In reaching its decision the Sub Committee considered the Council’s statement of Licensing Policy, the Licensing Act 2003, the Regulations made there under and the Guidance issued by the Secretary of State under S.182 of that Act. In discharging its functions the Sub Committee 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.

The Sub Committee reviewed the premises licence of the City Buzz B, 135-137 Trafalgar Road, London SE10 9TX and having considered all the evidence put before it the Sub Committee decided to:-

- Modify the conditions of the Premises Licence and amend the hours for licensable activities as follows:

  - That the hours for licensable activities:

    | Day           | Hours          |
    |---------------|----------------|
    | Monday – Saturday | 11:00 – 24.00 |
    | Sunday        | 12:00 – 24.00 |

  The Sale and Supply of alcohol for consumption both on and off the premises; the Provision of Live Music (indoors only); the Provision of Recorded Music (indoors only); the Performance of Dance (indoors only) shall be

Provision of Late Night Refreshment (Indoors only) shall be:

<table>
<thead>
<tr>
<th>Day</th>
<th>Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monday – Sunday</td>
<td>23:00 – 24.00</td>
</tr>
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</table>

the hours that the premises shall be open to the public shall be:

<table>
<thead>
<tr>
<th>Day</th>
<th>Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monday - Saturday</td>
<td>11:00 – 00:30</td>
</tr>
<tr>
<td>Sunday</td>
<td>12:00 – 00:30</td>
</tr>
</tbody>
</table>

- Remove all Non Standard Hours for Licensable Activities including opening hours from the licence.
Add the following conditions onto the licence:

1. An Incident Book shall be used to record such things as ejections from the premises, complaints received (both of noise and otherwise), noise checks, CCTV faults and visits from Responsible Authorities. This book should be made available for inspection upon request by any authorised person such as a Police Officer or Local Authority Officer.

2. All customers wishing to smoke should be directed to the front of the premises in Trafalgar Road.

3. Customers shall not be permitted to take or consume their drinks in any external or outdoor area of the premises.

4. Customers and staff shall not be permitted to use the rear garden area of the premises for any purpose after 22:00 hours.

5. No music shall be played externally at any time.

6. All external doors and windows to the premises shall remain closed, except for access and egress, whilst amplified entertainment is being provided.

7. An alarm shall be installed on the rear Fire Exit door, with a warning light visible behind the bar of the premises, to alert staff should the door be opened.

8. The operators shall conduct regular patrols around the perimeter, especially after 22:00 hour with regard to the rear garden and Orlop Street area, to ensure that no noise coming from the premises can be heard there. The times and details of these patrols should then be recorded in the Incident Book.

9. There shall be no emptying of bottles and similar items into bins in the rear garden area of the premises between 20:00 hours and 08:00 hours the following day.

10. The music volume shall be gradually reduced from 30 minutes prior to the end of permitted hours.

11. The premises shall install and maintain a comprehensive CCTV system which will continually record whilst the premises is open for licensable activities and

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during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.

12. The CCTV system will cover all licensable area within the premises and also the rear garden and any proposed front smoking area.

13. The CCTV will cover all entry and exit points and be able to capture frontal identification of every person entering in any light condition.

14. A staff member from the premises who is conversant with the operation of the CCTV shall be on the premises at all times the premises is 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. The “Challenge25”/”Think 25” proof of age scheme shall be operated at the premises. All customers who appear 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.

16. All staff shall be trained in the law about the sale of alcohol. Such training will include challenging every individual who appears to be under 25 years of age and to refuse service where individuals cannot produce acceptable means of identification, acceptable forms of ID and using the refusal register. Such training (including any refresher training) will be logged and provided not less than every six (6) months. The training log will be made available for inspection by Police and authorised persons.

17. A refusals log must be kept at the premises, and made immediately available on request to the police or an authorised person. The refusals log is to be inspected on a monthly basis by the Designated Premises Supervisor and noted in the log, and a record made in the log of any actions that appear to be needed to protect young people from harm. 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.

18. The following posters shall be displayed conspicuously on the premises in customer facing areas:

- “Think 25” (or similar poster) to advise potential purchasers that suitable proof of age will be required for all purchasers who appear to be under 25.
- “Don’t Buy Alcohol for Under 18’s” or “It’s A Crime!” (or a similar proxy sales poster) intended to warn adults not to buy alcohol for those under 18 years of age.

The Sub Committee’s decision was based on issues raised concerning the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

The Sub-Committee heard from the Environmental Health (Noise) Team, who whilst referring to their written representations in support of the review informed the Sub-Committee that there had been further and recent complaints of noise escaping from the licensed premises in the last two weeks. The Sub-Committee were told that the noise complaints had not been witnessed by Officers as they had been unable to attend the licensed premises at the time the incidents were reported.

The Sub-Committee noted from the written representations of the Environmental Health Officer that between 15 December 2016-18 June 2017, Environmental Health Officers had visited and witnessed a number of incidents of noise complaints and that warning letters had been sent to the licence holder regarding loud audible music and the consequences of failing to reduce noise levels. Consequently, a failure to adhere to an action plan that had been agreed together with a further witnessed noise nuisance resulted in the service of an abatement notice on 23 March 2017. Despite the service of the abatement notice the Sub-Committee observed that there were at least 8 recorded incidents of loud amplified music emanating from the premises (3 complaints of which were witnessed by Officers). It was also noted that on occasion the licensed premises were open at times when the premises should have been closed in accordance with its normal business opening hours.

The Sub-Committee read at page 60 of the Agenda that the Environmental Health Officer stated ‘It is important to note, however, that the current Premises Licence was initially granted in October 2006 and contains very few conditions relevant to the four Licensing Objectives. As the breaches of the Noise Abatement Notice
appear to take place after midnight the Environmental Health Pollution (Noise) Team would especially ask that consideration be given to reducing the permitted hours for licensable activities at the premises to midnight’. The Sub-Committee were minded to place considerable weight on the representation made both in writing and at the meeting.

The Sub-Committee were told by the Police Officer that he would be relying on his written representations which supported the review. The Police re-iterated the fact that six complaints had been received from residents and he asked the Sub-Committee to consider the suggested CCTV conditions which would assist in the detection/prevention of crime in any future disturbances such as the incident where a man who threw a pot plant had to be tasered to prevent injury being caused to patrons inside the licensed premises. The sub-Committee placed weight on the representation made both in writing and at the meeting.

The Licensing Officer informed the Sub-Committee that he supported the application for a review and would be relying on his written representations. His written representations set out the steps he had taken to resolve the concerns of local residents regarding, loud amplified music and general noise from patrons smoking and talking at the rear of the licensed premises especially late at night and in the early hours of the morning. The steps taken by the Licensing Officer included discussions with the licence holder and DPS, the carrying out of visits at the licensed premises and the agreement of an action plan. He also noted at page 74 of the Agenda that ‘[It] seems that, although they can happen at any time, the main problems regarding noise seem to occur after midnight when the premises – other than nearby off licence and kebab shop, neither of which play music – is the only one open in the area’. He stated that since the application for review, he had visited the licensed premises at different times and on an occasion he had asked the licence holder to reduce the volume of the music because it was so loud. The Sub-Committee placed great weight on the oral and written representations made.

The Trading Standards Officer told the Sub-Committee that he was concerned that the poor management of the premises could potentially undermine the licensing objective of the prevention of children from harm. He therefore urged the Sub-Committee to include conditions which would prevent underage sales. The Sub-Committee accepted the representation made both in writing and at the meeting.

The Public Health Officer referred to her written representations which supported the review. She stated that the noise complained of by residents could affect a person’s health by disrupting sleep which could lead to health issues. She stated that despite the service of an abatement Notice, noise continues to be an issue at the

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licensed premises. The Public Health Officer informed the Sub-Committee that she specifically supported the recommendations by the Environmental Health Officer concerning a reduction in hours to midnight and preventing patrons from drinking outside the premises. The Sub-Committee placed weight on the representation made both in writing and at the meeting.

The Sub-Committee was addressed by Councillor Stephen Brain who was in support of the review and represented several residents from Orlop Street and King William Lane. The residents complained of various anti-social behaviour linked to the licensed premises such as shouting, swearing, opening after terminal hours and general noisiness. He confirmed to the Sub-Committee that the residents had told him that licence holders had been contacted. The Sub-Committee placed considerable weight on the representation.

The licence holder informed the Sub-Committee that he disputed the allegations of noise made about the licensed premises. He felt that he was being unfairly targeted by the residents. He stated that there is CCTV installed in various parts of the licensed premises even though it was not a part of his current licensing conditions and that there was a screen (to absorb sound) that was in the garden. He stated that no one was allowed to go into the rear garden and that he did not accept that a Licensing Officer had seen 3 people smoking in the rear garden area on 6 May 2017.

The Sub-Committee asked the licence holder about Appendix D (page 81) of the Agenda which was an action plan that had been ‘ticked’ following discussions between the Licensing Officer, the licence holder and the DPS. The Sub-Committee noted that some conditions had been ticked because they had been acted on. However, some conditions had not been ticked. The licence holder informed the Sub-Committee that the un-ticked items such as the use of an Incident book, the fixing of an alarm on the fire door and the 31 day CCTV recording had not been dealt with.

The Sub-Committee heard from Mr Nasr who made representations in support of the licence holder. Mr Nasr confirmed that he owned and managed the property which contained the licensed premises. Mr Nasr stated that having carried out investigations, he was of the view that the noise that had been complained about had not emanated from the licensed premises but from neighbouring premises which he also managed. He told the Sub-Committee that the neighbour who lived above the licensed premises had not complained of excessive noise. He suggested that the source of the noise was coming from residents in the downstairs property adjacent to the licensed premises that held late night parties.
The Sub-Committee asked the Environmental Health Officer to confirm how the Officers could be sure that the noise witnessed emanated from the licensed premises. The Environmental Health Officer stated that the Officers investigating noise were experienced and would have witnessed the noise from inside the Complainant’s premises and satisfied themselves that the noise had escaped from the licenced premises. The Sub-Committee placed considerable weight on the representations of the Environmental Health Officers.

The Sub-Committee took account of the 4 written representations in support of the licence holder which stated that they had heard no loud noises or any nuisance emanating from the licensed premises.

In reaching their decision, the Sub-Committee considered all the written representations submitted and verbal representations made.

The Sub Committee found that there was loud audible music emanating from the licensed premises. They were also concerned of the poor management structure in place. The Sub-Committee was mindful of the Guidance which states ‘[w]here authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence …of the steps they need to take to address those concerns.’ The Sub-Committee noted that there had been various and consistent complaints of noise emanating from the premises and that despite warning letters being sent and complaints being witnessed, the abatement notice being served and numerous visits taking place and an action plan being agreed and not fully adhered to, loud audible music continues unabated and are still concerns to the present day. The licence holder denies that there is an issue with noise escaping from the premises and argues that he is being victimised.

Having listened to all the representations made, the Sub Committee placed considerable weight on the representations of the Environmental Health Officers, who had witnessed loud audible noise coming out of the premises. They accepted that the Environmental Heath Officers were professional Officers carrying out their duties. In determining the application for a review, the Sub-Committee has determined that it is appropriate and proportionate to modify the conditions of the premises licence by reducing the permitted and opening hours and impose other conditions that would address the concerns that have been raised to promote the four licensing objectives of prevention of crime and disorder, prevention of public nuisance, public safety and protection of children from harm.
No decision made by the Council will have effect during the time period within which an appeal may be brought and until such time that any appeal has been determined or abandoned.

The applicant for review, holder of the Premises Licence, or any other person who made relevant representations to the application may appeal against the Council’s decision to the Magistrates Court. Such an appeal must be submitted to the Magistrates Court within 21 days of the date from when the appeal period is deemed to have started, which will be stated in the cover email/letter to the Notice of Decision.