

**ROYAL BOROUGH OF GREENWICH**  
**LICENSING SUB-COMMITTEE C**  
**MONDAY 25 MARCH 2024 AT 10.30AM**  
**MINUTE**

**PRESENT:**

**Members:**

Councillor David Gardner (Chair), Councillor Linda Bird,  
and Councillor Jit Ranabhat.

**Officers**

Solicitor (Prosecutions & Licensing), Licensing Officer and Committee  
Services Officer

**Item**

**No.**

**1 Apologies for Absence**

No apologies received.

**2 Urgent Business**

There was no urgent business.

**3 Declaration of Interests**

**Resolved -**

That the list of Councillors' memberships as Council appointed  
representatives on outside bodies, joint committees and school  
governing bodies be noted.

#### **4 Minutes**

#### **Resolved –**

That the Minutes of the meetings of the Sub-Committees held on 13 December 2023

be agreed and signed as true and accurate records.

#### **5 Argeela, Unit 10 (7.0.10) The O2, SE10 (Grant)**

Applicant:

- Renata Anna Potoczny (APPLICANT)
- Alay Asghar (Operations Manager Argeela)

The Chair welcomed all parties and ensured that introductions were made, all papers had been received and all parties were made aware of their right to be represented.

The Sub-Committee considered an application made by Renata Anna Potoczny in respect of Argeela, Unit 10 (7.0.10) The O2, SE10. The Licensing Officer gave an illustrated introduction to the report. On the request of the Chair the officer shared an image of the premises indicating the distance between the Argeela and the surrounding establishments.

Operations Manager of Argeela Alay Asghar gave a brief history of the establishment. He stated that there have been no incident involving the police or complaint from resident and businesses since Argeela opened on December 2023. He expressed his appreciation to the warm welcome received from the Council and the resident in the community.

In addressing the representations made by objectors the Operations manager stated that Argeela is always ready to address the complaints of dissatisfied residents and customers if they would approach business directly.

He added that Argeela operates with a valid license, However the licence they are applying for is just a continuation of the license that was previously enforced. He stated that the business does not intend to carry out any sort of activities that is different from the previous owners.

The Operations Manager explained to the LSC that regarding noise complaints, random investigations conducted during operational hours indicated that sound level are within the accepted limits.

The Operations Manager added that Argeela is willing to work with resident and local authorities regarding arranging inspection schedules to implement any changes to address the concerns. In addition, they would like to be granted permission to play live music to which they would take reasonable measures to ensure that there's no impact to residents .

He added there is no record of police visit due to an incident, as Argeela make provision of 3 security personnel to ensure order is maintained during operational hours and protect its the safety of its customers and residents.

In addressing questions from the LSC the Operations Manager stated that there is a incident book, and any incident is documented or recorded and made available on request to the relevant authority.

In responds to the questions regarding noise LSC the Operations Manager reiterated the points previously mentioned.

Officers from Environmental Health explained to the LSC that they object to the licensing application due to the open nature of the Garden and ITS proximity to Aurora Towers. As a as the result of a random visit conducted on the 1<sup>st</sup> and 2<sup>nd</sup> March 2024. Investigation done on the date mentioned discovered loud music been played beyond 11:00 p.m. which at the time was beyond their licensing conditions. The officer advised that more can be done to ensure noise is efficiently managed from Argeela operations with the services of an acoustic consultant.

In addressing the LSC question on site visits conducted the officer stated that they approached the Operations manager regarding the loud music been played beyond the agreed time on both occasions.

The officers also presented to the LSC that the applicant is happy to comply with the proposed conditions and advised Panel that the outside structure is not suitable for live music.

In reaching its decision, the Licensing Sub-Committee (“LSC”) considered the Council’s Statement of Licensing Policy, the Licensing Act 2003, the Regulations made thereunder, and the Guidance issued by the Secretary of State under S.182 of that Act. In discharging its functions, the LSC did so with a view to promoting the licensing objectives of the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. Having considered all written representations, evidence,

and oral submissions, the LSC resolved to grant a premises licence subject to conditions. Permitted Licensable Activities, all Indoor only: Sale of Alcohol, Exhibition of Films, the Performance of Live Music and the provision of recorded music Sunday to Thursday from 12:00 hours until 00:00 hours (midnight) Friday and Saturday from 12:00 hours until 01:00 hours the following day Provision of Late-Night Refreshment (indoors only) Sunday to Thursday from 23:00 hours until 00:00 hours (midnight) Friday and Saturday from 23:00 hours until 01:00 hours the following day 2 The Licence shall be subject to the following conditions:

1. The Challenge 25/Think 25 proof of age scheme shall be operated at the Premises. All customers who appear to staff to be under the age of 25 will be challenged to prove that they are over 18 when attempting to purchase alcohol. Acceptable forms of ID include a photo driving licence, passport, or home office approved identity card bearing the holographic 'PASS' mark. If the person seeking alcohol is unable to produce an acceptable form of identification, no sale or supply of alcohol shall be made to or for that person.

2. All staff involved in the sale or supply of alcohol shall be trained, as part of their induction, in the responsible sale of alcohol. Such training will include challenging every individual who appears to staff to be under 25 years of age and to refuse service where individuals cannot produce acceptable means of ID and using the Refusals Log. Such training (including any refresher training) will be recorded in the Training Log and repeated every twelve (12) months.

3. Signage shall be displayed conspicuously on the premises in customer facing areas to advise customers that suitable proof of age documentation will be required for all purchasers who appear to staff to be under 25.

4. Water and non-intoxicating beverages will be readily available during the hours that alcoholic beverages are available for purchase.

5. A Refusals/Complaints/Incident Log(s) must be maintained and accessible at the Premises, and made available for inspection on reasonable request, to the Police or to an Authorised Person. The Logs are to be inspected regularly by the DPS (or their nominated deputy) and noted in the log with a record made of any appropriate follow up actions. Without limiting the above, the following shall apply to the Refusals and Incidents logs: Refusals: The Log must record all refused sales of alcohol and include the following:

- a) the identity of the member of staff who refused the sale.
- b) the date and time of the refusal.
- c) the alcohol requested and reason for refusal.
- d) description of the person refused alcohol.

3 Incidents: The Log must record:

- a) all crime reported to the Premises.
- b) All ejections of patrons.
- c) Any incident of disorder.
- d) All seizures of drugs and/or offensive weapons.
- e) Any faults in the CCTV system.
- f) Any visit by a Responsible Authority officer or officer of the Emergency Services.

6. The Premises shall risk assess its own requirements as to the need (if any) for SIA door staff, having considered the advice of the Police (if any).

7. Customers ejected or removed from the Premises shall be escorted to outside of the main public entrance of The O2 (which is not the entrance to the Hotel or the entrance adjacent to the premises but is the main entrance onto Peninsula Square).

8. Following notification of the date, time and location of each meeting, the DPS (or their nominated deputy) shall make reasonable efforts to attend all AEG Nominated Representatives and Security meetings.

9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer.

10. All entry and exit points will be covered enabling front identification of every person entering in any light condition. The CCTV system will be capable of obtaining clear facial recognition images and a clear head and shoulders image of every person entering or leaving the premises.

11. The CCTV system shall display on any recording the correct time and date of the recording.

12. The CCTV shall continuously record whilst the premises are open for licensable activities and during all times when customers remain on the premises. 4

13. All recordings shall be stored for a minimum period of 31 days with date time stamping. Recordings shall be made available immediately upon request of the Police or authorised officers though the preceding 31-day period.

14. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times the premises are open to the public. This staff member must be able to show a Police or authorised officer recent data or footage with the absolute minimum of delay when requested.

15. When Regulated Entertainment (in the form of live or recorded music) is taking place indoors in the Premises:

(a) External doors and windows to the premises shall be kept closed whilst that entertainment is taking place except for access and egress;

(b) Any amplified music or amplified sound, or recorded music comprised or from any regulated entertainment shall be inaudible at a point 1 metre from the façade of any existing noise sensitive premises.

(c) For the avoidance of doubt no licensable activities are permitted in the external outside area of the premises.

16. No alcohol consumption shall be permitted in the outside external area of the premises.

17. All speakers should be suitably isolated from the structure by means of isolation/acoustic mounts and should face away from all entrances/exits to the Premises.

18. Display clear signage near to its exits to remind patrons to leave quietly and to be respectful of those in nearby residential properties.

19. The licence holder shall arrange for a qualified acoustic consultant to attend and conduct sound tests to soundproof the premises and install a noise



limiter at the premises as recommended by the acoustic engineer before any licensable activities are conducted at the premises.

20. The Premises Licence holder shall arrange for regular checks to be made outside the premises to ensure that noise from inside, or from its patrons, is not adversely affecting neighbouring residential properties a log of these checks shall be maintained by the Premises Licence holder or a duly appointed person and produced to the Police and/or an authorised Officer of the Local Authority on demand. 5

21. The Premises Licence holder shall have a written protocol in place to manage intoxicated patrons and/or persons under the influence of illegal drugs. The protocol must also include procedures relating to the supply of illegal drugs and the 'spiking' of drinks. A copy of the protocol shall be made available to the Licensing Authority. Basis of Decision The LSC received and gave due weight to the submissions made for the applicant company, including its experience in running a similar venue in Birmingham, its clientele, no incidents involving the police or businesses and the submissions for the Applicant that only small percentage of nearby residents had raised objections to the application, none of whom had complained to the Applicant regarding noise and disturbance associated with the venue operating under Temporary Event Notices. The LSC also noted the use of the external area of the premises for Shisha activities and the submission for the Applicant's representative that he could not agree to only background music in the external shisha area, the applicant also wants to play live music. The representative also stated the premises does not have a dance floor. During the hearing the focus on the external outside area entailed noise and loud music to noise sensitive premises nearby.

The LSC, in reaching its decision, has reminded itself that the application was for licensable activities indoors only. There was no application for any licensable activity to take place in the outside area of the premises. The LSC heard and gave due and proper weight to the representations from Environmental Health. Complaints of noise nuisance had been received from residents and the threshold for public nuisance was reached. The LSC heard evidence that premises turned down the volume of the loud music on seeing officers from the Council.

The premises were also witnessed by officers operating beyond the hours permitted by the Temporary Event Notices on 1st and 2nd March 2024. The LSC noted no reply was provided to this by the Applicant's representative. Similarly, it appears that the applicant is not operating in compliance with the Health Act in respect of shisha activity, however, the LSC is only concerned with the licensing objectives of the 2003 Act. 6 In reaching its decision the LSC had regard to and considered that the premises are within a Cumulative Impact Area and the grant of any new premises licence must not adversely impact upon the licensing objectives.

The LSC had in focus public nuisance as a significant concern to nearby residents. The imposition of a condition that no amplified music or sound, or recorded music from the premises shall be audible one metre from the nearest existing noise sensitive premises is a reasonable condition to be imposed to promote the licensable activities. For the avoidance of doubt, licensable activities are not be permitted in the outside area of the premises.

Any party aggrieved by this decision may appeal to the magistrates' court within 21 days.

**6 Sainsbury's, 6 Mitre Passage, SE10 (Grant)**

Applicant	Sainsbury Supermarket
Making representation	Robert Botkai (Legal Rep)

The Chair welcomed all parties and ensured that introductions were made, all papers had been received and all parties were made aware of their right to be represented.

The Sub-Committee considered an application made by Sainsbury Supermarket at “6 Mitre Passage, SE10 OER”.

The Licensing Officer gave an illustrated introduction to the report.

The legal representative of the applicant gave a brief description of the application, he stated that the application is for a new store and are proposing to open from 6 am to 11 p.m. He added that they have also applied for the alcohol hours to match the times requested.

The legal representative thanked the licensing officer for the support provided in drafting the application and ensuring their request are within the guidelines.

He added that they tried to understand the concerns of the objector, however not much could be done as it would require imposing restrictions on another business.

The legal representative added that though the business is close to the park they have experience with working with officers. In view of this there will be

communication between the available authorities to implement measures if there's likely to be an incident regarding overcrowding.

In reaching its decision, the Licensing Sub-Committee ("LSC") considered the Council's Statement of Licensing Policy, the Licensing Act 2003, the Regulations made thereunder, and the Guidance issued by the Secretary of State under S.182 of that Act. In discharging its functions, the LSC did so with a view to promoting the licensing objectives of the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

Having considered all written representations, evidence, and oral submissions, the LSC resolved to grant a premises licence subject to conditions.

Permitted Licensable Activities:

Sale and supply of alcohol for consumption off the premises, 6am to 11pm, Monday to Sunday.

The Licence shall be subject to the following conditions:

1. The licence holder shall ensure that the premises benefit from a CCTV system that operates at all times when licensable activities are taking place.
2. The system shall incorporate a camera covering each of the entrance doors and the main alcohol display area and will be capable of providing

an image which is regarded as identification standard. The precise positions of the cameras may be agreed, subject to compliance with Data Protection legislation, with the Police from time to time.

3. The system shall incorporate a recording facility and any recording will be retained and stored in a suitable and secure manner for a minimum of 31 days and shall be made available, subject to compliance with Data Protection legislation, to the Police for inspection on request.

4. The system must be able to export recorded images to a removable means e.g. CD/DVD and have its own software enabled to allow playback/review.

5. A member of staff trained in the use of the CCTV system must be available at the premises at all times that they are open to the public.

6. The cctv system shall display, on any recording, the correct time and date of the recording.

7. An incidents register shall be maintained at the premises recording:

- a) all incidents of crime and disorder occurring at the premises
- b) details of occasions when the Police are called to the premises.

8. The Incidents Register shall be available for inspection by a Police Officer or other authorised Officer of the Licensing Authority on request.

9. There shall be no self-service of spirits except for spirit mixtures with an ABV not exceeding 5.5% ABV.

10. The applicant shall at all times maintain adequate levels of staff and security. Such staff and security levels will be disclosed, on request, to the Licensing Authority and Police.

11. Signage will be displayed at the exit of the premises requesting customers leaving the premises late at night to do so quietly and with consideration so as not to disturb nearby residents.

12. The premises licence holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form of identification that complies with any mandatory condition that may apply to this licence.

13. All staff engaged, or to be engaged, in the sale of alcohol on the premises shall receive the following training in age restricted sales:

- a) Induction training which must be completed and documented prior to the sale of alcohol by the staff member.
- b) Refresher/reinforcement training at intervals of no more than 6 months.

14. Training records will be kept at the premises available for inspection by a Police Officer or authorised Officer of the Licensing Authority on request.

15. All cashiers shall be trained to record refusals of sales of alcohol in a refusals register. The register will contain:

- a) details of the time and date the refusal was made
- b) the identity of the staff member refusing the sale
- c) details of the alcohol the person attempted to purchase.

16. The Refusals Register shall be available for inspection by a Police Officer or other authorised Officer of the Licensing Authority on request.

17. All sales tills shall prompt the cashier making a sale of alcohol to verify that the customer is aged 18 or over.

18. Signage will be displayed in prominent positions within the store informing customers of the age verification policy adopted by the licence holder.

#### Basis of Decision

In reaching its decision the LSC noted that there were no written representations from Responsible Authorities including the police regarding concerns relating to crime and disorder or public nuisance.

The LSC noted the submissions on behalf of the Applicant.

The LSC read and considered the single written representation received in response to the application for the premises licence. The representation did not oppose the grant of a premises licence. The representation sought a condition to suspend any licence granted for 2 hours prior to major events at 4 the O2 Arena because of excessive alcohol consumption prior to and after major events leading to public nuisance, noise and disorderly conduct.

In reaching its decision the LSC had regard to and considered that the premises are within a Cumulative Impact Area and the grant of any new premises licence must not adversely impact upon the licensing objectives.

In reaching its decision the LSC were satisfied that the conditions subject to which the licence is granted will promote the licensing objectives.



Any party aggrieved by this decision may appeal to the magistrates' court  
within 21 days.

The meeting closed at 11:48am

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Chair