



Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Monday 18 May 2015 at 10.00 am at Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Lorraine Lauder MBE (Chair)
Councillor Sunny Lambe
Councillor Sandra Rhule

OTHERS PRESENT: Elizabeth A Perry, applicant
Michelle Gartland, applicant's witness
Michael O'Beirne, applicant's witness
Penelope James, local resident, observing
Charlie James, local resident, supporting the applicant
Simon Forster, local resident, objecting to the application
Jenifer Brenton, legal advisor to the sub-committee

OFFICER SUPPORT: Krisite Ashenden, licensing officer
Andrew Weir, constitutional officer

1. APOLOGIES

There were none.

2. CONFIRMATION OF VOTING MEMBERS

The members present were confirmed as the voting members. In the absence of the chair, Councillor Lorraine Lauder MBE was nominated by Councillor Sandra Rhule to chair the meeting. This was seconded by Councillor Sunny Lambe.

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: THE FORMER HARMSWORTH PRINT WORKS, 1 SURREY QUAYS ROAD, LONDON, SE16 7ND

It was noted that this item had been conciliated prior to the meeting.

6. LICENSING ACT 2003: WIBBLEY WOBBLEY, GREENLAND DOCK, OFF ROPE STREET, LONDON SE16 7SZ

The licensing officer presented their report. They advised that several documents from the applicant and local residents had been circulated by email prior to the meeting. Hard copies of these documents were circulated to all parties at the meeting. The licensing officer also advised that the environmental protection team had conciliated with the applicant prior to the meeting. Members had no questions for the licensing officer.

The licensing sub-committee then heard from the applicant. The applicant's witness read out a statement on behalf of the applicant. Members had questions for the applicant and their witness.

The licensing sub-committee heard from a local resident supporting the application. Members had no questions for the local resident.

The licensing sub-committee heard from a local resident objecting to the application. Members had questions for the local resident.

All parties were given five minutes for summing up. At this point the applicant requested that they be allowed to circulate some photographs showing the area around the boat and rubbish waste bins. All parties agreed to the submission of these photographs.

The meeting went into closed session at 11.20am.

The meeting resumed at 12.25pm and the chair read out the decision of the sub-committee.

RESOLVED:

That the application submitted by Elizabeth Ann Perry for the grant of a premises licence issued under the Licensing Act 2003 in respect of Wibbley Wobbley, Greenland Dock, Off Rope Street, London SE16 7SZ be granted as follows:

Licensable Activity	Sunday to Thursday	Friday and Saturday
Sale and supply of alcohol (on the premises)	11.00 to 23.00	11.00 to 00.00
Hours	11.00 to 23.00	11.00 to 00.00

premises are open to the public		
Non-standard timings	All activities until 03.00 on New Year's Day	

Conditions

The operation of the premises under the licence shall be subject to relevant mandatory conditions, conditions derived from the operation schedule highlighted in Section M of the application form and conditions agreed by the applicant with the responsible authorities during the conciliation process:

1. That CCTV will record for 31 days continuously and will be of evidential quality. There are eight cameras installed at the premises. Footage from the system will be available upon reasonable request to the police and authorised officers of the council.
2. That emergency lighting is installed and will be maintained. Fire alarms are fitted and will be maintained. Fire fighting equipment will be installed and maintained.
3. That bilge alarms are fitted and the cellar is alarmed.
4. That any music will played will be played through the noise limiting device to restrict the volume so as not to cause a nuisance to nearby residences.
5. That notices will be displayed requesting that patrons leave the premises quietly and respect the local area.
6. That the premises shall adopt the Challenge 25 age verification policy and a refusal log will be utilised. This will be made available to police and authorised officers of the council.
7. That staff training will take place and records of this will be kept and made available to the police and authorised officers of the council.
8. That children will only be allowed on the premises with a responsible adult.

The following additional condition, as agreed by the sub-committee, shall also apply:

9. A public notice containing a contact telephone number for the management of the premises shall be prominently displayed outside the premises, for the use of those wishing to raise any grievance or other issue.

Reasons

This was a meeting to consider the application made by Elizabeth Ann Perry for the grant of a premises licence issued under the Licensing Act 2003 in respect of Wibley Wobbley, Greenland Dock, Off Rope Street, London SE16 7SZ.

The licensing sub-committee heard evidence from the applicant who informed the sub-committee that many steps had been taken by the Wibbly Wobbly to limit the noise as much as possible. A noise meter had been installed at the premises after previous complaints, this ensured that music was automatically shut off when it reached a level lower than the council regulations. She further stated that, during karaoke on Sundays, she would walk around the local area every 30 minutes to one hour to check noise levels and instruct the music be turned off if it can be heard.

She said that customers are generally aged 30 or above and are considerate and family oriented. They adhere to the requirement to keep their children with them on the boat and they are asked personally to leave quietly, as well as notices being displayed to this effect.

She informed the sub-committee that efforts had been made previously by the Wibbly Wobbly to address Rainbow Quay tenants' concerns. They contact the Wibbly Wobbly directly when there are issues which can then be resolved. She cited a problem from one or two years back about the timing of waste collection. This was resolved by the Wibbly Wobbly moving to a new waste collection agency at more appropriate hours. She further stated that the alcohol supplier, who came once a fortnight in winter and once a week in summer had agreed to use trolleys and mats to limit disturbance and that the deliveries take 10 to 15 minutes.

The licensing sub-committee noted that the environmental protection team (EPT) had conciliated with the applicant prior to the meeting. The EPT submitted proposed conditions on 20 March 2015, all of which were agreed and adopted by the applicant.

The licensing sub-committee heard from a local resident objecting to the application. Reference was made to photographs showing the land layout and it was explained that the main access-way to the Wibbly Wobbly was through private land on Rainbow Quay, though it was also recognised that the pedestrian access-way was public. The central issue was the noise from the Wibbly Wobbly when customers were coming and going. It was explained that, due to the layout of Rainbow Quay, the customers' noise was amplified in tenants' bedrooms. It was stated that, since the WW has been closed over the last two months, the noise had reduced. In relation to the conditions proposed by the environmental protection team, it was stated that similar conditions had been imposed in 2005 but these had not been effective.

The licensing sub-committee also noted the written representations from other persons, namely local residents objecting to the application who were not in attendance.

The licensing sub-committee heard from local residents in support of the application. It was explained that the Wibbly Wobbly was an important part of the community, many licensed establishments having closed, there were limited places remaining. The staff were considered to be friendly and responsible and no difficulties had been experienced with the customers, which included an Association for the Disabled, catered for regularly by the Wibbly Wobbly. It was stated that "party boats" pass regularly in the summer and these are a much more significant source of noise.

The licensing sub-committee also noted the written representations of other persons, namely local residents and the Harbour Master, supporting the application.

In reaching this decision the sub-committee had regard to all the relevant considerations

and the four licensing objectives. The sub-committee formed the view that the applicant appeared to be a responsible business owner, who was taking reasonable steps to ensure that the Wibbley Wobbley did not disturb residents.

The sub-committee considered the written representations of the Harbour Master, who stated the Wibbley Wobbley had never been seen to be noisy at closing and there were other sources of noise including passengers from the Thames Clippers and customers from bars or pubs on South Sea Street. In light of the steps taken by the applicant to limit noise and the nature of the clientele, it appeared to the sub-committee that it was likely these other sources were responsible for some of the noise disturbance which should, therefore, not be attributed to the Wibbley Wobbley.

The sub-committee felt that, with some support for communication between the residents and the applicant, any issues in relation to noise, which formed the primary objection to the application, could be resolved. The sub-committee was in agreement that this could be effectively supported by the provision of a notice by Wibbley Wobbley providing direct contact details for residents to make complaints or raise issues with noise, this should be added as an additional condition as it was necessary and proportionate to prevent public nuisance.

No action was considered necessary in relation to waste, which the applicant had clearly shown there was an effective method of handling and limited representations had been made in relation to this. There were no issues raised in relation to public safety or protection of children. The sub-committee felt that any concerns in relation to crime and disorder were limited due to the lack of representations from the police and did not, therefore, require addressing by way of conditions.

The licensing sub-committee considered that it was appropriate and proportionate to attach this condition in order to address the licensing objectives.

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

- a) That the licence ought not to be been granted or
- b) 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 for 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.

Meeting ended at 12.45 pm

CHAIR:

DATED: