

**Decisions taken by the Licensing Committee on Tuesday, 21 June 2022**

Agenda Item No	Topic	Decision
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**Part A – Items considered in public**

<p><b>A3</b></p>	<p>Merkur Slots, 95 Rushey Green Catford SE6 4AF</p>	<p>Application made by Merkur Slots UK Ltd for a Premises Licence under the Gambling Act 2005 for Merkur Slots, 95 Rushey Green, London, SE6 4AF, to confirm that the Committee made the determination shown below.</p> <p>IN THE MATTER OF THE APPLICATION FOR A PREMISES LICENCE, THE COMMITTEE HAS CONSIDERED THE RELEVANT REPRESENTATIONS MADE.</p> <p>The Committee has made the following determination:</p> <p>With a view to ensuring the promotion of the licensing objectives, in accordance with the provisions of the statutory guidance and the principles of our licensing policy, the application for a premises licence was GRANTED.</p> <p>In coming to a determination the Committee considered the following matters;</p> <ol style="list-style-type: none"> <li>1. The Committee noted the representation made by Councillor Walsh and two local residents. This authority is responsible for protecting children from harm. Children would be at risk from harm if the application was granted because the premises was next to an ice-cream parlour popular amongst young children. Patrons smoking outside the premises would be in the same area as the children queuing for ice-cream particularly in the summer.</li> <li>2. Although children could not see inside Merkur Slots, the games that could be played were advertised on line. They were colourful and would be attractive to children.</li> <li>3. Members also noted that the position of the gambling establishment was not considered appropriate because there were a lot of gambling establishments in the area and the addiction service is a few hundred metres north of the site and the surrounding area is a</li> </ol>
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		<p>deprived area. There are also a number of vulnerable residents in the area who have additional needs. Studies had shown that people at risk of harm from gambling were concentrated in areas of high deprivation and there was an economic burden related to gambling in this country.</p> <ol style="list-style-type: none"> <li>4. The Committee noted the presentation made by the applicant. There had not been any objections from any responsible authority. The applicant had traded on a 24 hour licence for many years in Lewisham High Street without any problems. Extensive uncontested evidence including detailed witness statements had been provided and a licence application had never been refused.</li> <li>5. Members noted that the business claimed to be one of the largest gaming businesses on the high street, licensed by the gambling commission and its systems to promote the licensing objectives which were detailed and comprehensive. Staff were highly trained and well managed. The business was audited regularly.</li> <li>6. Members were advised that children could not see into the premises and would not be allowed inside the premises. With regard to vulnerable people, there were systems in place which had been approved by the gambling commission.</li> <li>7. Although those opposed to gaming shops wanted the application to be rejected on moral and ethical grounds, it was not an option open to members of the Committee under the Gambling Act.</li> <li>8. Representation had not been received from any of the relevant authorities. It was agreed that by granting the application, the three licensing objectives would be upheld.</li> </ol>

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A4	Fox and Firkin 15 Whitburn Road SE13 7UQ	<p>Application for a new premises licence at Fox and Firkin 15 Whitburn Road SE13 7UQ.</p> <p>IN THE MATTER OF THIS APPLICATION FOR A NEW PREMISES LICENCE, THE COMMITTEE HAS CONSIDERED ALL THE RELEVANT REPRESENTATIONS MADE BY ALL PARTIES.</p> <p>The Committee has made the following determination to ensure the promotion of the licensing objectives in accordance with the provisions of the Secretary of State’s guidance and the principles of our licensing policy:</p> <p>With a view to ensuring the promotion of the licensing objectives, in accordance with the provisions of the statutory guidance and the principles of our licensing policy, the application was AGREED, subject to the conditions attached to this letter. Not all proposed conditions were agreed.</p> <p>In coming to a determination the Committee considered the following matters:</p> <ol style="list-style-type: none"> <li>1. Members of the Committee noted the objection made by the Police. P.C Butler had not received a response from the applicant regarding this application. Conditions had been proposed and because there had not been a response, he had now alternative but to make an objection to the application on behalf of the Police.</li> <li>2. Members noted that P.C Butler considered it imperative that at least one female member of the door staff must be employed to ensure that all patrons were frisked. If only male patrons were frisked, weapons could be smuggled in to the premises by female patrons. He reminded members that a member of staff at the premises had been bottled by a member of the public and so drinks should be dispensed in polycarbonate drinking vessels.</li> </ol>

