



Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Wednesday 27 January 2016 at 10.00 am at Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

- PRESENT:** Councillor Renata Hamvas (Chair)
Councillor Sandra Rhule
Councillor Charlie Smith
- OTHERS PRESENT:** Councillor Adele Morris, ward councillor
Franklin Siguencia, applicant for Christ High Commission international ministries, river of life centre
Oscar Urbano, applicant for Christ High Commission international ministries, river of life centre
Ashoke Onstar, representative from EV
Eddie Dervish, legal representative for EV
David Brounger, legal representative for EV
Nikki McNeil
Zoe Kennedy, other person
Philippe Chery, other person
Barbara Sweet, other person
Adrian Yeow, designated premises supervisor – Thai Silk
Andy Yap, designated premises supervisor – Thai Silk
John McElhinney, designated premises supervisor – Jack’s bar
Ibgur Ergi, designated premises supervisor – EV bar
Zeinep Gokhaya, designated premises supervisor – EV bar
Victoria Mawson, designated premises supervisor - Jack’s bar
- OFFICER SUPPORT:** Debra Allday, legal officer
Rebecca Millardship, legal officer
Dorcas Mills, licensing officer
David Franklin, licensing officer representing the council as a responsible authority
Mark Prickett, enforcement officer
Wesley McArthur, licensing enforcement office
Farhad Chowdhury, health and safety officer
Sarah Bradbury, health intelligence officer
Michael Turay, principal environmental protection officer.
environmental protection team

Andrew Weir, constitutional officer
Gerald Gohler, constitutional officer

1. APOLOGIES

There were none.

2. CONFIRMATION OF VOTING MEMBERS

The members present were confirmed as the voting members.

3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

The chair informed the meeting that item 8 had been added to the agenda as an urgent and late item, and that the papers for this item had been circulated as supplemental agenda No.1.

The chair also informed the meeting that items 5, 6 and 7 would be heard together, as the related to premises that were adjacent to each other.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003: EV RESTAURANT, 97-99 ISABELLA STREET, LONDON SE1 8DA

The licensing officer addressed the sub-committee presenting their report. Members had no questions for the environmental protection officer.

The environmental protection officer presented the report, and informed the meeting of conditions which had been conciliated prior to the meeting commencing. Members had questions for the environmental protection officer.

The licensing officer representing the council as a responsible authority addressed the sub-committee. Members had questions for the environmental protection officer.

The health and safety officer addressed the sub-committee. Members did not have questions for the health and safety officer.

The meeting heard from an officer from the public health authority. Members did not have questions for the representative of the public health authority.

The meeting heard from other persons including the ward councillor. Members asked questions of the other person and the ward councillor.

The applicant and their legal representative addressed the sub-committee. Members had

questions for the applicant and their representative.

All parties were given five minutes for summing up.

The meeting went into closed session at 2.35pm. Prior to going into closed session the chair informed the parties that they would be informed of the decision in writing.

RESOLVED:

That the Council's licensing sub-committee, having considered an application made under Section 51 of the Licensing Act 2003 by Southwark Council's environmental protection team (EPT) for a review of the premises licence issued in respect of the premises known as EV Restaurant, 97-99 Isabella Street, London SE1 8DA and also having had regard to all other relevant representations has decided it necessary for the promotion of the licensing objectives to:

Modify the times of operation so they are in line with those granted under the planning process:

That the licence permits the following licensable activities during the hours shown:

Live music

Monday to Wednesday 12:00 – 23:00

Thursday 12:00 – 23:30

Friday and Saturday 12:00 - 00:00

Sunday 12:00 – 22:30

Recorded music

Monday to Wednesday 12:00 – 23:00

Thursday 12:00 – 23:30

Friday and Saturday 12:00 - 00:00

Sunday 12:00 – 22:30

Late Night Refreshment

Thursday 23:00 – 23:30

Friday and Saturday 23:00 - 00:00

Sale of alcohol (on & off premises)

Monday to Wednesday 12:00 – 23:00

Thursday 12:00 – 23:30

Friday and Saturday 12:00 - 00:00

Sunday 12:00 - 22:30

Operating hours of the premises

Monday to Wednesday 12:00 – 23:30

Thursday 12:00 – 00:00

Friday and Saturday 12:00 - 00:30

Sunday 12:00 - 23:00

Modify the conditions of the licence by adding the following conditions:

1. That a sound limiting device shall be installed, set and maintained, to ensure the maximum levels of volume and bass of music, song or speech from regulated entertainment permitted by the amplification system, does not cause a public nuisance in the vicinity of the premises or intrude inside the nearest or most exposed noise sensitive premises.
2. That all audio and musical equipment used in the premises, or brought into the premises by third parties which is permitted under the Licensing Act 2003, shall be played through the installed sound limiting device.
3. That during any regulated entertainment on the premises, permitted under the Licensing Act 2003, all doors, concertina doors and windows shall remain closed (except for access or egress).
4. That any background music played (for when concertina doors are open) shall remain at a volume that permits normal conversation and that the volume control of any music is behind the bar/counter and is in the full control of staff at all times.
5. That there will be no patron access/egress to and from the premises via the use of the rear door, except for patrons temporarily leaving to smoke and for use in case of emergency. Where patrons access premises from the back this shall be monitored by an SIA officer.
6. That two SIA officer be employed jointly with the adjacent licensed premises at Railway Arch 96 and Railway Arch 94-95 Joan Street SE1 from Maundy Thursday (being the Thursday before Easter) to the end of October, and from 1 December to the first Saturday in January, on Thursday, Friday and Saturday nights, to monitor and control the behaviour and dispersal of patrons leaving the premises between 22:00-00:30 on Thursdays, and 20:00 – 01:00 on Friday and Saturday nights, as well as from 20:00 to 30 minutes after closing on New Year's Eve.
7. That acoustic seals and brushes and self-closers (in accordance with BS 6459 Pt. 1 1984) shall be installed to all doors so as to minimise sound escape from the premises.
8. That an acoustic lobby of adequate dimensions and providing sufficient residence time shall be installed to the front door entrance to arch 97 that will be providing regulated entertainment to minimise sound escape from the premises, ensuring that all doors open in the direction of escape in case of emergency. This is to be installed by 1 May 2016.
9. That the premises shall be adequately ventilated to allow doors and windows to remain closed during regulated entertainment.
10. That amplified music, song or speech shall not be broadcast in external areas at

any time.

11. That no external areas of the premises, including the external frontage area, shall be used for the purposes of regulated entertainment.
12. That external waste handling, collections, deliveries and the cleaning of external areas shall only occur between the hours of 09:00 and 23:00.
13. That there shall be no movement of musical or amplification equipment to and from the premises between the hours of 23:00 and 09:00.
14. That the use of the external frontage area, except for smoking, shall cease at 22:00 at which point all patrons will be instructed to move indoors.
15. That at 22:00, if not already done so, the external terrace canopy shall be deployed to cover the designated smoking area.
16. That there shall be no drinks permitted to be taken outside after 22:00. That clearly legible signage will be prominently displayed at all patron exits, where it can easily be seen and read, requesting to the effect that patrons do not take drinks outside after 22:00.
17. That there shall be no drinks permitted to be taken beyond the boundary of external frontage area at any time.
18. That after 22:00, customers permitted to temporarily leave and then re-enter the premises to smoke must be restricted to the external frontage area. No more than 10 customers will be permitted to remain in this designated smoking area at any one time.
19. That clearly legible signage will be prominently displayed at all patron exits, where it can easily be seen and read, requesting that patrons leave the premises in a quiet and orderly manner that is respectful to neighbours.
20. That a health and safety assessment be undertaken to determine the safe number of patrons allowed in the outside area at the back of the premises.
21. That clearly legible signage will be prominently displayed in the external frontage area, where it can easily be seen and read, requesting to the effect that patrons are not permitted to take drinks off the premises and into Isabella Street.
22. That when regulated entertainment is being provided the premises management

shall carry out regular checks to monitor the sound level at the closest noise sensitive location(s) to the premises and shall ensure that the sound level of the entertainment does not cause a public nuisance in the vicinity of the premises at the/those location(s). A written record of sound level checks shall be kept and shall contain details of: the time, date and location of each check, the person who undertook the check and any actions taken as a result of the check. Each check shall be signed in the record by the person who made the check. The monitoring record shall be kept at the premises and made available to officers of the police or council on request

23. That the premises licence holder shall make available a telephone number for local residents to contact management of the premises as and when necessary.
24. That a comprehensive Dispersal Policy shall be produced and implemented at the premises, with all staff trained on the most up to date policy. A record of staff training on the Dispersal Policy shall be kept at the premises and a copy of the policy and training records be made available to the council or police on request.
25. That alcohol for consumption off the premises is not sold for immediate consumption in the area around the premises and is supplied in sealed containers.
26. That all licensable activity will cease 30 minutes before closing times.
27. That the management of the premises meet quarterly with representatives of residents to review the operations of the premises.

In addition, members agreed that following this review of the premises licence the suspension of the conditions relating to the provision of live or recorded music is lifted under section 177A(3) of the Licensing Act 2003 and all the conditions imposed as a result of this review shall apply under section 177A(4).

Modify the conditions of the licence by removing the following conditions:

1. Condition 311 - That notices shall be displayed requesting that customers leave the premises in a quiet and orderly manner, without slamming doors.
2. Condition 315 - That the external terrace shall be closed at 23:30 each day.
3. Condition 324 - That a notice be displayed at the premises giving the telephone numbers of local mini-cab firms.
4. Condition 344 - That doors and windows to the external terrace will be kept shut from 23:30 until the terminal hour.
5. Condition 345 - That no live music shall be played on the terrace.

Reasons for the decision

The reasons for this decision are as follows:

The licensing sub-committee heard from the environmental protection officer, the applicant for the review, who outlined that this review had been brought because of the complaints made by residents regarding noise levels caused by patrons and music emanating from the premises; the management of patrons spilling out into Isabella Street; and the premises' failure to respond to and implement advice from the environmental protection team (EPT). Many of the amended conditions suggested by the EPT had been conciliated prior to the meeting.

The licensing sub-committee heard from the licensing officer representing the council as a responsible authority that two door supervisors on Isabella Street (shared with the premises occupying the neighbouring arches) were needed to control the patrons leaving the premises. These should be operating all year round on Thursday, Friday and Saturday nights. He supported the conditions suggested by the EPT regarding the restriction of times for live and recorded music, and restricting the number of people allowed outside the premises at any time to control the noise. He also supported the introduction of a dispersal policy.

The licensing sub-committee heard from the health and safety officer supporting the review, who added that he would like to see measures implemented to decrease noise pollution. He also suggested a risk assessment be carried out to determine the safe occupation level of the outside area.

The licensing sub-committee heard from the public health authority representative supporting the review and highlighting the detrimental effects constant noise pollution may have on the health and well-being residents.

The licensing sub-committee heard from other persons supporting the review, who informed the meeting that residents were exposed to constant noise levels of sometimes more than 300 people congregating in Isabella Street - at times from 5pm to 3am. There was also anti-social behaviour especially when patrons left, as well as broken glass, discarded bottles and rubbish strewn around the street and the wider area. Normal outside restaurant use also created a lot of noise. The residents asked for: SIA officers to be deployed in Isabella Street on Thursday, Friday and Saturday nights; times for licensable activities to be brought in line with those granted by the planning authority; for noise lobbies to be installed; for no alcohol to be served without food; and for no DJs to be playing. They suggested that outside dining and drinking should cease at 22:00, and that not more than 10 smokers should be permitted to be outside at the front of the premises at any given time.

The licensing sub-committee heard from the premises who said that they were keen to address the issues raised. They said that the noise problem did not originate from their outside diners and that they would like to use the outside dining area longer than 22:00. Theirs was a large premises, so they would like a higher limit of smokers permitted outside. In order to be proportionate, SIA officers were only needed from July to September and 15 December to 10 January.

Whilst the licensing sub-committee were pleased that the premises had largely

conciliated with the responsible authorities, the local residents and ward councillor had serious concerns that public nuisance would continue in the area. The review application was one of 3 that had been brought by the EPT with 2 other neighbouring licensed premises namely Jack's Bar and Thai Silk and therefore, the sub-committee had to consider very carefully the complaints as against EV in addition to the wider cumulative impact that all 3-licenced premises had on the local community. The licensing sub-committee noted the hours detailed in the planning permission 03/AP/0081 that were imposed to protect and safeguard the amenity of the nearby residents from noise generation. This licensing sub-committee agree that these hours need to be reflected in the premises licence so not to undermine the prevention of public nuisance licensing objective. Furthermore, the licences to all 3 of the premises need to be brought into line with one another which would, address the local community's concerns.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives and felt that this decision was appropriate and proportionate in order to address the licensing objectives.

6. LICENSING ACT 2003: JACK'S BAR, RAILWAY ARCH 96, JOAN STREET, LONDON SE1 8DA

The licensing officer addressed the sub-committee presenting their report. Members had no questions for the environmental protection officer.

The environmental protection officer presented the report, and informed the meeting of conditions which had been conciliated prior to the meeting commencing. Members had questions for the environmental protection officer.

The licensing officer representing the council as a responsible authority addressed the sub-committee. Members had questions for the environmental protection officer.

The health and safety officer addressed the sub-committee. Members did not have questions for the health and safety officer.

The meeting heard from an officer from the public health authority. Members did not have questions for the representative of the public health authority.

The meeting heard from other persons including the ward councillor. Members asked questions of the other person and the ward councillor.

The applicant and their legal representative addressed the sub-committee. Members had questions for the applicant and their representative.

All parties were given five minutes for summing up.

The meeting went into closed session at 2.35pm. Prior to going into closed session the chair informed the parties that they would be informed of the decision in writing.

RESOLVED:

That the Council's licensing sub-committee, having considered an application made under Section 51 of the Licensing Act 2003 by Southwark Council's environmental protection team (EPT) for a review of the premises licence issued in respect of the premises known as Jack's Bar, Railway Arch 96, Joan Street, London SE1 8DA and also having had regard to all other relevant representations has decided it necessary for the promotion of the licensing objectives to:

That the licence permits the following licensable activities during the hours shown:

Live music
Monday to Wednesday 19:00 – 23:00
Thursday 19:00 – 23:30
Friday and Saturday 19:00 - 00:00
Sunday 19:00 – 22:30

Recorded music
Monday to Wednesday 11:00 – 23:00
Thursday 11:00 – 23:30
Friday and Saturday 11:00 - 00:00
Sunday 11:00 – 22:30

Sale of alcohol (on & off premises)
Monday to Wednesday 12:00 – 23:00
Thursday 12:00 – 23:30
Friday and Saturday 12:00 - 00:00
Sunday 12:00 - 22:30

Operating hours of the premises
Monday to Wednesday 7:00 – 23:30
Thursday 7:00 – 0:00
Friday and Saturday 7:00 - 00:30
Sunday 7:00 - 23:00

Modify the conditions of the licence by adding the following conditions:

1. That a sound limiting device shall be installed, set and maintained, to ensure the maximum levels of volume and bass of music, song or speech from regulated entertainment permitted by the amplification system, does not cause a public nuisance in the vicinity of the premises or intrude inside the nearest or most exposed noise sensitive premises.
2. That all audio and musical equipment used in the premises, or brought into the premises by third parties which is permitted under the Licensing Act 2003, shall be played through the installed sound limiting device.
3. That during any regulated entertainment on the premises, permitted under the

Licensing Act 2003, all doors, concertina doors and windows shall remain closed (except for access or egress).

4. That any background music played (for when concertina doors are open) shall remain at a volume that permits normal conversation and that the volume control of any music is behind the bar/counter and is in the full control of staff at all times.
5. That there will be no patron access/egress to and from the premises via the use of the rear door, except for patrons temporarily leaving to smoke and for use in case of emergency. Where patrons access premises from the back this shall be monitored by an SIA officer.
6. That two SIA officer be employed jointly with the adjacent licensed premises at Railway Arch 94-95 and Railway Arch 97-99 Joan Street SE1 from Maundy Thursday (being the Thursday before Easter) to the end of October, and from 1 December to the first Saturday in January, on Thursday, Friday and Saturday nights, to monitor and control the behaviour and dispersal of patrons leaving the premises between 20:00-00:30 on Thursdays, and 20:00 – 01:00 on Friday and Saturday nights, as well as from 20:00 to 30 minutes after closing on New Year's Eve.
7. That acoustic seals and brushes and self-closers (in accordance with BS 6459 Pt. 1 1984) shall be installed to all doors so as to minimise sound escape from the premises.
8. That an acoustic lobby of adequate dimensions and providing sufficient residence time shall be installed to the front door entrance to arches that will be providing regulated entertainment to minimise sound escape from the premises, ensuring that all doors open in the direction of escape in case of emergency. This is to be installed by 1 May 2016.
9. That the premises shall be adequately ventilated to allow doors and windows to remain closed during regulated entertainment.
10. That amplified music, song or speech shall not be broadcast in external areas at any time.
11. That no external areas of the premises, including the external frontage area, shall be used for the purposes of regulated entertainment.
12. That external waste handling, collections, deliveries and the cleaning of external areas shall only occur between the hours of 09:00 and 23:00.
13. That there shall be no movement of musical or amplification equipment to and from the premises between the hours of 23:00 and 09:00.
14. That the use of the external frontage area, except for smoking, shall cease at 22:00 at which point all patrons will be instructed to move indoors.

15. That at 22:00, if not already done so, the external terrace canopy shall be deployed to cover the designated smoking area. That after 22:00, customers permitted to temporarily leave and then re-enter the premises to smoke must be restricted to the external frontage area. No more than 10 customers will be permitted to remain in this designated smoking area at any one time. Clearly legible signage to this effect must be prominently displayed.
16. That there shall be no drinks permitted to be taken outside after 22:00.
17. That there shall be no drinks permitted to be taken beyond the boundary of external frontage area at any time.
18. That clearly legible signage will be prominently displayed at all patron exits, where it can easily be seen and read, requesting that patrons leave the premises in a quiet and orderly manner that is respectful to neighbours.
19. That clearly legible signage will be prominently displayed at all patron exits, where it can easily be seen and read, requesting to the effect that patrons do not take drinks outside after 22:00.
20. That a health and safety assessment be undertaken to determine the safe number of patrons allowed in the outside area at the back of the premises.
21. That clearly legible signage will be prominently displayed in the external frontage area, where it can easily be seen and read, requesting to the effect that patrons are not permitted to take drinks off the premises and into Isabella Street.
22. That when regulated entertainment is being provided the premises management shall carry out regular checks to monitor the sound level at the closest noise sensitive location(s) to the premises and shall ensure that the sound level of the entertainment does not cause a public nuisance in the vicinity of the premises at the/those location(s). A written record of sound level checks shall be kept and shall contain details of: the time, date and location of each check, the person who undertook the check and any actions taken as a result of the check. Each check shall be signed in the record by the person who made the check. The monitoring record shall be kept at the premises and made available to officers of the police or council on request.
23. That the premises licence holder shall make available a telephone number for local residents to contact management of the premises as and when necessary.
24. That a comprehensive Dispersal Policy shall be produced and implemented at the premises, with all staff trained on the most up to date policy. A record of staff training on the Dispersal Policy shall be kept at the premises and a copy of the

policy and training records be made available to the council or police on request.

25. That alcohol for consumption off the premises is not sold for immediate consumption in the area around the premises and is supplied in sealed containers.
26. That all licensable activity will cease 30 minutes before closing times.
27. That the management of the premises meet quarterly with representatives of residents to review the operations of the premises.

In addition, members agreed that following this review of the premises licence the suspension of the conditions relating to the provision of live or recorded music is lifted under section 177A(3) of the Licensing Act 2003 and all the conditions imposed as a result of this review shall apply under section 177A(4).

Modify the conditions of the licence by removing the following conditions:

1. Condition 344 "That reasonable steps shall be taken to prevent noise and vibration escaping from the premises including music, noise from ventilation and human voices."
2. Condition 845 "No movement of / collection of bottles outside the premises shall take place between the hours of 23:00 and 09:00 the following day."
3. Condition 846 "There shall be no public entertainment outside the premises."
4. Condition 847 "No patrons shall sit outside the premises between the hours off 23:00 hours and 09:00 ."

Reasons for the decision

The reasons for this decision are as follows:

The licensing sub-committee heard from the environmental protection officer, the applicant for the review, who outlined that this review had been brought because of the complaints made by residents regarding noise levels caused by patrons and music emanating from the premises; the management of patrons spilling out into Isabella Street; and the premises' failure to respond to and implement advice from the environmental protection team (EPT). Many of the amended conditions suggested by the EPT had been conciliated prior to the meeting.

The licensing sub-committee heard from the licensing officer representing the council as a responsible authority that two door supervisors on Isabella Street (shared with the premises occupying the neighbouring arches) were needed to control the patrons leaving the premises. These should be operating all year round on Thursday, Friday and Saturday nights. He supported the conditions suggested by the EPT regarding the restriction of times for live and recorded music, and restricting the number of people allowed outside the premises at any time to control the noise. He also supported the introduction of a dispersal policy.

The licensing sub-committee heard from the health and safety officer supporting the review, who added that he would like to see measures implemented to decrease noise pollution. He also suggested a risk assessment be carried out to determine the safe occupation level of the outside area.

The licensing sub-committee heard from the public health authority representative supporting the review and highlighting the detrimental effects constant noise pollution may have on residents.

The licensing sub-committee heard from other persons supporting the review, who informed the meeting that residents were exposed to constant noise levels of sometimes more than 300 people congregating in Isabella Street - at times from 5pm to 3am. There was also anti-social behaviour especially when patrons left, as well as broken glass, discarded bottles and rubbish strewn around the street and the wider area. Normal outside restaurant use also created a lot of noise. The residents asked for: SIA officers to be deployed in Isabella Street on Thursday, Friday and Saturday nights; times for licensable activities to be brought in line with those granted by the planning authority; for noise lobbies to be installed; for no alcohol to be served without food; and for no DJs to be playing. They suggested that outside dining and drinking should cease at 22:00, and that not more than 10 smokers should be permitted to be outside at the front of the premises at any given time.

The licensing sub-committee heard from the premises who informed them that most of the conditions had been conciliated in advance of the meeting. The management of the premises had taken steps to work with residents and with the neighbouring two licensed premises to address the issues, which had been raised. They had addressed the complaints about music by getting an acoustic survey done, after which they had repositioned their loudspeakers; their DJs were using noise limiting software. They were also in the process of putting in a sound lobby and were happy to have the health and safety assessment conducted to determine the safe occupancy level of the outside areas.

As they were the smallest of the three venues, they were keen not to have to be liable for the costs of the SIA policing Isabella Street by themselves. They went on to say that there was no need for a condition requiring plastic glasses, as other conditions limited drinking at the front of the premises.

The licensing sub-committee were pleased that the premises had largely conciliated with the responsible authorities, the local residents and ward councillor had serious concerns that public nuisance would continue in the area. The review application was one of 3 that had been brought by the EPT with 2 other neighbouring licensed premises namely EVs and Thai Silk and therefore, the sub-committee had to consider very carefully the

complaints as against Jack's Bar in addition to the wider cumulative impact that all 3-licensed premises had on the local community. The licensing sub-committee noted the hours detailed in the planning permission 19/1/2004 imposed to protect and safeguard the amenity of the nearby residents from noise generation. The licensing sub-committee agreed that these hours need to be reflected in the premises licence so not to undermine the prevention of public nuisance licensing objective. Furthermore, the licences to all 3 of the premises need to be brought into line with one another which would, address the local community's concerns.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives and felt that this decision was appropriate and proportionate in order to address the licensing objectives.

7. LICENSING ACT 2003: THAI SILK, RAILWAY ARCHES 94 TO 95, JOAN STREET, LONDON SE1 8DD

The licensing officer addressed the sub-committee presenting their report. Members had no questions for the environmental protection officer.

The environmental protection officer presented the report, and informed the meeting of conditions which had been conciliated prior to the meeting commencing. Members had questions for the environmental protection officer.

The licensing officer representing the council as a responsible authority addressed the sub-committee. Members had questions for the environmental protection officer.

The health and safety officer addressed the sub-committee. Members did not have questions for the health and safety officer.

The meeting heard from an officer from the public health authority. Members did not have questions for the representative of the public health authority.

The meeting heard from other persons including the ward councillor. Members asked questions of the other person and the ward councillor.

The applicant and their legal representative addressed the sub-committee. Members had questions for the applicant and their representative.

All parties were given five minutes for summing up.

The meeting went into closed session at 2:35pm. Prior to going into closed session the chair informed the parties that they would be informed of the decision in writing.

RESOLVED:

That the Council's licensing sub-committee, having considered an application made under Section 51 of the Licensing Act 2003 by Southwark Council's environmental protection team (EPT) for a review of the premises licence issued in respect of the premises known as Thai Silk, Railway Arches 94 To 95, Joan Street, London SE1 8DD and also having had regard to all other relevant

representations has decided it necessary for the promotion of the licensing objectives to:

Modify the times of operation so they are in line with those granted under the planning process:

That the licence permits the following licensable activities during the hours shown:

Films

Monday to Wednesday 9:00 – 23:00

Thursday 9:00 – 23:30

Friday and Saturday 9:00 - 00:00

Sunday 9:00 – 22:30

Live music

Monday to Wednesday 11:00 – 23:00

Thursday 11:00 – 23:30

Friday and Saturday 11:00 - 00:00

Sunday 11:00 – 22:30

Recorded music

Monday to Wednesday 9:00 – 23:00

Thursday 9:00 – 23:30

Friday and Saturday 9:00 - 00:00

Sunday 9:00 – 22:30

Entertainment similar to live/recorded music

Monday to Wednesday 9:00 – 23:00

Thursday 9:00 – 23:30

Friday and Saturday 9:00 – 00:00

Sunday 9:00 – 22:30

Performance of dance

Monday to Wednesday 11:00 – 23:00

Thursday 11:00 – 23:00

Friday and Saturday 11:00 - 23:00

Sunday 9:00 – 22:30

Late night refreshment

Thursday 23:00 – 23:30

Friday and Saturday 23:00 - 00:00

Sale of alcohol (on & off premises)

Monday to Wednesday 9:00 – 23:00

Thursday 9:00 –23:30

Friday and Saturday 9:00 - 00:00
Sunday 9:00 – 22:30

Operating hours of the premises
Monday to Wednesday 9:00 – 23:30
Thursday 9:00 – 0:00
Friday and Saturday 9:00 - 00:30
Sunday 9:00 – 23:00

Modify the conditions of the licence by adding the following conditions:

1. That a sound limiting device shall be installed, set and maintained, to ensure the maximum levels of volume and bass of music, song or speech from regulated entertainment permitted by the amplification system, does not cause a public nuisance in the vicinity of the premises or intrude inside the nearest or most exposed noise sensitive premises.
2. That all audio and musical equipment used in the premises, or brought into the premises by third parties which is permitted under the Licensing Act 2003, shall be played through the installed sound limiting device.
3. That during any regulated entertainment on the premises, permitted under the Licensing Act 2003, all doors, concertina doors and windows shall remain closed (except for access or egress).
4. That any background music played (for when concertina doors are open) shall remain at a volume that permits normal conversation and that the volume control of any music is behind the bar/counter and is in the full control of staff at all times.
5. That there will be no patron access/egress to and from the premises via the use of the rear door, except for patrons temporarily leaving to smoke and for use in case of emergency. Where patrons access the premises from the back, this shall be monitored by an SIA officer.
6. That two SIA officer be employed jointly with the adjacent licensed premises at Railway Arch 96 and Railway Arch 94-95 Joan Street SE1 from Maundy Thursday (being the Thursday before Easter) to the end of October, and from 1 December to the first Saturday in January, on Thursday, Friday and Saturday nights, to monitor and control the behaviour and dispersal of patrons leaving the premises between 20:00-00:30 on Thursdays, and 20:00 – 01:00 on Friday and Saturday nights, as well as from 20:00 to 30 minutes after closing on New Year's Eve.
7. That acoustic seals and brushes and self-closers (in accordance with BS 6459 Pt. 1 1984) shall be installed to all doors so as to minimise sound escape from the premises.
8. That an acoustic lobby of adequate dimensions and providing sufficient residence time shall be installed to the front door entrance to arch 95 that will be provided

regulated entertainment to minimise sound escape from the premises, ensuring that all doors open in the direction of escape in case of emergency. This is to be installed by 1 May 2016.

9. That a canopy covering the outside smoking area be installed by 1 May 2016.
10. That the premises shall be adequately ventilated to allow doors and windows to remain closed during regulated entertainment.
11. That amplified music, song or speech shall not be broadcast in external areas at any time.
12. That no external areas of the premises, including the external frontage area, shall be used for the purposes of regulated entertainment.
13. That external waste handling, collections, deliveries and the cleaning of external areas shall only occur between the hours of 09:00 and 23:00.
14. That there shall be no movement of musical or amplification equipment to and from the premises between the hours of 23:00 and 09:00
15. That the use of the external frontage area, except for smoking, shall cease at 22:00 at which point all patrons will be instructed to move indoors.
16. That at 22:00, if not already done so, the external terrace canopy shall be deployed to cover the designated smoking area.
17. That there shall be no drinks permitted to be taken outside after 22:00. That clearly legible signage will be prominently displayed at all patron exits, where it can easily be seen and read, requesting to the effect that patrons do not take drinks outside after 22:00.
18. That there shall be no drinks permitted to be taken beyond the boundary of external frontage area at any time.
19. That after 22:00, customers permitted to temporarily leave and then re-enter the premises to smoke must be restricted to the external frontage area. No more than 10 customers will be permitted to remain in this designated smoking area at any one time.
20. That clearly legible signage will be prominently displayed at all patron exits, where it can easily be seen and read, requesting that patrons leave the premises in a quiet and orderly manner that is respectful to neighbours.
21. That a health and safety assessment be undertaken to determine the safe number of patrons allowed in the outside area at the back of the premises.
22. That clearly legible signage will be prominently displayed in the external frontage area, where it can easily be seen and read, requesting to the effect that patrons

are not permitted to take drinks off the premises and into Isabella Street.

23. That when regulated entertainment is being provided the premises management shall carry out regular checks to monitor the sound level at the closest noise sensitive location(s) to the premises and shall ensure that the sound level of the entertainment does not cause a public nuisance in the vicinity of the premises at the/those location(s). A written record of sound level checks shall be kept and shall contain details of: the time, date and location of each check, the person who undertook the check and any actions taken as a result of the check. Each check shall be signed in the record by the person who made the check. The monitoring record shall be kept at the premises and made available to officers of the police or council on request.
24. That the premises licence holder shall make available a telephone number for local residents to contact management of the premises as and when necessary.
25. That a comprehensive Dispersal Policy shall be produced and implemented at the premises, with all staff trained on the most up to date policy. A record of staff training on the Dispersal Policy shall be kept at the premises and a copy of the policy and training records be made available to the council or police on request.
26. That alcohol for consumption off the premises is not sold for immediate consumption in the area around the premises and is supplied in sealed containers that require a tool such as a bottle opener or corkscrew to be opened.
27. That all licensable activity will cease 30 minutes before closing times.
28. That the management of the premises meet quarterly with representatives of residents and the environmental protection team to review the operations of the premises.

In addition, members agreed that following this review of the premises licence the suspension of the conditions relating to the provision of live or recorded music is lifted under section 177A(3) of the Licensing Act 2003 and all the conditions imposed as a result of this review shall apply under section 177A(4).

Modify the conditions of the licence by removing the following conditions:

1. Condition 311 "That notices shall be displayed at all doors to the premises requesting that customers leave the premises in a quiet and orderly manner".
2. Condition 342 - That regular parameter checks around the premises for noise escape or noisy patrons, and measures to be taken when there is noise escape, or noisy patron.
3. Condition 343 - That restriction shall be put on the use of the outside area after

22:00 hours.

4. Condition 344 - That the attendees of private parties and functions are directed by a competent member of staff to the rear entrance of the premises when leaving the event beyond the hour of (00.00) 12 midnight.
5. Condition 345 - That customers are asked or encouraged by competent staff not to drink on the external parts of the restaurant beyond 11pm on Thursday, Friday and Saturday evenings.
6. Condition 346 - That the licensee or agent prevent localised nuisance that originated from the Thai Restaurant premises.
7. Condition 347 - The volume of music after 23:00 hours will be reduced to a level that does not go beyond the premises.

Reasons for the decision

The reasons for this decision are as follows:

The licensing sub-committee heard from the environmental protection officer, the applicant for the review, who outlined that this review had been brought because of the complaints made by residents regarding noise levels caused by patrons and music emanating from the premises; the management of patrons spilling out into Isabella Street; and the premises' failure to respond to and implement advice from the environmental protection team (EPT). Many of the amended conditions suggested by the EPT had been conciliated prior to the meeting.

The licensing sub-committee heard from the licensing officer representing the council as a responsible authority that two door supervisors on Isabella Street (shared with the premises occupying the neighbouring arches) were needed to control the patrons leaving the premises. These should be operating all year round on Thursday, Friday and Saturday nights. He supported the conditions suggested by the EPT regarding the restriction of times for live and recorded music, and restricting the number of people allowed outside the premises at any time to control the noise. He also supported the introduction of a dispersal policy.

The licensing sub-committee heard from the health and safety officer supporting the review, who added that he would like to see measures implemented to decrease noise pollution. He also suggested a risk assessment be carried out to determine the safe occupation level of the outside area.

The licensing sub-committee heard from the public health authority representative supporting the review and highlighting the detrimental effects constant noise pollution may have on residents.

The licensing sub-committee heard from other persons supporting the review, who informed the meeting that residents were exposed to constant noise levels of sometimes more than 300 people congregating in Isabella Street - at times from 5pm to 3am. There was also anti-social behaviour especially when patrons left, as well as broken glass,

discarded bottles and rubbish strewn around the street and the wider area. Normal outside restaurant use also created a lot of noise. The residents asked for: SIA officers to be deployed in Isabella Street on Thursday, Friday and Saturday nights; times for licensable activities to be brought in line with those granted by the planning authority; for noise lobbies to be installed; for no alcohol to be served without food; and for no DJs to be playing. They suggested that outside dining and drinking should cease at 22:00, and that not more than 10 smokers should be permitted to be outside at the front of the premises at any given time.

The licensing sub-committee heard from the premises who said that they were happy to comply with the conditions regarding the sound lobby and the canopy, as well as the health and safety survey to be conducted to establish the safe occupancy levels of the outside area. They went on to say that the extra SIA officers would only be needed in summer (July-September) and in December from 18:30 to 00:30 on Thursdays and Fridays, as the cost of these was substantial which they asked the sub-committee to take into account.

Whilst the licensing sub-committee were pleased that the premises had largely conciliated with the responsible authorities, the local residents and ward councillor had serious concerns that public nuisance would continue in the area. The review application was one of 3 that had been brought by the EPT with 2 other neighbouring licensed premises namely EVs and Jacks Bar and therefore, the sub-committee had to consider very carefully the complaints as against Thai Silk in addition to the wider cumulative impact that all 3-licenced premises had on the local community. The licensing sub-committee noted the hours detailed in the planning permission 03/AP/1032 that were imposed to protect and safeguard the amenity of the nearby residents from noise generation. The licensing sub-committee agreed that these hours need to be reflected in the premises licence so not to undermine the prevention of public nuisance licensing objective. Furthermore, the licences to all 3 of the premises need to be brought into line with one another which would, address the local community's concerns.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives and felt that this decision was appropriate and proportionate in order to address the licensing objectives.

The meeting resumed at 3:20pm.

8. LICENSING ACT 2003: CHRIST HIGH COMMISSION INTERNATIONAL MINISTRIES, RIVER OF LIFE CENTRE, 12-38 HATCHAM ROAD, LONDON SE15 1TW

The licensing officer presented their report. Members had no questions for the licensing officer.

The premises users addressed the sub-committee. Members had questions for the premises user.

The environmental protection officer addressed the meeting. Members did not have questions for the environmental protection officer.

The premises users withdrew the application.

Meeting ended at 3:55pm.

CHAIR:

DATED: