

Licensing Committee

Tuesday 13 December 2011

7.00 pm

Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1
2QH

Supplemental Agenda No.1

List of Contents

Item No.	Title	Page No.
6.	Minutes from the licensing sub-committees	1 - 27
	To agree as a correct record the minutes of the open sections of the meetings held on:	
	8 August 2011	
	31 August 2011	
	14 September 2011	
	25 October 2011	
	26 October 2011	
	14 November 2011	
	17 November 2011.	

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Date: 6 December 2011

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Monday 8 August 2011 at 10.00 am at Town Hall, Peckham Road, London SE5 8UB

- PRESENT:** Councillor Sunil Chopra (Chair)
Councillor Michael Bukola
Councillor Michael Mitchell
- OTHERS:** Nick Bolton, Live Bait Restaurant
Ray McCylmont, Director of Operations Paramount Restaurants
- OFFICER SUPPORT:** Wesley McArthur, Licensing Officer
David Perry, Legal Officer
Sean Usher, Constitutional Officer

1. APOLOGIES

There were no apologies for absence.

2. CONFIRMATION OF VOTING MEMBERS

The three members listed above were confirmed as the voting members.

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

A note of the the conciliation meeting for Livebait (Item 5), was tabled and accepted by all parties.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003: LIVEBAIT, 41 - 45 THE CUT, LONDON, SE1 8LF

The licensing officer presented his report and introduced the note of the conciliation meeting that had taken place after the despatch of the agenda. Members took five minutes to read the item.

The applicants addressed the sub-committee. Members had questions.

No public or responsible authorities were present.

The applicant was given five minutes to sum up then the sub-committee went into closed

session at 10.28am.

At 11.00am the sub-committee returned from closed session and the chair read out the following decision, reasons and appeal rights.

RESOLVED:

Decision

That the application by Chez Gerard Restaurants Limited to vary the premises licence issued in respect of the premises known as Livebait, 41 – 45 The Cut, London, SE1 8LF is granted as follows:

Activity	Monday to Saturday	Sunday
Supply of Alcohol	23.00 to 00.00	22.30 to 23.00
Late Night Refreshment	23.30 to 00.00	N/A

Conditions

The following conditions will apply in addition to all mandatory conditions:

1. No refuse to be placed into receptacles outside the premises between 11.00pm and 8.00am.
2. The rear doors to the premises are to be kept closed when licensable activities take place on the premises.
3. Members of staff from the premises are not permitted to use the courtyard at the rear of the premises (as distinguished from the rear bin storage area) when licensable activities take place on the premises.
4. An up to date contact number for the premises manager to be displayed at the premises.

Reasons

The reasons for this decision are as follows:

The sub-committee heard representations from the applicant's representatives, namely the deputy manager and a member of the operating company.

The sub-committee considered all the written representations submitted by local residents and the two responses submitted to the conciliation statement.

The sub-committee noted that the premises is in a saturation zone, however it did not consider that the proposed variation would have a significant impact on one or more licensing objectives in the area.

The sub-committee did note the residents concerns over noise nuisance from staff which may be caused by later opening hours.

The sub-committee was of the view that given the premises is a restaurant, that a number of premises in the immediate vicinity have very similar opening hours to those proposed, and that residents did not have concerns over customers specifically from these premises, the impact on noise nuisance would be minimal.

However the sub-committee did consider it necessary and proportionate to impose the four conditions listed above.

The sub-committee, having considered all the licensing objectives, decided that the applicant's operating schedule and the above conditions meant that the application would not have a negative effect on the saturation zone policy and it was proportionate to grant the application.

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 11.05am.

CHAIR:

DATED:



Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Wednesday 31 August 2011 at 10.00 am at Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Sunil Chopra (Chair)
Councillor David Hubber
Councillor Althea Smith

OTHERS: Alan Blissett, environmental protection team

OFFICER SUPPORT: Felix Rechtman, legal services
Dave Swaby, licensing unit
Bola Roberts, constitutional officer

1. APOLOGIES

There were no apologies for absence.

2. CONFIRMATION OF VOTING MEMBERS

The three members listed above were confirmed as the voting members.

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

There were no urgent items.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003 - 124C BERMONDSEY ST, LONDON SE1 3TX

The licensing officer informed members that on the 30 August 2011 the council's licensing service received a large number of emails from residents in the Bermondsey area complaining that the notice advertising the application was not displayed for a period of 28 days as required by the relevant legislation.

In view of the above, the sub-committee considered it necessary to deal with this specific issue as a preliminary issue before deciding whether to proceed with the application itself.

Members heard from a spokesperson for the resident who stated that as the notice had not been displayed in compliance to the statutory requirement the licence should not be granted.

The applicant was given a chance to explain to the sub-committee the exact dates the notice was displayed and was taken down.

RESOLVED:

Decision

That the application be not heard.

Reason

The sub-committee found that the notice was displayed but as the applicant accepted the notice was displayed on 13 July 2011 and the applicant further accepted that the last day for objections specified on notice was 8 August 2011, in the circumstances the sub-committee found that the notice was defective as it allowed for less than the required 28 days consultation period and in the circumstances this application must be advertised again for a period of 28 days consultation.

6. LICENSING ACT 2003 - JACKS, RAILWAY ARCH 96, JOAN STREET, LONDON SE1

The applicants addressed the sub-committee. Members had questions.

Residents addressed the sub-committee. Members had questions.

The environmental officer addressed the sub-committee. Members had questions.

All parties were given five minutes to sum up.

At 12.20pm the meeting went into closed session to consider the application.

At 1.30pm the meeting returned to open session and the chair read out the following decision:

RESOLVED:

Decision

That the application by Windmill Taverns Limited to vary the premises licence granted under the licensing act 2003 in respect of the premises known as Jacks, located at Railway Arch 96, Joan Street, London SE1 be refused.

Reasons

The reasons for this decision are as follows:

The sub-committee heard representations from the applicant and their representative, the residents and the environmental protection officer.

The sub-committee heard that there was no satisfactory conclusion at conciliary meeting and the matter had been referred to the licensing sub-committee.

The sub-committee heard evidence from the local residents that their main concern was noise generated outside the premises by patrons and the residents living directly opposite the premises submitted that the noise outside the premises is such that it is impossible for them to be able to sleep while people are still gathering outside the premises and that by increasing the opening hours the noise issue will continue into the small hours of the morning and will create public nuisance.

In addition the sub-committee found that, as the premises are within the saturation zone, that this variation to extend the opening hours by two hours into the night is a significant variation which is likely to increase noise in the area and therefore such a variation will have an adverse cumulative impact and the sub-committee was not satisfied by the applicant's submissions that the applicant demonstrated that there will be no negative cumulative impact on one or more of the licensing objectives, in this case the prevention of public nuisance.

The sub-committee felt it necessary and proportionate to reject this application.

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 session's 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 2.30pm.

CHAIR:

DATED:



Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Wednesday 14 September 2011 at 10.00 am at Ground Floor Meeting Room G02B - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Renata hamvas (Chair)
Councillor Adele Morris
Councillor The Right Reverend Emmanuel Oyewole

OTHERS: Barbara Clearkson, applicant
Jason Sharp, applicant
Edward Bryan, applicant
Kevin Loy, applicant
Clare Johnson, applicant's witness
Silke Abele, objector
Douwe Miedema, objector

OFFICER SUPPORT: David Swaby, licensing team
Caroline Hayward, legal services
David Perry, legal services
Virginia Wynn-Jones, constitutional team
Andrew Weir, constitutional team

1. APOLOGIES

Apologies were received from Councillor Sunil Chopra.

2. CONFIRMATION OF VOTING MEMBERS

The three members present were confirmed as voting members. In the absence of the chair of the licensing committee, Councillor Renata Hamvas was nominated, seconded and appointed as chair for this sub-committee.

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

Additional information from the applicant was circulated and accepted by all parties.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. GAMBLING ACT 2005 - APPLICATION FOR A PREMISES LICENCE IN RESPECT OF WILLIAM HILL, UNIT C3, SITE G, 98 SPA ROAD, LONDON, SE16 3QT

The sub-committee adjourned at 10.23am to read the late and urgent papers. The sub-committee reconvened at 10.35am.

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

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

The local resident and their witness then addressed the sub-committee. Members had questions for the resident and the resident's witness.

All parties were given five minutes to sum up. At 11.32am the meeting went into closed session to consider the application.

At 12.35pm the meeting resumed and the chair read out the decision as follows:

RESOLVED:

Decision

The licensing sub-committee having considered the application for a premises licence by William Hill Organisation in regards to betting (other than for a track premises) in respect of Unit C3, Site G, 98 Spa Road, London, SE16 3QT have made the following decision:

That the application for a premises licence by William Hill Organisation in regards to betting (other than for a track premises) in respect of Unit C3, Site G, 98 Spa Road, London, SE16 3QT be granted. If a premises licence were to be issued in respect of this premises, the mandatory conditions detailed below shall be attached to the premises licence.

Conditions

- 1) The conditions specified in paragraphs (2), (3) and (4) shall be attached to every premises licence.
- 2) The summary of the terms and conditions of the premises licence issued under section 164(1)(c) of the Act shall be displayed in a prominent place within the premises.
- 3) The layout of the premises shall be maintained in accordance with the plan.
- 4) The premises shall not be used for:

- a) The sale of tickets in a private lottery
 - b) The sale of tickets in any other lottery in respect of which the sale of tickets on the premises is otherwise prohibited.
- 5) In this regulation:
- a) A “private lottery” means a private society lottery or a work lottery within the meaning of paragraphs 10 and 11 of Schedule 11 to the Act; and
 - b) A “customer lottery” has the same meaning as in Part 3 of schedule 11 to the 2005 Act.

The following mandatory conditions applicable to betting premises licences (other than tracks) will also be attached:

- 1) A notice stating that no person under the age of 18 years is permitted to enter the premises shall be displayed in a prominent place at every entrance to the premises.
- 2)
 - a) Access to the premises shall be from a street or from other premises with a betting premises licence;
 - b) Without prejudice to sub-paragraph 2) a), there shall be no means of direct access between the premises and other premises used for the retail sale of merchandise or services.
- 3) Subject to anything permitted by virtue of the 2005 Act, or done in accordance with paragraphs 4, 5, 6 and 7 below, the premises shall not be used for any purpose other than for providing facilities for betting.
- 4) Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to leave any gaming machine or betting machine in order to do so.
- 5) No apparatus for making information or other material available in the form of sounds or visual images may be used on the premises, except for apparatus used for the following purposes:
 - a) Communicating information about, or coverage of, sporting events, including:
 - (i) Information relating to betting on such an event; and
 - (ii) Any other matter or information, including an advertisement, which is incidental to such an event
 - b) Communicating information relating to betting on any event (including the result of the event) in connection with which betting transactions may be or have been effected on the premises.
- 6) No publications, other than racing periodicals or specialist betting publications, may

be sold or offered for sale on the premises.

- 7) No music, dancing or other entertainment shall be provided or permitted on the premises, save for entertainment provided in accordance with paragraph 5.
- 8)
 - a) No alcohol shall be permitted to be consumed on the premises at any time during which facilities for gambling are being provided on the premises;
 - b) A notice stating the condition in sub-paragraph (8) (1) shall be displayed in a prominent place at every entrance to the premises; and

A notice setting out the terms on which customers are invited to bet on the premises shall be displayed in a prominent place on the premises to which customers have unrestricted access.

Reasons

The licensing sub-committee heard representations from the applicant's representative and staff, including the manager of the premises at 92 Spa Road, and from a local resident and her witness. The sub-committee also took into consideration all written representations from local residents. It was noted that no representations were received from responsible authorities.

The sub-committee heard from the applicant about its policies and procedures for complying with its licensing obligations, and meeting the licensing objectives.

The sub-committee heard from the local resident about problems in the area. Whilst the sub-committee took on board the concerns of local residents about crime and disorder in the area generally, it was not satisfied that there was evidence to show that the grant of this licence would result in an increase, or that this premises would directly contribute crime and disorder in the area.

The sub-committee also took into consideration its Statement of Gambling Licensing Policy, the Gambling Commission Guidance to Local Authorities, all relevant codes of practice and the licensing objectives under the Act, and resolved to grant the licence.

However, the sub-committee had concerns that the premises are located in an area with a high number of young people, particularly as a result of the changing nature of area, and that there were a number of youth facilities, as well as hearing evidence that young people do try to access the applicant's existing premises in Spa Road. In order to ensure that the licensing objective of protecting children and vulnerable people from harm and being exploited by gambling was properly met, the sub-committee decided to exclude the default licence condition for betting premises, under s.168 of the Act, and attach a condition imposing specific opening hours on the premises, to avoid times when large numbers of young people are likely to be in the area.

The specified opening hours are:

Monday - Friday 10:00am - 9:00pm
 Saturday 9:00am - 9:30pm
 Sunday 10:00am - 6:30pm.

Appeal rights

The interested parties and the applicant have the right to appeal the decision of the sub-committee to the Magistrates' Court within a period of 21 days beginning with the day on which the appellant receives notice of the decision against which the appeal is brought.

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 closed at 12.40pm.

CHAIR:

DATED:

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Tuesday 25 October 2011 at 10.00 am at Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

PRESENT:	Councillor Sunil Chopra (Chair) Councillor Michael Bukola Councillor Michael Mitchell
OTHERS:	Jack Halley, applicant Phil Neale, applicant Councillor Adele Morris, objector James Hatts, observer
OFFICER SUPPORT:	Wesley McArthur, licensing unit Caroline Hayward, legal services David Perry, legal services Virginia Wynn-Jones, constitutional team

1. APOLOGIES

There were none.

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

The chair agreed to accept an email from the applicant to Councillor Adele Morris, the objector, as late and urgent information.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003 - THE STAMFORD ARMS, 62 STAMFORD STREET, LONDON, SE1 9LX

The committee noted that the objection from Councillor Adele Morris had been conciliated on 24 October 2011.

The committee noted the contents of an email dated 24 October 2011 from the applicant to Councillor Morris and Councillor Morris confirmed that she had formally withdrawn her representation.

The application was therefore deemed granted pursuant to section 35(2) of the Licensing Act 2003.

The meeting closed at 10.10am.

CHAIR:

DATED:

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Wednesday 26 October 2011 at 10.00 am at Ground Floor Meeting Room G02B - 160 Tooley Street, London SE1 2QH

PRESENT:	Councillor Ian Wingfield (Chair) Councillor Eliza Mann Councillor Althea Smith
OTHERS:	Vikki Hanspal, applicant Chris Akass, applicant Thomas O'Mauleoin, applicant's solicitor Peter Curtain, objector Rebecca Eames, objector Sarah Wyndham Lewis, objector Alexandra Wyatt, objector Cecilia Foley, objector Michael Davis, objector Katie Wright, objector Jessica Beattie, objector Sophie Wright, objector Mark Roelofsen, objector PC Tom Leits, observing PC Graham Hislop, observing PC Keith Dempster, observing Nigel Ow, applicant Julie Friel, applicant James Hatts, objector
OFFICER SUPPORT:	Felix Rechtman, legal services Kristie Ashenden, licensing team Tracy McCarthy, licensing team Andrew Weir, constitutional team

1. APOLOGIES

Apologies were received from Councillor Sunil Chopra.

2. CONFIRMATION OF VOTING MEMBERS

The three members present were confirmed as voting members. In the absence of the chair of the licensing committee, Councillor Ian Wingfield was nominated, seconded and appointed as chair for this sub-committee.

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

The chair informed the meeting that the order of business would be varied in order to consider item 6 of the agenda first.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003 - SIMON THE TANNER, 231 LONG LANE, LONDON, SE1 4PR

The sub-committee reconvened at 12.35pm.

The licensing officer presented her report. Additional papers of the premises were circulated by the licensing officer. The members had no questions for the officer.

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

The local resident then addressed the sub-committee. Members had questions for the local resident.

All parties were given five minutes to sum up. At 1.20pm the meeting went into closed session to consider the application.

At 1.47pm the meeting resumed and the chair read out the decision as follows:

RESOLVED:

Decision

That the application by Moontide Limited for a variation of premises licence in respect of the premises known as Simon the Tanner, 231 Long Lane, London, SE1 4PR be approved as follows:

Licensable Activity	Monday to Thursday	Friday	Saturday	Sunday
E. To allow the provision of live music indoors	19:00 – 22:00	19:00 – 22:00	19:00 – 22:00	19:00 – 22:00
I. To allow the provision of facilities for making music indoors:	19:00 – 22:00	19:00 – 22:00	19:00 – 22:00	19:00 – 22:00
L. To extend the hours permitted for late night refreshments:		23:00 – 00:00	23:00 – 00:00	

Licensable Activity	Monday to Thursday	Friday	Saturday	Sunday
M. To extend the hours permitted for the sale / supply of alcohol on the premises:		23:00 – 00:00	23:00 – 00:00	
O. To extend the opening hours of the premises:		10:00 – 00:10	10:00 – 00:10	

Conditions

The following conditions will apply in addition to all mandatory conditions:

1. That no drinks will be allowed outside after 10:00pm seven days a week.
2. That sufficient signs be placed around the pub to encourage people to be quiet and to leave quietly.
3. That management inform residents of a dedicated telephone number to deal with residents' complaints.
4. That condition 109 be amended to include 'Permitted hours as stated elsewhere on this licence' and that 'a to f' and 'i to x' be removed.
5. That condition 122 be removed as redundant.
6. That condition 127 be removed as redundant.

Reasons

The sub-committee heard submissions from the applicant that the variation sought will have no adverse impact on the licensing objectives.

In view of the objections received to this application the applicant advised the sub-committee that they are no longer seeking a variation for the sale of alcohol Sunday to Thursday but that their application is now limited to seeking one extra hour for selling alcohol only on Friday and Saturday.

The applicant also submitted that the sought licence to play live music will be limited to a use of a piano one day a week between 7:00pm and 10:00pm but as the applicant is still undecided about the day for such piano use, they are asking for such licence to cover seven days a week.

The sub-committee heard from a resident that there were some existing issues of noise outside the premises and issues with people gathering on the pavement outside of the pub.

The resident advised the committee that they have yet to raise any official complaints in that respect and he personally never discussed any of these issues with the pub management.

The resident did confirm that some residents' meetings had been held in the pub and that generally residents were not opposed to the pub being there.

In response to the residents' issues, the applicant offered to add the additional conditions 1-3, as specified above, to their existing licence, in addition to the mandatory conditions.

On the basis of the above the sub-committee resolved to grant the variation allowing the playing of live music as applied for and further resolved to vary the licence to allow sale of alcohol on Friday and Saturday until midnight.

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 - MAINRAY HOUSE, 124C BERMONDSEY STREET, LONDON, SE1 3TX

The legal officer addressed the sub-committee and the interested parties present. He reminded them that this was a quasi-judicial sub-committee. He also advised that the premises was not in a saturation zone and that this sub-committee could not consider any planning issues with regard to this application.

The licensing officer presented her report. The members had no questions for the officer.

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

The local residents then addressed the sub-committee. Members had questions for the local residents.

All parties were given 5 minutes to sum up. At 11.25am the meeting went into closed session to consider the application.

At 12.13pm the meeting returned to open session and the chair read out the decision as follows:

RESOLVED:

Decision

That the application by River Developments Limited for a new premises licence in respect

of the premises known as 124C Bermondsey Street, London, SE1 3TX be approved as follows:

Licensable Activity	Monday to Friday	Saturday	Sunday
L. Late night Refreshment		23.00-00.00	
M. Supply of Alcohol on	11.00-22.30	11.00-23.30	12.00-22.00
O. Hours open to the public	10.00-00.10	10.00-00.10	12.00 – 00.10

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:

- 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) The premises shall operate an age check '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 licence, passport or a PASS approved proof of age card such as the Southwark Proof of Age (SPA) card.
 - (ii) All staff involved in the sale of alcohol shall be trained in the age check 'Challenge 25' policy. A record of their training, including the dates that each member of staff is trained, shall be available for inspection on request by the council's authorised officers or police.
 - (iii) Age check 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 age check 'Challenge 25' policy applies and proof of age may be required.
 - (iv) A register of refused alcohol and cigarette sales (to be approved by Trading Standards), which is clearly marked with the details of the premises, address and name of the licence holder, 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.

- c) Subject to the following additional conditions agreed by the sub-committee:
 1. That the premises shall install and maintain a comprehensive CCTV system as

per the minimum requirements of a Metropolitan Police Crime Prevention Officer.

2. That there shall be a personal licence holder on duty on the premises at all time when the premises are authorised to sell alcohol.
3. That an incident log shall be kept on the premises and made available on request to an authorised officer of Southwark Council or the Metropolitan Police, which will record the following:
 - (i) All crimes reported to the venue
 - (ii) All ejections of patrons
 - (iii) Any complaints received
 - (iv) Any incidents of disorder
 - (v) Any refusal of the sale of alcohol
 - (vi) Any visit by a relevant authority or emergency service.
4. That substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
5. That no noise shall emanate from the premises nor vibration by transmitted through the structure of the premises, which gives rise to a nuisance.
6. That notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
7. That a direct telephone number for a duty manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents in the vicinity.
8. That no rubbish, including bottles, shall be moved, removed or placed in outside areas between 23:00 and 08:00 hours.
9. That the number of smokers outside the premises be limited to five people at any given time and that it be the responsibility of management to ensure that this condition is complied with.

Reasons

The sub-committee heard evidence from the applicant that these were new premises without any adverse history. The applicant also submitted that it is their intention to run the premises as a high end restaurant/bar and not simply as a drinking establishment.

During the hearing, in light of the objections received to this application, the applicant advised the sub-committee that they no longer seek a live music or recorded music licence. The applicant also read out to the sub-committee a further nine conditions which they offer to add to any licence in order to address some of the residents' concerns. The applicant also emphasized that none of the responsible authorities objected to this application.

The sub-committee heard evidence from four local residents. The residents mentioned planning issues but did not focus their submissions on planning issues. The residents submitted that the granting of this application will increase crime and disorder in the area, will increase noise nuisance and will adversely affect public safety. All of the submissions from the residents focused on impact by other licensed premises in the area but were not specific to this application as these premises have no operating history. Many of the residents indicated that their main concern was not to allow another licensed premises in the area as they did not consider there was need for another such establishment.

Having considered all the above submissions, the sub-committee resolved to grant this application on the basis that the sale of alcohol will cease at 22.30 Monday to Friday, 23.30 on Saturday and 22.00 on Sunday and on the basis that all the conditions put forward by the applicant during the hearing are to be added to the licence. The sub-committee also considered it necessary to add a further condition that the number of smokers outside the premises be limited to five people at any given time and that it be the responsibility of management to ensure that this condition is complied with. This decision is made on the basis that the sub-committee heard no conclusive evidence that the premises itself will have adverse impact on any of the licensing objectives. When considering this decision the sub-committee noted the decision of the High Court in the case of *Thwaites v Wirral Borough Magistrates' Court* (2008).

As always it will be open for the residents to seek to review this licence if the premises, once opened do adversely affect 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.

At this point the meeting adjourned at 12.20pm. It reconvened at 12.35pm and following an earlier announcement (see item 3) to vary the order of business, considered item 5.

The meeting closed at 1.55pm.

CHAIR:

DATED:

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Monday 14 November 2011 at 10.00 am at Ground Floor Meeting Room G02B - 160 Tooley Street, London SE1 2QH

PRESENT:	Councillor Linda Manchester (Chair) Councillor David Hubber Councillor Althea Smith
OTHERS:	Raheel Choudhary, applicant Alex Farly, applicant's witness Tom Bailey, objector Alice Crawford, objector Cheryl Wiltshire, objector Mark Wiltshire, objector
OFFICER SUPPORT:	David Swaby, licensing officer Caroline Hayward, legal services Andrew Weir, constitutional team

1. APOLOGIES

There were no apologies.

2. CONFIRMATION OF VOTING MEMBERS

The three members present were confirmed as voting members. In the absence of the chair, Councillor Linda Manchester, the vice chair of the licensing committee, chaired the sub-committee.

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 - PAPA JOHN'S PIZZA, 168A TOWER BRIDGE ROAD, LONDON SE1 3LS

The licensing officer presented his report. The members had no questions for the officer. The applicant and his witness addressed the sub-committee. Members had questions for

the applicant.

The meeting adjourned at 10.12am for legal advice. The meeting reconvened at 10.28am.

The local residents then addressed the sub-committee. Members had questions for the local residents.

All parties were given five minutes to sum up. At 10.55am the meeting went into closed session to consider the application.

At 11.37am the meeting resumed and the chair read out the decision as follows:

RESOLVED:

Decision

That the application by KSC Limited for a premises licence under Section 17 of the Licensing Act 2003 in respect of the premises known as Papa John's Pizza, 168 Tower Bridge Road, London SE1 3LS be approved as follows:

	Monday to Thursday	Friday to Saturday	Sunday
Start & Finish	23:00 00:30	23:00 02:00	23:00 00:00
Activities: Late night refreshment	Late night refreshment	Late night refreshment	Late night refreshment

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:

1. That there shall be no access of the premises by members of the public on Monday to Thursday between 23.00 to 00.30, Friday to Saturday 23.00 to 02.00 and on Sunday 23.00 to 00.00.
2. That no refuse shall be placed into receptacles outside the premises between the hours of 23.00 to 07.00 Monday to Sunday.

Reasons

The reasons for this decision are as follows:

This was an application by KSC Limited for a new premises licence in respect of the premises known as Papa John's Pizza, 168a Tower Bridge Road, London SE1 3LS to allow the provision of late night refreshment on Monday to Thursday between 23.00 to 00.30, Friday to Saturday 23.00 to 02.00 and on Sunday 23.00 to 00.00.

The sub-committee heard evidence from the applicant that this application is only for the provision of pizza delivery and not service to customers, the granting of which will not have

an adverse impact on the objectives in the Licensing Act.

The sub-committee heard evidence from local residents that their main concerns were public nuisance caused by delivery mopeds being parked on the street, cars stopping on the red route and potential instances of crime and disorder with one instance of theft being witnessed but not reported to the police. The residents submitted that nuisance is also caused by the noise and smell of the extractor fan.

The sub-committee noted that the premises is located in a saturation zone and that no objections were raised by the police or the environmental health team about crime and disorder or noise nuisance.

The sub-committee was satisfied, provided the premises are operated as outlined by the applicant in their representations, that there would be limited negative cumulative impact on crime, disorder and public nuisance in the area and that the operating schedule would sufficiently deal with any likely impact.

However, in order to ensure that the operating schedule is effective the sub-committee considered it necessary and proportionate to add the following conditions:

- No access to the premises by members of the public on Monday to Thursday between 23.00 to 00.30, Friday to Saturday 23.00 to 02.00 and on Sunday 23.00 to 00.00
- No refuse is to be placed into receptacles outside the premises between the hours of 23.00 to 07.00 Monday to Sunday.

Therefore, having considered all the licensing objectives, the council's statement of licensing policy and all representations the sub-committee decided to grant the application.

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 11.42am.

CHAIR:

DATED:

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 17 November 2011 at 10.00 am at Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

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

OFFICER SUPPORT: David Perry, legal officer
David Swaby, licensing officer
Mujahid Chowdhury, legal trainee
Andrew Weir, constitutional officer

1. APOLOGIES

There were no apologies.

2. CONFIRMATION OF VOTING MEMBERS

The three members present were confirmed as 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 - CAFE JAZZ, 56 STAMFORD STREET, LONDON SE1 9LX

The applicant had not arrived by 10.00am and the sub-committee agreed to wait until 10.30am before commencing the meeting.

At 10.30am the applicant had not arrived and therefore in the absence of the applicant, the sub-committee agreed to hear the application.

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

At 10.35am the meeting went into closed session to consider the application.

At 11.20am the meeting resumed and the chair read out the decision.

RESOLVED:

Decision

That the application by Cafe Jazz London Ltd for a variation of a premises licence in respect of the premises known as Cafe Jazz, 56 Stamford Street, London SE1 9LX be approved as follows:

Activity:	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Opening Hours	11:30 to 01:30						
Live Music – Indoors – Basement Area Only	11:30 to 01:00						
Recorded Music - Indoors	11:30 to 01:00						
Sale of Alcohol to be consumed on the premises.	11:30 to 01:00						
Late night refreshment	23:00 to 00:00	23:00 to 00:00	23:00 to 00:00	23:00 to 00:00	23:00 to 01:00	23:00 to 01:00	23:00 to 01:00

Conditions

The following conditions will apply in addition to all mandatory conditions:

1. That prominent, clear and legible notices are to be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
2. That the placing of refuse into receptacles outside the premises shall not take place between 23:00 and 08:00 hours.
3. That the doors at the premises are to be kept closed during the hours of operation.
4. That a contact telephone number for the manager of the premises to be prominently displayed at the premises.

Reasons

The reasons for this decision are as follows:

The applicant did not attend the hearing. No interested parties attended the hearing. No

responsible authorities attended the hearing. The sub-committee considered the application documents, the written representations received on behalf of seven local residents and the written representations received from the police and environmental health team (EHT).

The sub-committee noted that the police raised no concerns with the proposed opening hours or operation of the premises. However they had suggested that a CCTV condition would be appropriate

The sub-committee noted that in their representation the EHT commented that music had been played in the basement of the premises without complaint for over eight years. They also noted the opinion of the EHT officer that the variation was unlikely to cause any noise nuisance.

The sub-committee noted that the primary concern of the local residents was noise from the premises if it was to operate as a live music venue and bar, in particular from music, patrons and refuse collection. They noted that the residents had not had any issues with noise from live music in the past. The sub-committee noted that the residents did not raise any concerns over the opening hours or potential crime and disorder. The residents did comment that they had on occasion complained to other premises in the area about noise.

The sub-committee noted that there were licensed premises with very similar opening hours and activities in the immediate area, although none of the representations stated that there was a particular problem with crime and disorder.

The sub-committee noted that the premises are located in a saturation zone (Borough and Bankside) and that if the variation is likely to add to the cumulative impact in the area then the applicant must satisfy the committee that their operating schedule would mean that there would be no negative cumulative impact on one or more of the licensing objectives.

The sub-committee was of the view that the variation was unlikely to have any significant impact on crime and disorder, public safety or preventing children from harm, and that the operating schedule would adequately deal with any impact, if it included the condition on CCTV proposed by the police.

The sub-committee was of the view that the variation was unlikely to have any significant impact on noise nuisance if live music only continued to be played in the basement, particularly given the comments of EHT and the lack of audible noise in the past. However the sub-committee did consider that there may be some additional noise generated by patrons and refuse collection, given the proximity of the premises to residential properties. The sub-committee felt that the operating schedule would be sufficient if the following conditions were included:

1. That prominent, clear and legible notices are to be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
2. The placing of refuse into receptacles outside the premises shall not take place between 23:00 and 08:00 hours.
3. Doors at the premises to be kept closed during the hours of operation.

4. A contact telephone number for the manager of the premises to be prominently displayed at the premises.

The sub-committee considered that those conditions were both reasonable and proportionate to prevent noise nuisance.

Having considered all representations, the council's statement of licensing policy (in particular the Borough and Bankside saturation zone), the statutory guidance and all the licensing objectives, the sub-committee therefore decided to grant the variation application subject to the conditions outlined above. For the avoidance of doubt live music is still only to take place in the basement of the premises.

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 ended at 11.25am.

CHAIR:

DATED:

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