

## Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 20 April 2017 at 10.00 am at Ground Floor Meeting Room G02B - 160 Tooley Street, London SE1 2QH

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<b>PRESENT:</b>	Councillor Renata Hamvas (Chair) Councillor David Hubber Councillor Lorraine Lauder MBE
<b>OTHERS PRESENT:</b>	Niall Boland, applicant Nick Cash, applicant Clara Webster, applicant
<b>OFFICER SUPPORT:</b>	Debra Allday, legal officer Helena Crossley, legal officer Paul Newman, environmental protection officer Ken Andrews, environmental protection officer Wesley McArthur, licensing officer Jayne Tear, licensing officer representing the council as a responsible authority 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: LOST RIVERS (LAND ADJACENT TO ARTWORKS), ELEPHANT ROAD, LONDON SE17 1AY**

The licensing officer updated the sub-committee. Members had no questions for the licensing officer.

The environmental protection officer addressed the sub-committee. They advised that the acoustic report submitted by the applicant was still no to their satisfaction.

The applicant advised that they could contact their engineer in order to obtain the information required by the environmental protection team.

The chair advised that the meeting would be adjourned till after the 11am licensing sub-committee meeting in order to allow the applicant time to contact their acoustic consultant and to discuss matters with the environmental protection officer.

The meeting adjourned at 11.07am.

The meeting reconvened at 1.17pm

The environmental protection officer addressed the sub-committee. Members had questions for the environmental protection officer.

The applicant addressed the sub-committee. Members had questions for the applicant.

Both parties were given five minutes for summing up.

The meeting went into closed session at 2.27pm.

The meeting resumed at 2.40pm. The chair did not read out the decision of the sub-committee as the parties were not present.

#### **RESOLVED:**

That the application made by Nicholas James Boland for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Lost Rivers (land adjacent to artworks), Elephant Road, London SE17 1AY is granted as follows:

<b>Licensable activity</b>	<b>Hours</b>
Plays (indoors)	Monday to Thursday from 10:00 to 23:30 Friday and Saturday from 10:00 to 00:30 Sunday from 10:00 to 23:00
Films (indoors)	Monday to Thursday from 10:00 to 23:30 Friday and Saturday from 10:00 to 00:30 Sunday from 10:00 to 23:00

Recorded Music (indoors)	Monday to Thursday from 10:00 to 23:30 Friday and Saturday from 10:00 to 00:30 Sunday from 10:00 to 23:00
Performance of dance (indoors)	Monday to Thursday from 10:00 to 23:30 Friday and Saturday from 10:00 to 00:30 Sunday 10:00 to 23:00
Anything similar to the above (indoors)	Monday to Thursday from 10:00 to 23:30 Friday and Saturday from 10:00 to 00:30 Sunday from 10:00 to 23:00
Late night refreshment (indoors and outdoors)	Monday to Thursday from 23:00 to 23:30 Friday and Saturday from 23:00 to 00:30
Sale and supply of alcohol (on and off the premises)	Monday to Thursday from 11:00 to 23:30 Friday and Saturday from 00:30 Sunday from 11:00 till 23:00
Operating hours	Monday to Thursday from 10:00 to 00:00 Friday and Saturday from 10:00 to 01:00 Sunday from 10:00 to 23:30.

### 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 with the police and trading standards team and the following additional conditions agreed by the sub-committee:

1. That an acoustic report to the satisfaction of the environmental protection team will be produced prior to the premises operating under this licence.
2. That the accommodation limit of the premises shall not exceed 490 persons (excluding staff) in total at any time including a maximum of 80 persons (excluding staff) permitted on the first floor at any one time.
3. That the SIA registered door supervisors are provided with mechanical counting devices to ensure that the maximum accommodation limit of the premises is not exceeded.

That the premises will not employ any external promoters or allow any other persons hiring the premises.

### Reasons

The reasons for the decision are as follows:

This was a reconvened hearing from 30 January 2017 which was subsequently postponed again on 6 March 2017.

The licensing sub-committee heard from the applicant who advised that the premises was a box park style multi-use construction with main focuses on serving craft beers, offering high quality food and providing entertainment suitable for all ages in a modern circus.

The licensing sub-committee heard from the licensing responsible authority who advised that the application was objected to on prevention of crime and disorder; the prevention of public nuisance, public safety and the protection of children from harm licensing objectives. The premises are situated within in the Elephant and Castle, being a major town centre, and under Southwark's statement of licensing policy 2016 - 2020 the appropriate closing times public houses, wine bars or other drinking establishments should be Sunday to Thursday is 23:00 hours and for Friday and Saturday 00:00.

They advised that the application seeks hours beyond the suggested hours in the policy. Furthermore, on 8 April 2017 a noise complaint was received from a resident of Strata Tower. An officer from the night time economy team attended the premises at 23:47 and heard very loud music coming from premises. The officer spoke to the designated premises supervisor, who advised that they had a private party and had a temporary event notice (TEN) until 01:00. It transpired that the TENs did not cover the public entertainment. As a result of this, a warning letter was issued. The officer for the licensing responsible authority advised that this demonstrated the need to reduce the operating hours in line with Southwark's statement of licensing policy.

The licensing sub-committee heard from the environmental protection officer who objected to the application on the grounds of prevention of public nuisance. Despite the application being postponed on two previous occasions so a detailed acoustic report to be supplied, the acoustic assessment from FlipSide (report undated) remained unsatisfactory. The sub-committee allowed a brief adjournment to allow the EPT officer to speak with the author of the report, after which, the EPT officer was content that matters had the potential to be agreed and advised that a condition should be added that "an acoustic report to the satisfaction of the environmental protection team will be produced prior to the premises licence being issued". In response, the applicant stated that this would be complied with within seven days.

The licensing sub-committee noted the representation from the Director of Public Health.

The licensing sub-committee also noted that the Metropolitan Police Service and trading standards had conciliated with the applicant.

The licensing sub-committee considered all of the oral and written representations before it and were of the opinion that because of the noise complaint of 8 April, there was need to reduce the premises operating hours. Despite this, the hours granted were still generous and beyond those provided in Southwark's statement of licensing policy. Under the Deregulation Act 2015 public entertainment became deregulated between 08.00 and 23.00 provided the audience does not exceed 500 people. In view of the accommodation limit being 490, in is in the applicant's interest that a condition concerning the clickers/counters to ensure compliance with the accommodation limit, which the applicant agreed to.

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 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.

The meeting ended at 2.42 pm.

**CHAIR:**

**DATED:**