02B - 160 Tooley Street, London SE1 2QH

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<b>PRESENT:</b>	Councillor Sunil Chopra (Chair) Councillor Ian Wingfield Councillor Wilma Nelson
<b>OTHERS PRESENT:</b>	Aamir Bukhari, applicant Nasim Ali, applicant P.C. Graham White, Metropolitan Police Sam Phelps, applicant Jeff Astle, applicant
<b>OFFICER SUPPORT:</b>	Debra Allday, legal officer David Franklin, licensing officer Wesley McArthur, licensing officer Sarah Newman, environmental protection officer Alan Blissett, environmental protection officer Andrew Weir, constitutional officer

### 1. APOLOGIES

There were none.

### 2. CONFIRMATION OF VOTING MEMBERS

The three members present were confirmed as the voting members.

### 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 - JAZZ FOOD & WINE, 69 - 71 UNION STREET, LONDON, SE1 1SG**

The licensing officer advised that there was additional evidence from the street wardens service, which had lead to the environmental protection team upholding their objection. This information was circulated to all parties.

The licensing officer presented the report. Members had no 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.

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

The sub-committee went into closed session at 11.20am.

The licensing sub-committee resumed at 12.15pm and the chair read out the decision of the sub-committee.

#### **RESOLVED:**

That the application by Mr. Nasim Ali to vary the premises licence issued in respect of the premises known as Jazz Food And Wine, 69 – 71 Union Street, SE1 1SG be refused other than that conditions 124 and 127 be removed from the licence.

#### **Reasons**

The licensing sub-committee heard from the responsible authorities (police and the environmental protection team) who informed the sub-committee that the Jazz Food and Wine convenience store was within the Borough and Bankside saturation area, which is adjacent to Flat Iron Square, recently identified as a public open space. The off-sales of alcohol until 01.00 seven days a week would give rise to a public nuisance including street drinking in the locality.

The licensing sub-committee heard from the applicant who advised the sub-committee that his existing customer base had expressed a desire to be able to purchase alcohol until 01.00. The applicant stated that his customer base comprises mainly of local residents rather than people passing through the area, having left other licensed premises. The applicant stressed that the proposed variation would make their business more financially viable and stated that the nearest night club closes at 06.00 and other night clubs located nearby shut after 01.00 so the proposed extended hours would not attract club goers to

continue drinking on the streets on their way home.

Concerning the Borough and Bankside saturation policy, the applicant did not believe that the proposed extension of hours would lead to or facilitate anti-social behaviour, crime and disorder or noise nuisance. They also offered conditions to address the responsible authorities' concerns. These conditions offered by the applicant were rejected by both responsible authorities.

This licensing sub-committee were informed by the representative from the police that there had been two recent complaints relating to the sale of alcohol to street drinkers from the premises on 16 September 2012 and 15 March 2013. Also, on 17 April 2013, the community warden service reported the sale of alcohol to an already drunk individual, from the premises. The police offered a condition that "No beers/ciders in single cans, bottles or multi-packs with an ABV of above 5.5% will be displayed/sold or offered for sale from the premises", the reason for recommending such a condition was on the basis that street drinkers tend to purchase very strong and cheap cider/beer with an ABV of above 5.5%. If the sale of such alcohol is restricted and not available street drinkers would be discouraged from purchasing alcohol from the premises and congregating in the locale to consume alcohol and engage in anti-social behaviour. The police advised that the suggestion put forward by the applicant regarding the sale of cider/beer over ABV 5.5% after 00.00 could not be practically managed.

During the course of the meeting the police offered an alternative to the condition, that the applicant obtained prior approval from the police of the brands and prices of all beers/ciders above ABV 5.5%. The police described these alcoholic drinks as "premium brands" that cost significantly more than the "high street brands". The applicant was not agreeable to this suggestion either.

In the applicant's written submission at paragraph 6, the applicant advised that "If the sub-committee is minded to apply in its original form the police condition in regards to the sale of beer or cider with an ABV above 5.5% then we elect to withdraw the application with immediate effect". Furthermore, in the applicant's summing up, the applicant stated that 90% of customers had requested the premises to have an extension to 01.00. The applicant stated that there had been too much focus on street drinkers and that approximately 10% of sales went to them.

The premises are located in the Borough and Bankside saturation area. The saturation policy was introduced to take into account the rising trends of late night alcohol related violence against the person and late night disorder and rowdiness associated with late night licensed premises in the area. This includes drunken individuals, including street drinkers. The policy therefore creates a presumption that all applications for new premises licences or variations will add to the existing cumulative impact, which will be refused unless the applicant can demonstrate in their operating schedule that there will be no negative accumulative impact on one or more of the licensing objectives. The onus was on the applicant to demonstrate to the sub-committee that an extension of operating hours to 01.00 would not have any negative effect on the licensing objectives.

The applicant failed to demonstrate either in their operating schedule or their representations and by their refusal to accept the proposed condition relating to the sale of beers/cider above ABV 5.5% (including the amended proposed condition) by the police that the variation would not have a negative impact on the licensing objectives.

In view of this, the application was refused.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four 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 local justice 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 - CLUB PREMISES CERTIFICATE ENGLISH MARTYRS - STEAD STREET/WADDING STREET, LONDON SE17 1AP**

The licensing officer advised that the applicant and the environmental protection team had agreed a number of conditions. However, because these had been agreed less than 24 hours before the sub-committee meeting, the sub-committee would have to agree these conditions. The licensing officer circulated a list of these conditions.

The sub-committee had questions for the environmental protection officer.

The sub-committee agreed to accept the conciliated conditions.

### **RESOLVED:**

That the application by English Martyrs Hall Club for a club premises certificate to be granted under the Licensing Act 2003 in respect of the premises (temporary structure) known as English Martyrs Parish Hall Club, Stead Street/Wadding Street, London SE17 1AP be granted as follows:

<b>ACTIVITY</b>	<b>Monday to Thursday</b>	<b>Friday and Saturday</b>	<b>Sunday</b>
Opening hours	09.00 to 23.00	09.00 to 00.00	09.00 to 22.30
Supply of alcohol (to members of a club)	11.00 to 23.00	11.00 to 00.00	12.00 to 22.30
Recorded music	09.00 to 23.00	09.00 to 00.00	09.00 to 22.30
Live music	09.00 to 23.00	09.00 to 00.00	09.00 to 22.30

## **Conditions**

The following additional conditions, in addition to all mandatory conditions shall apply:

- 1) Prior to the live and recorded music aspects of the license taking effect the applicant shall have a sound limiting device fitted in the main hall of the premises. This shall be fitted by the applicant's engineer/contractor and set in conjunction with London Borough of Southwark environmental health and trading standards teams.
- 2) The sound limiting device installation shall be maintained thereafter at the set level without interference by any party.
- 3) That any additional amplification equipment imported on to the premises by third parties be connected to and use the sound limiting device.
- 4) All windows and doors shall remain closed during licensed entertainment, except for access and egress.
- 5) The applicant shall provide a system of internal cooling/air conditioning adequate to maintain comfortable internal temperature to ensure that windows and doors are not opened for ventilation during licensed entertainment.
- 6) Deliveries and collections (waste, equipment, food & drink) to the premises and the handling of glass waste shall occur between the hours of 08.00 and 18.00 Monday to Saturday.
- 7) The main entrance door shall be fitted with an acoustic lobby of adequate dimensions to give sufficient residence time. The doors to the lobby shall be self closing and fitted with acoustic seals.
- 8) The gap between the floor of the temporary structure and the ground shall be tightly boarded leaving no air gaps. The minimum specification for the valance boarding shall be 7Kg/M2.
- 9) Prominent notices shall be displayed at all exits at eye level requesting patrons leave the premises quietly and respect local residents.

## **Reasons**

This was an application by application by English Martyrs Hall Club for a club premises certificate to be granted under the Licensing Act 2003 in respect of the premises (temporary structure) known as English Martyrs Parish Hall Club, Stead Street/Wadding Street, London SE17 1AP.

The licensing sub-committee heard from the licensing officer who advised that the applicant and the environmental protection team had conciliated following late discussions, during which they had agreed conditions 1 to 9, as listed above.

As the conciliation had taken place less than 24 hours before the licensing sub-committee meeting, the licensing sub-committee were advised that they would have to consider the conditions agreed by both parties before making a decision as to whether to agree to the application.

The environmental protection officer advised that she was satisfied that these conditions would be sufficient to address any potential noise nuisance issues.

The licensing sub-committee were satisfied that these conditions were sufficient to address any potential noise nuisance issues and therefore granted the club premises certificate.

In reaching this decision the sub-committee had regard to all the relevant considerations and the licensing objectives.

The licensing sub-committee considered that it was appropriate and proportionate to attach these conditions in order to address 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 local justice 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 closed at 12.40pm.

**CHAIR:**

**DATED:**