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		<p>3. Members of the Committee also noted that the Police and licensing team had received several noise complaints from neighbours. The Fox and Firkin was a live band venue active in a garden three times the original size accommodating 200 patrons. The web site of the venue, documented the garden activities well and showed how loud the bands were.</p> <p>4. The Committee noted the presentation from a resident. They were unable to enjoy their garden since the premises became a live music venue 5/6 years ago. She had not noticed any of the changes purported to have been implemented by the applicant, and when she had asked staff to turn down the music she was told 'no'.</p> <p>5. Members noted the presentation from the applicant. Management had been liaising with the licensing team on their application but had not received emails from the Police. They were committed to working with Police officers and agreed to copy P.C Butler in to any future correspondence with the licensing team. It had not been their intention to keep the Police out of any correspondence</p> <p>6. Members of the Committee also noted that generally management would be able to provide female door staff, however there were not many female members in the industry and it could be difficult, on occasions, to employ female members. Polycarbonate drinking vessels would be used for busy events, but on quiet occasions, a quality drink, could not be served in a polycarbonate cup. Conditions 24 -26 regarding the use of the garden up until 10pm and use as a smoking area were not in line with the timings that they had applied for.</p> <p>7. Having considered all of the evidence, it was agreed that by granting this application, the four licensing objectives would be upheld.</p>

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		<p>8. Members of the Committee strongly recommended that mechanisms should be put in place by the applicant to promote good communication between the Fox and Firkin and local residents. Dialogue with the local community could be through an open forum and WhatsApp and management should ensure that all local residents had access to an emergency number.</p> <p>An appeal against this decision may be made to the Magistrates' Court within 21 days, from the date of this letter.</p> <p>Yours sincerely,</p> <p>Clare Weaser Clerk to the Licensing Committee</p>

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		1/ The premises shall install and maintain a comprehensive CCTV system. All entry and

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		<p>exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and 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 authorized officer throughout the preceding 31 day period. The CCTV system should be updated and maintained according to police recommendations.</p> <p>2/ A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member must be able to show a Police or authorized council officer recent data or footage with the absolute minimum of delay when requested.</p> <p>3/ Cctv must cover all licensable area submitted on the plan during application, must be the same quality inside and it is outside the premises, so must be able to operate in lower light levels.</p> <p>4/ The CCTV must cover all areas of the venue that the public have access to. There should be no obstructions to any internal camera that creates areas that are not wholly covered by CCTV, apart from within toilet cubicles and directly covering men's urinals.</p> <p>5/ Any outside area and smoking area must be covered by CCTV that is to the same standards as the internal CCTV system.</p> <p>6/ The premises shall prominently display signage at all entrances informing customers: -</p> <ul style="list-style-type: none"> <li>- Challenge 25 is in this Premises.</li> <li>- All persons entering the premise may be requested to produce identification,</li> </ul>

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		<ul style="list-style-type: none"> <li>- Police may be called if drugs or weapons are found</li> <li>- CCTV is in operation throughout this premises and is made available to the police.</li> <li>- Please leave quietly and respect our neighbours and our Community on display in the premises, garden and any marque.</li> </ul> <p>7/ A minimum of 2 SIA registered door staff, of which one (1) should be female and are all employed by an Accredited Contractor Scheme (ACS) registered company. They must be on duty when the Premises is open beyond 2330hrs, and on New Year and at seasonal times. Starting time from 21:00hrs until 15 minutes after conducting licensable activities, private events and after the last customer leaving.</p> <p>8/ A register of security personnel employed on the premises shall be maintained in a legible format and made available to police upon reasonable request. The register should be completed by the DPS/ duty manager/ nominated staff member at the commencement of work by each member of security staff and details recorded should include; full name, SIA badge number, time of commencement and completion of duties. The security operative should then sign their name.</p> <p>9/ All staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear obvious Identification and accreditation and be clearly identifiable as SIA when seen on Cctv camera recordings.</p> <p>10/ All door staff / security must report all criminality to the management and record this in the incident book that is kept on site at all times. The license holder/DPS shall ensure that capacity is kept to under 200 limit.</p>

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		<p>11/ A refusals log is to be kept on site at the premises and must be signed off by the DPS/PLH on a monthly basis to show refusals are being kept up to date.</p> <p>12/ In the final hour of opening time the music levels should be reduced to assist a wind down period and aid dispersal and encourage drinking up times.</p> <p>13/ The PLH / DPS shall ensure that the capacity is kept to under 200 persons limit as stated on the application submitted.</p> <p>14/ Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.</p> <p>15/ Unaccompanied children are only permitted with a parent or guardian.</p> <p>16/ An incident log shall be kept at the premises, and made available on request to an authorized officer of the Council or the Police, which will record the following:</p> <ul style="list-style-type: none"> <li>(a) All crimes reported to the venue</li> <li>(b) All ejections of patrons</li> <li>(c) Any complaints received</li> <li>(d) Any incidents of disorder</li> <li>(e) All seizures of drugs or offensive weapons</li> <li>(f) Any faults in the CCTV equipment.</li> <li>(g) Any refusal of the sale of alcohol (this will be recorded electronically)</li> <li>(h) Any visit by a relevant authority or emergency service.</li> <li>(l) advertise a number for complaints from the public and all complaints to be recorded in the incident book.</li> </ul>

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		<p>17/ A record book of banned individuals shall be held by the SIA registered door supervisors at the front door and will be made available to Police and Council upon request.</p> <p>18/ The premises shall have a written dispersal policy in order to limit the noise disturbances to residents and neighbours. All door staff shall be knowledgeable of this policy and able to enforce it.</p> <p>19/ The license holder shall provide information on request for customers with a hackney carriage and/or private carriage contact numbers to assist with egress and getting home safely.</p> <p>20/ A minimum of two staff should be on site who are trained in schemes such as Ask Angela, WAVE, and around victim vulnerability and people safety and be on site as welfare officers for customers.</p> <p>21/ A noise limiter must be fitted and maintained within the premises. The level of this meter must be set in accordance with required legislation and standards by a qualified sound engineer, as so not to cause a noise nuisance. The limiter must be sealed in such a way that no unauthorised person can tamper with it. All amplified music played at the premises must be passed through the noise limiter. An annual calibration of the noise limiter must take place by a qualified sound engineer and recorded in the incident book.</p> <p>22/ An appropriately qualified acoustic engineer* must be engaged to carry out an acoustic report for both sound insulation, egress and dispersal with appropriate recommendations as to how statutory nuisance can be mitigated appropriately, within 1 month of the licence being granted. A copy of the report must be sent to the licencing</p>

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		<p>authority within 2 months of the licence grant date. Any recommendations to improve noise management to ensure a nuisance does not occur to neighbouring properties must be implemented with 3 months of the licence grant date.</p> <p>*defined as a member of the Association of Noise Consultants</p> <p>23/ All areas outside that smokers use are to be provided with waste bins suitable for Cigarette debris to collect any ash and cigarette butts, this will include staff monitoring these and ensuring they are regularly emptied and disposed of.</p> <p>24/ All deliveries and restocking in Whitburn Road must take place between 0700hrs – 2300hrs to limit local residents disturbances.</p> <p>25/make available to local residents a dedicated phone number which is monitored at all times while the premises is open for licensable activities</p> <p>26/ proactively communicate with local residents about activities taking place at the premises and engage in discussions with them about concerns they may have about those activities</p>
A1		
A2		