

Licensing Sub-Committee

Wednesday 7 November 2018

10.00 am

Ground Floor Meeting Room G02B - 160 Tooley Street, London
SE1 2QH

Supplemental Agenda No.1

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Contact

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Webpage: www.southwark.gov.uk

Date: 5 November 2018



7th August 2018

Southwark Council Licensing Service
Floor 3
Hub 2
PO BOX 64529
London
SE1P 5LX

Dear Sir/ Madam,

**Updated Objection: Premises Licence Application – 863969
CER Long Lane/ Uncommon, 1 Long Lane, London, SE1 4PG**

This is an update to my original objection letter dated 7th August 2018. New issues have arisen after it was written relating to fire safety, compliance with regulations, security of waste disposal and nuisance.

LOCATION & NEIGHBOURS

1 Long Lane is an office building located just inside the Borough and Bankside cumulative impact policy (CIP) area. The rear (north) and west-side elevation are bordered by St George's Churchyard Gardens, a park operated by Southwark Council. The front (south) of the building spans the junction of Tabard Street and Long Lane.

This section of Tabard Street is pedestrianized and dominated by the historic St George the Martyr church which provides a wealth of community activities in addition to being an active place of worship.

The east elevation of 1 Long Lane is attached to a residential apartment block, The Madison (5-27 Long Lane) which contains 39 apartments. 1 Long Lane own 10 leasehold parking spaces in the car park on the ground floor of the Madison building and their fire escape terminates in this car park. I live in the Madison.

There are a number of other residential developments within the area surrounding 1 Long Lane: Brandon House on Borough High Street; 35 Long Lane; 32 Long Lane and those situated across the park in Chaloner Court and Tennis Street.

Another flexible office development, Fora is situated extremely close to 1 Long Lane at 180 Borough High Street. A premises licence (863320) granted on 4th August 2018. A large number of representations were submitted and although the

application was approved restrictions have been placed on the licence to protect local residents.

CURRENT USE & PLANNING STATUS

CER Long Lane own the building at 1 Long Lane. Uncommon operate it as flexible co-working space – this has involved a huge increase in the opening hours as it is open and in use 24 hours a day 7 days a week. Previously the building was occupied by a charity and a housing association who predominantly used it during core business hours. This increase in hours has had a detrimental effect on local residents due to increased noise nuisance, light pollution and increased overlooking of properties.

Clarifying what use class currently applies for 1 Long Lane as defined by the Town & Country (Use Classes) Order (1987) seems important. The activities specified within this licence application and the current activities within the building including a weekly drinks reception and public hiring of the premises as event space, eg. the roof garden (<https://uncommon.co.uk/event-space/>) are not usual for an office block. It would seem prudent prior to granting this license to ensure that a change of use planning application is not required.

OBJECTIONS

1. “PROTECTING THE PUBLIC & LOCAL RESIDENTS FROM....IRRESPONSIBLE LICENSED OPERATORS”

Paragraph 39 of the Southwark Licensing Policy 2016-2020 (the licensing policy) states that:

“the legislation supports a number of other key aims & purposes. These are vitally important and should be principal aims for everyone involved in licensing work

- *Protecting the public and local residents from crime, anti-social behavior and noise nuisance caused by irresponsible licensed operators”*

CER Long Lane purchased 1 Long Lane in February 2017. In early Summer 2017 they commenced a major renovation project and their actions since, especially towards their nearest neighbours in the Madison are not the actions of a responsible licensed operator.

a) The Car Park

An ongoing dispute exists which has led to the Madison freeholder, Compton Group, threatening them with lease forfeiture for their car parking spaces due to **persistent breaches of the car park lease** including:

- i. storage of huge amounts of flammable materials both in their allocated spaces & those belonging to residents
- ii. allocating one of their parking spaces as a bin store
- iii. using a 32 place cycle rack installed without consent

b) Unauthorized alterations

In addition, Uncommon undertook unauthorized modifications of the Madison building:

- i. Installation of an access-control system on the Madison fire escape so they could grant access to users of their building to the car park (and their building) via the Madison fire escape. It should be noted that there is no provision in their lease for them to use the Madison fire escape in this way.
- ii. Installing CCTV cameras on the rear elevation of the Madison without consent.

c) Noise Nuisance

The use of the car park as a bin & cycle store generates noise disturbance for Madison residents.

The persistent flouting of the [Southwark council construction noise policy](#) by 1 Long Lane only worsens this situation. The construction noise policy limits work to weekdays between 08:00-1800 and between 09:00 – 14:00 on Saturdays. No work is permitted on Sunday. Contractors often work at 1 Long Lane outside these hours without permission from the council. We have been told this is to avoid inconveniencing the users of 1 Long Lane.

The Southwark noise team were involved in Summer 2017 but the problem is unsolved recent examples include:

- Saturday 21st July 2018 contractors were on site, using power tools in the car park before 09:00
- Tuesday 7th August - contractors were on site using power tools in the carpark before 08:00 and after 18:00.

Other activities associated with 1 Long Lane in the car park also generate noise nuisance, recent examples include:

- Tuesday October 2nd 2018 window cleaning contractor attended at 06:40 and disturbed residents while setting up equipment to work on the exterior of 1 Long Lane

There have been numerous contacts from multiple residents over the past year with the Uncommon management team outlining how disruptive this behaviour is as their apartments and bedrooms are located directly above. Yet noise issues continue and the management team no longer reliably reply to email or twitter contact from residents. This makes any attempt to resolve issues amicably impossible.

d) Trespass

Madison Apartments has a fire exit which connects the car park with Long Lane. 1 Long Lane has the right of exit via this door in an emergency as the external fire exit from their building terminates in the Madison car park.

Since July 2017 they have been using the Madison fire exit routinely to exit and enter their building going so far as to install an unauthorized access control system on it in March 2018

This system has been removed after the Madison freeholder intervened but users of their building continue to use the door to exit or enter the car park on a daily basis. This is trespass and causes considerable nuisance to residents of Madison apartments.

2. HIGH STANDARDS OF MANAGEMENT

Paragraph 111 of the licensing policy states that:

“when assessing the applicant’s ability to demonstrate a commitment to high standards of management this authority will consider whether the applicant..

- Has carried out relevant risk assessments..*
- Is able to understand verbal and written advice and legal requirements..*
- Is able to demonstrate a track record of compliance with legal requirements”*

The actions of 1 Long Lane thus far demonstrate a track record of non-compliance and non-observance.

The potential for detriment to local residents if they are granted a premises license is high and the behavior demonstrated thus far does not inspire confidence that compliance with legal obligations or minimizing disruption to their neighbours is a high priority. Given the track record of non compliance with their lease I am concerned that any licensing restrictions like those attached to the for a license eg. location of the smoking area, no use of roof terrace after 7pm, will simply be ignored.

In addition, their attitude to fire risk assessments and non compliance with fire regulations has potentially serious consequences for residents of the Madison and those who work or socialize within 1 Long Lane.

a) Carrying out relevant risk assessments

Uncommon have been informed many times that in addition to breaching the lease locating their bins in the car park poses a fire risk. Despite this they have not requested a copy of the existing fire risk assessment from either the Madison property managers or resident’s management company.

Neither have they provided an updated risk assessment including this use of the car park despite requests to do so.

b) Understanding verbal and written advice and legal requirements

Uncommon were first informed in July 2017 by e.mail that their activities in the car park contravened the lease. They continued these activities and as late as March 2018 Chris Davies, a director of Uncommon and established property professional who is responsible for 1 Long Lane indicated that he had not read the lease or sought a legal opinion.

c) Demonstrating a track record of compliance with legal requirements

- Uncommon did not seek permission from the Madison freeholder before undertaking alterations to the Madison building.
- The Regulatory Reform (Fire Safety) Order 2005 mandates fire safety risk assessments no such document has been provided covering the use of the car park as a bin store
- The work undertaken on behalf of 1 Long Lane to remove the illicit access control system from the Madison fire exit door has according to London Fire Brigade left the door non-compliant with fire regulations. This was drawn to the attention of Chris Davies on behalf of Uncommon/ 1 Long Lane on 13th September 2018 but no remedial work has been undertaken to date. This fire exit is used by both Madison residents and 1 Long Lane.
- CER Long Lane were requested by solicitors acting for the Madison freeholders to remedy their breaches of the car park lease by the end of May 2018. They have not complied with this request to date and remain in breach of the car park lease on multiple clauses.
- Contractors, Employees and clients of Uncommon continue to trespass on an almost daily basis by continuing to use the Madison fire exit door to enter/ exit the car park and 1 Long Lane

3. PREVENTION OF CRIME & DISORDER

Southwark community wardens, the Metropolitan Police safer neighbourhoods team and the Southwark Parks department have been heavily involved over the past 12 months in tackling the anti-social behavior in St George's Churchyard gardens, the park which borders the rear and westerly sides of 1 Long Lane. Much of this behaviour appears to be alcohol and drug fuelled.

I am concerned that licensed premises, especially with audible outdoor entertainment may reactivate such behaviour thus undermining all the work that has been undertaken to date.

4. ENSURING PUBLIC SAFETY

a) Fire Safety (paragraph 196, Licensing Policy)

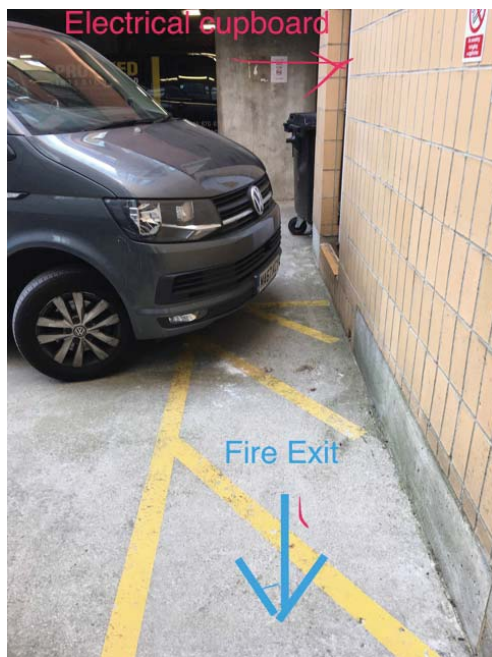
One of the main fire exit routes from 1 Long Lane is via an external metal fire escape terminating in the Madison car park. This escape route from here is across the Madison car park passing onto Long Lane via the Madison fire escape door.

1 Long Lane use their car parking spaces for storage (in breach of the lease). Storage of flammable items in this area may prejudice the integrity of the fire escape route.



26/04/18

Furthermore vehicles associated with 1 Long Lane occasionally park within the marked fire exit route in the car park despite the presence of onsite staff 24 hours a day. This obstructs the fire escape route and could make it difficult to navigate in the event of a fire.



21/07/18

1 Long Lane installed an access control system on the Madison Fire Exit door without consent. The Madison freeholder asked for this to be removed. However, it has only been deactivated. Most of the associated wiring and controls have been left in place. This means that the door now has three potential mechanisms to open it visible but only one works.

- a) push bar to exit (works)
- b) push button to exit (doesn't work)
- c) break glass to exit (doesn't work)

In a smoke laden emergency situation this profusion of potential opening devices could delay exit from the building. London Fire Brigade have advised that this breaches the fire safety regulations.



02/10/18

I drew the matter to the attention of Chris Davies of Uncommon/ 1 Long Lane on 13th September 2018. To date no work has been carried out to remedy this and despite a further request I have not been provided with a date for compliance work I have now passed the matter onto the freeholder.

b) Waste Disposal (Paragraph 196, Licensing Policy)

This has been an ongoing issue since Summer 2017 when the 1 Long Lane bins were placed within the Madison car park, the previous occupants of 1 Long Lane had bins on Tabard Street.

As a result of lease enforcement action 1 Long Lane relocated the bins on 31st July 2018 to the church side of Tabard Street. On 6th August 2018, less than a week later, they were moved again to the park side of Tabard street and on 17th September 2018 they were relocated back within the Madison car park without discussion with residents/ our management company. The Madison freeholder is actively pursuing enforcement action, therefore, it seems highly unlikely that the bins will be able to remain there permanently.

It seems foolhardy to permit a premises license which will only increase the volume of rubbish generated, especially of glass and bottles, when no established functional rubbish disposal system is in place. Large accumulations of rubbish have been seen at intervals throughout Uncommon's tenure at 1 Long Lane causing issues with fire safety, smells and attracting vermin.



31/07/18

i) *Timing of rubbish disposal (Paragraph 224, Licensing policy)*

The disposal of large quantities of glass bottles associated with operating licensed premises will generate additional noise. If not carefully managed this will be disruptive to local residents. The current practice at 1 Long Lane is that bags of rubbish are moved into the external bins overnight. This practice is specifically mentioned as one to avoid in paragraph 224, Licensing policy.

ii) *Finding a new location for the bins*

The bins are currently in the Madison carpark but unless the Madison freeholder stops lease enforcement action and grants a lease variation they will have to be relocated

Tabard Street was the historic location for them but I understand the council requested that they be removed in September 2018. Certainly, it was obvious during the 6 week period when Uncommon sited them there, that the combination of the location and the way Uncommon operate the building interact to present significant challenges – the routine overfilling of the bins caused rubbish to be dispersed onto the street thus presenting an additional burden to the Southwark council street cleaning team.

The early morning placement of rubbish continued thus broadening the range of residents who were affected by noise nuisance namely no 32 Long Lane & Brandon House residents.

Vermin/ foxes were also observed.

5. PREVENTION OF PUBLIC NUISANCE

a) Noise Nuisance (paragraph 217, Licensing Policy)

I already experience noise nuisance as a result of the activities at 1 Long Lane. Granting a premises license especially for outdoor evening live music and film events will only exacerbate this.

The outdoor space associated with 1 Long Lane is a roof terrace. This will easily permit transfer of sound to all neighbouring properties –including the residential blocks Brandon House on Borough High Street; 35 Long Lane; 32 Long Lane and those situated across the park in Chaloner Court and Tennis Street.

The current management team at 1 Long lane are not responsive to residents complaints about noise nuisance.

b) Deliveries of goods & collection of patrons(paragraph 217, Licensing policy)

1 Long lane have informally adopted their fire exit (contained within the Madison car park) as an entry point for deliveries to the building. This use is not permitted under the car park lease or deeds of 1 Long Lane.

In the short term, the additional deliveries necessitated by this licence application will only add to the disruption currently being experienced by Madison residents eg. *7th August 2018 – contractors arrived on site before 08:00 and started moving large quantities of Audio-Visual equipment into 1 Long Lane via their fire escape.* This disturbed several Madison households.

When the lease is fully enforced deliveries will need to be routed via the foyer of 1 Long Lane. There is no parking outside the building due to the road layout and a pedestrian crossing therefore contractors will have a stark choice:

- park illegally
- move large quantities of goods along the street from a safe parking space

Similar limitations will apply to taxis and private hire vehicles arriving to collect patrons at the end of the night. This may lead to an increase in vehicles stopping in the safe parking zones immediately outside neighbouring blocks of flats with resultant disturbance to residents.

c) Smoking (paragraph 222, Licensing policy)

There is already a problem with the accumulation of cigarette butts outside 1 Long Lane. In addition, smokers tend to spill along Tabard Street or Long Lane.

The Madison has an ornamental flower bed with a low wall. Smokers often utilize this as a seat– apartment and bedroom windows are located directly above. If the premises licence is granted this disruption to residents will occur until 23:00 on weeknights and 22:00 at weekends.

If a policy forbidding drinks from being removed from the premises (as described in paragraph 224, licensing policy) is not put in place smokers may linger outside thus increasing the disruption experienced by local residents. Imposing such a policy may be difficult when an off-premises license co-exists with one for on-site consumption.

The residents of the Madison have contacted the 1 Long Lane management team numerous times requesting that the area outside our building should not be used as

a smoking area. Despite these requests smokers associated with 1 Long Lane are in evidence daily giving us little optimism that if a premises license is granted the situation will be any different.

d) Escaping Noise (paragraph 225 & 6, Licensing policy)

The main social space within 1 Long Lane is on the raised ground floor in an open plan room connecting directly to the small foyer of the building. Only the main entrance doors of the building screen the social space from the street. It is hard to envisage how the proposed live and recorded music will be controlled, as described in paragraph 226, Licensing policy, to avoid a disturbance every time the main doors are opened.

6. CONSULTATION

Paragraph 69, Licensing Policy states *“This authority recommends that... notices be of A3 size... displayed in a position where they may be readily seen by passers by for the period during which representations are made”*

This information is reiterated on the [Southwark council website](#).

1 Long Lane have had the benefit of legal advice in preparing their licensing application from a well respected firm of solicitors. Despite this the notices on display do not comply with council policy.

a) Notices 1 – July 2018

Only 1 notice was displayed for the duration of the consultation period on 1 Long Lane. It was A4 and located below eye-level next to the front door. It appeared to be printed on white paper

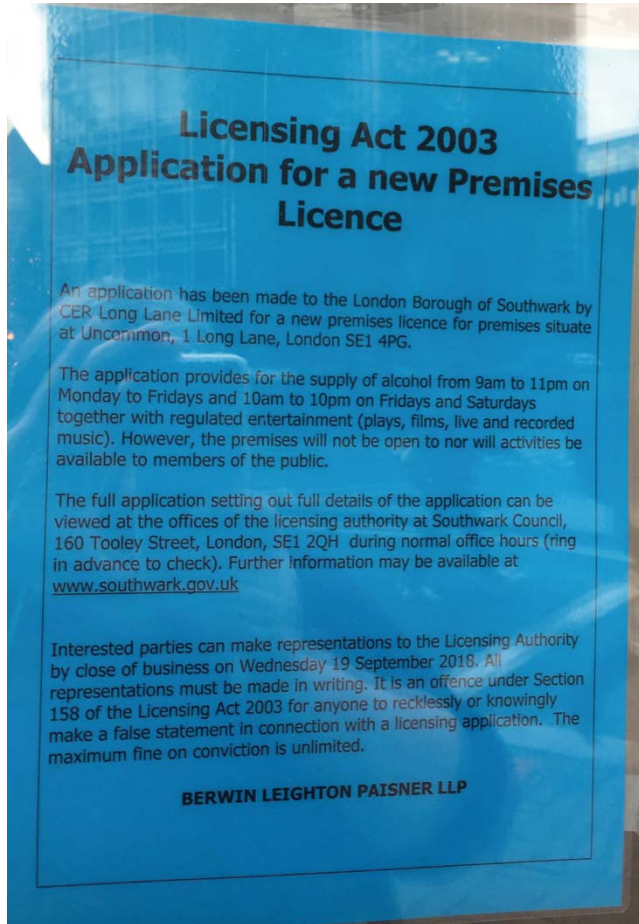
Southwark provide a proforma notice for applicants to copy. The notice put up by Uncommon omitted the following information included in the proforma:

- That information about the application IS available on the council website (the Uncommon notice states “may”)
- The license register address (<http://app.southwark.gov.uk/licensing/licenseregister.asp>)
- The website link for the guidance about how to make a representation (<http://www.southwark.gov.uk/business/licences/how-to-lodge-a-representation>)
- The date of application

In addition, the guidance states that notices should be printed on pale blue paper. The combination of the small notice, in a difficult to notice location combined with the omission of internet links about how to view the application and make a representation are contrary to the stated aims of paragraph 70, the Licensing policy *“this authority considers it important that the local community is fully aware of local licensing applications being made”*

b) 2nd Notices – 5th September

New A4 notices were put up in the same format as previously these were printed on bright blue paper advising of a further consultation period with a closing date for representations 14 days hence. The licensing policy states that a 28 consultation period is required.



05/09/18

c) 3rd Notices – 7th September

After intervention by the licensing officer, Dorcas Mills an updated set of bright blue, A4 notices (again in the same format, omitting some of the information specified in the Southwark proforma notice) were placed on display giving the correct consultation period.

The licensing process is followed by all businesses in the borough who require a premises license. The vast majority of them will not have the benefit of expensive legal advice. Yet 1 Long Lane, with legal advice, have required 3 attempts at obtaining a compliant consultation period. I do not find this confidence-inspiring and am concerned that an inability to follow an application process may translate into an inability to conform to the conditions of a license.


I hereby register my objections to this licensing application on the above grounds.

In particular, there are major issues around the management of 1 Long Lane, compliance with fire safety regulations and the ability or willingness to comply with legal obligations. I therefore feel this licence should be declined.

If it is granted I ask that conditions similar to those imposed on the licence for Fora, 180 Borough High Street be applied to protect local residents.

I wish to be kept informed about the progress of this application and invited to any meetings concerning it to which members of the public are invited.

Yours faithfully,

A large black rectangular redaction box covering the signature of the sender.A small black rectangular redaction box covering the name of the sender.

cc. Helen Dennis, Sirajul Islam, Karl Eastham – Councillors, Chaucer ward.

LICENSING SUB-COMMITTEE DISTRIBUTION LIST (OPEN) MUNICIPAL YEAR 2018-19

NOTE: Original held by Constitutional Team; all amendments/queries to Andrew Weir - Tel: 020 7525 7222

Name	No of copies	Name	No of copies
Members		Officers	
Councillor Renata Hamvas	1	Debra Allday, legal team	1
Councillor Sirajul Islam	1	Andrew Heron, licensing team	1
Councillor Lorraine Lauder	1		
Councillor Sandra Rhule (reserve)	By email	Tim Murtagh (spares)	4
		Total printed copies:	9
		Dated: 30 October 2018	