



## Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Monday 22 September 2014 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

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- PRESENT:** Councillor Renata Hamvas (Chair)  
Councillor Dora Dixon-Fyle MBE  
Councillor Adele Morris
- OTHERS PRESENT:** Kofi Adom-Berchie, applicant  
Nial McCann, applicant's representative  
Graham White, Metropolitan Police Service  
Candido Rodrigues, representative from Banana's Bar  
Philip Durant, legal representative for Banana's Bar
- OFFICER SUPPORT:** Debra Allday, legal officer  
Wesley McArthur, licensing officer  
David Swaby, licensing officer representing the council as a responsible authority  
Farhad Chowdhury, health and safety officer  
Gavin Blackburn, planning officer  
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: 5TH FLOOR, LANCASTER HOUSE, 70 NEWINGTON CAUSEWAY, LONDON SE1 6DF**

The licensing officer presented their report. Members had no questions for the licensing officer.

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

The health and safety officer addressed the sub-committee. Members had questions for the health and safety officer.

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

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 no questions for the licensing officer representing the council as a responsible authority.

All parties were given five minutes for summing up.

The licensing sub-committee went into closed session at 1.45pm.

The licensing sub-committee resumed at 3.15pm and the chair read out the decision of the sub-committee.

**RESOLVED:**

That the application submitted by Mr. Kofi Adom-Berchie for the grant of a premises licence issued under the Licensing Act 2003 in respect of 5<sup>th</sup> Floor, Lancaster house, 70 Newington Causeway, London, SE1 6DF is refused.

**Reasons**

This was an application submitted by Mr. Kofi Adom-Berchie for the grant of a premises licence issued under the Licensing Act 2003 in respect of 5<sup>th</sup> Floor, Lancaster house, 70 Newington Causeway, London SE1 6DF

The licensing sub-committee heard evidence from the applicant's representative who informed the sub-committee that the licence was in respect of evening events involving food, music and dancing. Events would start at 6pm but nobody would arrive until around 8pm. In respect of the objections, there was no representation from the Fire Brigade and a fire risk assessment had been conducted in April 2014, which specified a maximum of 300 and that the applicant had specified a maximum capacity of 200 in their application. The applicant stated that both lifts were working and four SIA staff would be able to assist

in evacuation.

With regard to noise, conditions had been reached with the environmental protection team. The applicant stated that air conditioning would be in place within four months to compensate for the windows being locked.

Regarding security, whilst SIA registered staff don't work 24 hours seven days a week, the applicant was in discussions about this with the landlord. However, the applicant would employ four SIA registered staff, two on the ground floor and two on the 5<sup>th</sup> floor.

Concerning the planning department's representations, the applicant referred to paragraph 122 of Southwark's licensing policy. The concerns raised by planning would be dealt with under different regime and that other legislation should be used to address these issues.

The licensing sub-committee heard evidence from the Metropolitan Police Service representative who advised that they had submitted 16 possible conditions to be added to the licence and the applicant had no concern with them. The police stated that it was their view that the applicant was agreeing to anything just to obtain the licence. Furthermore, on 16 September 2014, the police attended 70 Newington Causeway. They entered and walked to the lifts unchallenged and noticed that one of the lifts was broken. When asked how long CCTV was stored for, the applicant advised that it was for 72 hours, to which the police officer advised that it needed to be stored for 31 days. The applicant replied "Yes, yes. I will do that" When asked how many security staff he would have, the applicant replied "three". It was pointed out that four would be required, to which the applicant responded "Yes, yes, anything".

The licensing sub-committee heard evidence from the council's health and safety team who informed the sub-committee that there had been an incident on the 6<sup>th</sup> floor of the building. Smoke was coming from the premises, which triggered the smoke alarm. The fire brigade were then called. The fire brigade were unable to turn off the alarm and there were no key holders in the building. The officer stated that an improvement notice had been served on the two passenger lifts in the building but they had not received examination reports from them and that one lift had been out of order for over six months. Further, students had recently become stuck in the lift.

Recent inspections showed that the fire exit was blocked with mattresses, there were shelves and wooden materials in the corridor and in case of fire, people would not be able to escape safely. On 19 September 2014 the officer attended the premises with a licensing officer and the applicant failed to attend. No security was observed by the officers and the officers left around 10.15pm. The officers observed another user of the building closing the shutters of the building. However, there were people within the building on the 1<sup>st</sup> and 6<sup>th</sup> floors and as a result the officers spoke with the peak incident team for the Fire Brigade who have since sent a warning letter to the landlord of the building.

The licensing sub-committee heard evidence from the council's planning service who informed the sub-committee that the 5<sup>th</sup> floor of the premises was serviced by narrow stairs and two ageing lifts. There was no management of the building in the evening, no control at ground floor level as to who enters and nobody to give direction in the event of a fire. The sound exited the building without insulation or attenuation and was likely to be a nuisance to the nearby residential units which were under construction and nearing

completion. They also had concern that the absence of any coordinated management of the building meant that it would be very easy for children to wander into any licensed event.

The licensing sub-committee noted that the applicant had recently obtained his personal licence, issued by the London Borough of Enfield on a date sometime after 26 April 2014, yet less than four months later, when the applicant was questioned over his knowledge about the licensing regime the applicant demonstrated a serious lack of understanding. For example, the applicant was unable to correctly specify what were acceptable forms of identification and was unable to explain the Challenge 25 policy. In view of this, the sub-committee were extremely concerned that the applicant would be providing training to staff.

Whilst the sub-committee were conscious that the application relates to the 5<sup>th</sup> floor of the building and the applicant had applied for a maximum capacity of 200, the fire risk assessment specified that the maximum capacity of the building should be no more than 350 over the total of seven floors. The sub-committee heard evidence from the health and safety officer that when officers had recently been in attendance at the building they had observed in excess of 100 people spread across floors 1, 2, 3,,4, 6 and 7. If evacuation was required there was no lighting in the stairway and mattresses were found on the 5<sup>th</sup> floor which posed both a fire and health and safety hazard.

The sub-committee were of the view that they did not have confidence in the applicant's knowledge and understanding of licensing in addition to their ability to manage the operation and the overall safety of the 5<sup>th</sup> floor. Nor is the sub-committee confident of the overall safety of Lancaster House as a whole. On this basis the sub-committee refused this application

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

- That the licence ought not to be been granted; or
- 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 in 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.

**6. LICENSING ACT 2003: BANANA'S BAR, 374 WALWORTH ROAD, LONDON SE17 2NF - REVIEW**

The licensing officer advised that there were some additional papers from the Metropolitan Police Service. All parties agreed for these papers to be circulated.

All parties were given ten minutes to read the additional information.

The licensing officer presented their report. Members had no questions for the licensing officer.

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

The legal representative for the premises addressed the sub-committee. Members had questions for the legal representative and the representative from the premises.

The meeting adjourned at 4.30pm to allow the council's legal officer to speak with the representatives from Banana's Bar. The meeting reconvened at 4.55pm.

The meeting then went into closed session at 5.00pm.

The meeting resumed at 5.05pm and the chair read out the decision of the sub-committee.

**RESOLVED:**

That the meeting be adjourned to 25 September 2014 at 10.30am to allow the representatives from Banana's Bar to bring CCTV evidence for the sub-committee to view.

The meeting closed at 5.06pm.

**CHAIR:**

**DATED:**