

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 18 May 2017 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Renata Hamvas (Chair)
Councillor Sunny Lambe
Councillor Adele Morris

**OTHERS
PRESENT:** Councillor Kath Whittam, ward councillor
Councillor Bill Williams, ward councillor
Jack Spiegler, legal representative for the applicant
Henry Dimbleby, applicant
Stephen Walsh, legal representative for the applicant
Craig Doyle, applicant
Jihong Park, applicant
PC Graham White, Metropolitan Police
PC Ian Clements, Metropolitan Police
Annemarie Barwich, applicant
Paul Graham, applicant
Winston Brown, legal representative for the applicant

**OFFICER
SUPPORT:** Debra Allday, legal officer
David Franklin, licensing officer
Helena Crossly, legal officer
Paul Newman, environmental protection officer
Richard Kalu, licensing officer

1. APOLOGIES

There were none.

2. CONFIRMATION OF VOTING MEMBERS

The members present were confirmed as voting members.

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

The chair drew attendees' attention to the supplemental agenda pack No.1 which contained item 7 - Licensing Act 2003: Hawker House, Canada Water Retail Park, Surrey Quays Road, London SE16 7LL.

RESOLVED:

That agenda item 7 be heard first.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

Councillor Adele Morris declared that she was using her tablet computer to access the meeting papers, but would not be accessing the internet for other purposes, or to send or receive emails, messages or tweets concerning the business of the sub-committee for the duration of the meeting.

7. LICENSING ACT 2003: HAWKER HOUSE, CANADA WATER RETAIL PARK, SURREY QUAYS ROAD, LONDON SE16 7LL

The licensing officer updated the meeting and informed members that TEN 858672 had been withdrawn by the applicant. Members asked questions of the licensing officer.

The applicant's agent, the applicant and the their representatives addressed the sub-committee. Members asked questions of the applicant, and of their representatives and agents.

The representative of the police addressed the meeting. Members asked questions of the representative of the police.

The environmental protection officer addressed the meeting. Members asked questions of the environmental protection officer.

The meeting agreed to hear from Councillor Kath Whittam who spoke about case work relating to noise nuisance in the area.

The police, environmental protection officer and applicant's agent were each given five minutes for summing up.

The meeting went into closed session at 12.40pm.

The meeting resumed at 1.45pm. The chair did not read out the decision of the sub-committee as the parties were not present.

RESOLVED:

That a counter notice be not be issued under Section 105 of the Licensing Act 2003 in respect of temporary event notices 858675, 858674 and 858673 served by Jihong Park for an event to be held at Hawker House, Canada Water Retail Park, Surrey Quays Road, London SE16 7LL. The TENs will apply to the event taking place between 21:00 on

Monday 5 June 2017 and 03:00 on Tuesday 6 June 2017.

Conditions

The following additional conditions shall apply:

1. That all of the conditions on the premises licence shall apply to the temporary events notice.

The licensing Sub-Committee also make the following recommendations:

- i. That the entrance will be via Area 1 only.
- ii. That the exit will be via Area 1 and 2.
- iii. That there will be no other doors used for the purpose of ingress and egress unless in an emergency.
- iv. That there will be one dedicated stairway for the purposes of entrance to the mezzanine area.
- v. That there will be one dedicated stairway for the purposes of exit from the mezzanine area.
- vi. That coaches transporting patrons for the event will park in the Decathlon car park for the duration of the events with the engines turned off.
- vii. That all taxi pickups will be from the Decathlon car park.
- viii. That all patrons will be directed to take southbound buses along Surrey Quays Road
- ix. That waste disposal shall not take place before 08:00.
- x. That there is a minimum of 7 SIA door supervisors outside the premises, 6 SIA door supervisors inside the premises, 1 head door man, 10 static SIA door supervisors and 6 marshalls.

Reasons

These were temporary event notices given by the premises user Jihong Park, in respect of the premises known as Hawker House, Canada Water Retail Park, Surrey Quays Road, London SE16 7LL.

The licensing sub-committee heard evidence from the premises user and their legal representative. The applicant confirmed that TENs 858672 for the external area was withdrawn, restricting licensable activities in the outside area after 23:00, consistent with condition 341 of the current time limited premises licence. The TENs applications were to cover a corporate party for staff from Wagamama for a maximum of 1,200. The representative for the applicant also advised that they were willing to impose additional measures/conditions to address the concerns raised. There was nothing within the Licensing Act 2003 that prohibited applying for multiple TENs provided there was appropriate segregation between areas and that the TEN capacity limits were not

breached. This view was supported by many local authorities. The TENs clearly defined four distinct areas within the premises: area 1, area 2 and the mezzanine area which would be appropriately controlled, so that capacity limits would not be breached. This would be achieved by the use of SIA registered supervisors and staff to monitor capacity numbers and supervise admission to the different areas. The current TENs were proposed in the same format as those which had previously been approved by the council and those events had taken place with no problems.

The licensing sub-committee heard evidence from the Metropolitan Police Service who advised that all the applications were for the same event and that the only difference between the four applications was the area specified. If allowed, this would result in a total attendance of 1,500 people in one premises which was currently covered by one premises licence. An event of this size going until 03:00 hours required a time-limited premises licence, which allowed for proper consultation with responsible authorities and local residents, and conditions to be placed on the licence. The police stated that this was one event and the three applications submitted were used to circumvent the consultation process. An event of the size described would have a detrimental effect on the licensing objectives, causing public nuisance, anti-social behaviour and crime and disorder in the area. The premises were located close to large residential blocks of flats with balconies overlooking the premises. Any late night activity would cause nuisance just by the number of people entering and exiting the premises and the associated noise.

The licensing sub-committee heard evidence from the environmental protection officer who advised the three TENs artificially circumvented the 499-person limit for TENs by splitting what clearly was a single premises, covered by a single premises license, into multiple 'areas'. This was a single event and in practice, it would be impossible for the premises supervisor to reasonably control the movement of 1,500 people through the premises to be assured that no single area exceeded 499 people at any one time whilst licensable activities take place. The TENs would be consenting to something known to be unachievable in practice. The officer referred to the recent House of Lords Select Committee report on the Licensing Act which covered this issue and which concluded: *'Where it appears that notices are being given for TENs simultaneously on adjacent plots of land, resulting in effect in the maximum number attending exceeding the 500 person limit, we would expect the police or environmental health officers to object, and the licensing authority to issue a counter-notice. We recommend that the section 182 Guidance be amended to make this clear.'*

The licensing sub-committee accepted that the provision of TENs within the Licensing Act 2003 were vague as was the Section 182 guidance which specifically prohibited the applicant utilising the TENs in the way sought. The sub-committee were sympathetic to concerns raised by the responsible authorities and the recommendation made by the House of Lords Select Committee and concur with their views. At this stage, the details in the report were recommendations only. Any future TENs application utilised in a similar manner (by either the applicant or others) should be decided by a licensing sub-committee. This licensing sub-committee wished to make it clear that the only reason why these TENs were only remotely acceptable, was because there was already a time-limited premises licence allowing the same activities until 01:00 Monday to Sunday. This licence does not have a capacity limit, or any additional regulation. By allowing the TENs, the sub-committee felt that the conditions imposed would provide additional control measures for the benefit of the local community. In future, events of this nature and number must be made by either time-limited premises licence applications or alternatively, by variations to the same.

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

and the four licensing objectives.

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

Appeal rights

Where the relevant counter notice under Section 105(3) is given the premises user may appeal against the decision. Where counter notice is not given, the chief officer of the environmental protection team or the relevant officers of the Metropolitan Police Service may appeal against that decision. The appeal must be made to the Magistrates' Court within a period of 21 days beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against. No appeal may be brought later than five working days before the day on which the event begins.

5. LICENSING ACT 2003: LEADBELLY'S BAR & KITCHEN, UNIT C, MONTREAL HOUSE, SURREY QUAYS ROAD, LONDON SE16 7AQ

The licensing officer updated the meeting. He informed members that the police and the environmental protection team had withdrawn their representations and that the applicant had amended their application to request the following:

Opening hours

Mon – Thu 09:00 - 23:30
Fri & Sat 09:00 - 00:30

Sale of alcohol

Mon – Thu 09:00 - 23:00
Fri & Sat 09:00 - 00:00

Members did not ask questions of the licensing officer.

The applicants addressed the sub-committee. Members asked questions of the applicants.

The meeting went into closed session at 2.00pm

The meeting resumed at 2.35pm.

Members discussed the application and the omissions and inconsistencies in it with the applicant.

The applicants withdrew their application in order to submit a new one.

6. LICENSING ACT 2003: UNIT 8, 133 COPELAND ROAD, SE15 3SN

This item was withdrawn to be heard at a later date.

The meeting ended at 3.00 pm.

CHAIR:

DATED: