

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Wednesday 1 February 2017 at 10.00 am at Ground Floor Meeting Room G03 - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Renata Hamvas (Chair)
Councillor Sandra Rhule
Councillor Bill Williams

**OTHERS
PRESENT:** Vishay Malkov, applicant
George Jones, applicant
Kevin Jackman, solicitor for the applicant
Matthew Butt, counsel for the applicant
Paul Hanrahan, vice-chair, Shad Thames Residents Association
Julian Griffiths-Searle, treasurer, Shad Thames Residents Association

**OFFICER
SUPPORT:** Debra Allday, legal officer
Dorcas Mills, 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.

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: IVY COLLECTION, UNIT 4 POTTERS FIELD PARK, LONDON SE1 2SG

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

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

The sub-committee heard from the vice-chair and the treasurer of the Shad Thames Residents Association objecting to the application. Members had questions.

Both parties were given five minutes for summing up.

The meeting went into closed session at 11.00am.

The meeting resumed at 11.05am. The chair did not read out the decision of the sub-committee as nobody was present.

RESOLVED:

That the application made by Troia (UK) Restaurants Ltd for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as the Ivy Collection, Unit 4 Potters Field Park, London SE1 2SG is granted as follows:

Licensable activity	Hours
Recorded music (indoors)	Monday to Sunday from 08:00 to 00:00
Late Night Refreshment (indoors and outdoors)	Monday to Sunday from 23:00 to 00:00
Sale and supply of alcohol (on and off the premises)	Sunday to Thursday from 10:00 to 23:30 Friday and Saturday from 10:00 to 00:00
Opening hours	Sunday to Thursday from 08:00 to 00:00 Friday and Saturday from 08:00 to 00:30
Non standard timings: New years eve all activities are permitted throughout the night until the start of the permitted hours on New Year 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, the conciliated conditions agreed with the responsible authorities and the following additional conditions agreed by the sub-committee:

1. That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV System must be capable of capturing a clear facial image of every person who enters the premises and cover the main areas.

2. That all CCTV footage be kept for a period of 31 days and shall on request be made immediately available to officers of the police and the council. There will be at least one person on duty at all times that is familiar with the operation of the CCTV and able to download the footage upon request immediately.
3. That all staff are trained in their responsibilities under the licensing act 2003 and training records should be kept and signed, these records shall be updated every 6 months and shall, upon request, be made immediately available to Officers of the Police and the Council.
4. That intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such person as ancillary to their meal with the exception of those seated in the bar area.
5. That the consumption of alcohol outside the premises shall only be by persons seated at tables and ancillary to their meals.
6. That signage on entrance/exit requesting customers to respect neighbours and leave quietly.
7. That the sale of alcohol shall cease 30 minutes prior to the terminal hour as per the premises licence.
8. That customers shall use no outside area after 22.00 other than those who temporarily leave the premises to smoke a cigarette.
9. That alcohol for consumption off the premises is not to be sold for immediate consumption in the area around the premises. Any full or part finished bottles removed from the venue shall be sealed and for consumption at home.
10. That a dedicated telephone number will be provided to the Shad Thames Residents' Association.
11. That the premises will draft a protocol following discussions with the Shad Thames Residents' Association to:
 - a. Deal with dispersal; and
 - b. Encourage customers to take taxis from outside the Lalit Hotel.

The protocol will be sent to the licensing authority. The protocol will be kept at the premises and produced to the police and/or authorised officers of the council immediately on request.

Reasons

The reasons for the decision are as follows:

The licensing sub-committee heard from the applicant who advised that the premises would be a high end restaurant located in a new development adjacent to Tower Bridge where the Bridge Theatre was being constructed. The applicant had very carefully considered the representations from the Metropolitan Police and the Shad Thames Residents' Association and as a result had reduced their hours further so that they were not only in line with Southwark's statement of licensing policy, but were in fact, half an

hour less than the suggested hours. Concerning the issue of the dispersal of patrons from the premises, the applicant indicated that they were willing to provide a dispersal policy/protocol to encourage customers to take taxis from the nearby Lalit Hotel in addition to providing a dedicated telephone number, should there be any problems with customer dispersal.

The licensing sub-committee heard from the Vice Chair of the Shad Thames Residents' Association who advised that having met with the applicant, he had no concerns of the capability of the management team of The Ivy, but continued to object to the application on the grounds of prevention of public nuisance. The premises are located in very close proximity to residential properties and there are concerns that the dispersal noise from persons leaving licensed premises, which at midnight would disturb residents' sleep and the peaceful enjoyment of their homes. Due to the local parking restrictions, Horseleydown Lane was the closest and most likely road where customers would pick up pre-ordered taxis/cabs which would cause considerable noise nuisance to the residents of that road. A temporary condition of a terminal hour of 23:00 on Sunday to Thursday and 23:30 on Friday and Saturday was suggested until the end of 2017.

The licensing sub-committee noted that the Metropolitan Police has conciliated with the applicant.

The licensing sub-committee considered all of the oral and written representations before it and were extremely sympathetic to the Shad Thames Resident's Association and their concerns of noise nuisance from patron dispersal. However, the premises was not within a saturation zone and concerns at this stage were speculative and without evidence, there was no justifiable reason to reduce the applicant's hours below those sought, as they were within the recommended hours in Southwark's statement of licensing policy. The applicant also made further assures to the resident's association on how they would deal with dispersal during the course of the meeting.

The local residents are reminded that if their concerns become substantiated following the opening of the premises, they should not hesitate to submit an application for a review of the licence so that the concerns could be discussed further.

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

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) 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 11.06 am

CHAIR:

DATED: