

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Monday 16 September 2019 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Renata Hamvas (Chair)
Councillor Maria Linforth-Hall
Councillor Kath Whittam

OFFICER SUPPORT: Debra Allday, legal officer
Wesley McArthur, licensing officer
Jayne tear, licensing responsible authority officer
P.C. Ian Clements, Metropolitan Police Service
Andrew Weir, constitutional officer

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

There were none.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003: TALKING DRUM, 610 OLD KENT ROAD, LONDON SE15 1JB

This was a reconvened hearing from 20 August 2019.

The licensing officer updated the licensing sub-committee. Members had no questions for the licensing officer.

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

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

The licensing officer representing the council as a responsible authority addressed the sub-committee. Members had questions for the licensing officer.

The other person, objecting to the application addressed the sub-committee. Members had questions for the other person.

All parties were given five minutes for summing up.

The meeting adjourned at 12.00pm for the sub-committee to consider its decision.

The meeting reconvened at 1.00pm and the chair advised all parties of the decision.

RESOLVED:

That the application made by Talking Drum Limited for a premises licence to be granted under Section 17 of the Licensing Act 2003 in respect of the premises known as Talking Drum, 610 Old Kent Road, London Se15 1JB be granted as follows:

Supply of Alcohol for Consumption on the Premises	Sunday to Saturday 12:00 to 22:30 hours
Opening Hours of the Premises	Sunday to Saturday 12:00 to 23:00 hours

Conditions

1. That capacity shall be limited to the number of fixed seats plus a maximum of 12-moveable seats.
2. That all seats at the bar shall be fixed.
3. That there shall be a maximum of 10 patrons at the bar waiting to be seated at dining tables.
4. That there shall be waiting service at the dining tables only.
5. That a final plan of the premises, properly identifying the fixed seating, shall be submitted to the licensing authority along with the fire risk assessment.
6. That intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking a substantial table meal and by consumption of such persons as

ancillary to their meal.

7. That a written dispersal policy shall be kept with the premises licence and made available to council officers and the police immediately upon request.
8. That there shall be a personal licence holder on the premises at all times when the premises are authorised to sell alcohol.
9. That no licensable activities shall take place in the basement of the premises.
10. That there shall be no externally promoted DJs or events.
11. That there shall be no regulated entertainment. For the avoidance of doubt, the premises licence holder has agreed that for the purpose of this licence “regulated entertainment” is as defined in the Licensing Act 2003 prior to any subsequent statutory amendment (including but not limited to the Live Music Act 2010 and the Deregulation Act 2015)”
12. That CCTV shall be recording and in operation at all times that the premises are open to the public and licensable activities are being provided. The system will be capable of storing the footage for at least 31 days and will be made available immediately to the Police or authorised officers upon request. The footage will be in a format that can be downloaded immediately onto a readable disc or storage device.
13. That a CCTV system be installed at the premises, the coverage to include all public areas of the premises in addition to at least one camera to cover the external areas of the premises at the entrance. The external camera shall be capable of capturing the searching of all patrons who enter the premises.
14. That there shall be at least one person on the premises at all times that the premises are in operation under its licence able to operate the CCTV system and capable of downloading the stored data immediately upon request.
15. That customers who leave the premises temporarily to smoke shall only be permitted to smoke outside the front of the premises. Smoking may only be permitted outside the front of premises and a maximum of 5 smokers shall be permitted outside the front to smoke at any one time. Those patrons are not permitted to drink outside the premises.
16. That a challenge 25 scheme shall be maintained at the stalls selling alcohol requiring that staff selling alcohol request that any customer who looks under 25 years old, and who is attempting to purchase alcohol, provides valid photographic identification proving that the customer is at least 18 years old. Valid photographic identification is composed of a driving licence, passport, UK armed services ID card and any Proof of Age Standards Scheme (PASS) accredited card such as the Proof of Age London (PAL) card.
17. That all staff involved in the sale of alcohol shall be trained in the prevention of sales of alcohol to underage persons, and the challenge 25 scheme in operation at the stall. A record of such training shall be kept / be accessible at the stall at all times and be made immediately available for inspection at the stall to council or police officers on request. The training record shall include the trainee’s name (in block

capitals), the trainer's name (in block capitals), the signature of the trainee, the signature of the trainer, the date(s) of training and a declaration that the training has been received.

18. That clearly legible signs shall be prominently displayed where they can easily be seen and read by customers stating to the effect that a challenge 25 policy is in operation at the premises, that customers may be asked to provide proof of age and stating what the acceptable forms of proof of age are. Such signage shall be displayed at all entrances, points of sale and in all areas where alcohol is displayed for sale. The signage shall be kept free from obstructions at all times.
19. That a register of refused sales of alcohol shall be maintained in order to demonstrate effective operation of the challenge 25 policy. The register shall be clearly and legibly marked on the front cover as a register of refused sales, with the address of the premises and with the name and address of the licence holder. The register shall be kept / be accessible at the premises at all times. The register shall be made immediately available for inspection at the premises to council or police officers on request.
20. That under 16 year olds must be accompanied by an adult over the age of 18 years after 21:00.
21. That a direct telephone number for the 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 and businesses in the vicinity.

Reasons

The reasons for the decision are as follows:

This was an application submitted by Talking Drum London Limited for a premises licence be granted under the s.17 of the Licensing Act 2003 in respect of the premises known as Talking Drum, 610 Old Kent Road, London SE15 1JB.

The licensing sub-committee heard from the representative for the applicant who wanted to emphasise to the members that the application was for a restaurant, similar in style to Nandos. The representative stated that it was incorrect to conflate Luxford Bar and Talking Drum. Talking Drum would be fundamentally different. There would no loud music and no DJ. The premises was being marketed for a completely different audience. The hours sought in the application were based on the other restaurants in the locality and were actually less than some of the other restaurants near by. By making Talking Drum less competitive, the applicant was promoting the licensing objectives. The representative for the applicant made it clear that alcohol would be served ancillary to food and the additional fixed seating was further proof that the premises would not grow into a nightclub. Attempts had been made to engage with the local community and police, but there had been no response.

The Metropolitan Police Service objected to the application and referred to the council's statement of licensing policy which recommended closing time for restaurants in residential areas as 23:00. The representative for the Metropolitan Police Service also referred to the previous premises licence being held by Luxford Bar Limited which was revoked following an expedited review of the licence. The applicant and director of Talking Drum London Limited is the same director of Luxford Bar Limited. If the application were

granted it would be the same people who operated the premises previously, when the premises licence was revoked, who would operate this premises. The representative for the police stated that the grant of the licence would undermine both the prevention of crime and disorder licensing objective and the licensing sub-committee's decision of 18 April 2019 to revoke the premises licence previously held in respect of the premises.

The licensing sub-committee heard from licensing as a responsible authority whose representation was also based on the council's statement of licensing policy and the recommended hours for a restaurant in a residential area being 23:00. They advised that the director and the applicant for Talking Drum Limited was also the director of Luxford Bar Limited whose premises licence was revoked following an expedited review. Given the operating history of the premises, it was felt that none of the licensing objectives would be promoted should this application be granted and recommended that the application be refused.

The licensing sub-committee heard from the another person who opposed the application, stating that the operating hours were similar to the previous Luxford Bar licence whose operation lead to noise nuisance, anti social behaviour, crime and disorder. The intended operation of the premises was not suitable for a residential area.

The licensing sub-committee noted the objection from another person (party 2) who was not in attendance.

The licensing sub-committee considered this application very carefully and acknowledged that the grant of the licence could be seen to undermine the previous licensing sub-committee's decision of 18 April. During the discussion stage of the meeting, the police advised that the revocation of the licence and closure order had broken a pattern of behaviour. The clientele of the old Luxford Bar had essentially "moved on" and the style of the premises would attract a very different audience. That said, there remained a concern of the premises reverting to the old style of the Luxford Bar. Members raised this concern with the applicant and the applicant made it clear that no regulated entertainment would be provided and voluntarily agreed to a condition that provided the same. This of course, does not prohibit the applicant making an application to vary the premises, to provide it in the future. The licensing sub-committee advise that any such application is scrutinised by the responsible authorities and/or the licensing sub-committee.

The sub-committee was satisfied that the hours granted were in line with Southwark's statement of licensing policy. In addition, the very prescriptive controls and conditions imposed will ensure the premises will not transform into anything other than a restaurant.

During discussion the representative for the applicant agreed with the sub-committee's recommendation that they would not use single use plastic, where possible. It was also agreed that on the website, marketing and advertising of the premises, there would be a recommendation that patrons should use public transport to the premises.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives 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 desire to contend that:

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

Meeting ended at 1.10 pm

CHAIR:

DATED:

[CABINET ONLY]

DEADLINE FOR NOTIFICATION OF CALL-IN UNDER SECTION 17 OF THE OVERVIEW AND SCRUTINY PROCEDURE RULES IS MIDNIGHT, [DATE].

THE ABOVE DECISIONS WILL NOT BE IMPLEMENTABLE UNTIL AFTER THAT DATE. SHOULD A DECISION OF THE CABINET BE CALLED-IN FOR SCRUTINY, THEN THE RELEVANT DECISION WILL BE HELD IN ABEYANCE PENDING THE OUTCOME OF SCRUTINY CONSIDERATION.