

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 1 June 2017 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

- PRESENT:** Councillor Renata Hamvas (Chair)
Councillor Sunil Chopra
Councillor Sunny Lambe
- OTHERS PRESENT:** Claire Steele, applicant, Rock Island
Mr A Ranatunga, legal representative, Rock Island
Mr M Kilic, licensing agent, Rock Island
Graham Hopkins, licensing consultant, Rock Island
Samantha Quaye, local resident
P.C Graham White, Metropolitan Police Service
J. Rose Weir, applicant, Darwin Court
R Mvoz, applicant, Darwin Court
M Saunderson, applicant, Darwin Court
Mr L H, temporary street trader
Mitchell Cohen , legal representative, temporary street trader
- OFFICER SUPPORT:** Debra Allday, legal officer
Helena Crossley, legal officer
Andrew Heron, licensing officer
Jayne Tear, licensing responsible authority officer
Ken Andrews, environmental protection officer
Hanna Lilley, senior street markets officer
Lisa York, markets and street trading manager
Nicky Costin, environment and social regeneration business unit manager
Harry Neillis, markets 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: ROCK ISLAND (THOMAS A BECKET), 320-322 OLD KENT ROAD, LONDON SE1 5UE

The licensing officer presented their report. Members had questions for the licensing officer.

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

The Metropolitan Police Service representative addressed the sub-committee. Members had questions for the Metropolitan Police Service representative.

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

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

The licensing sub-committee noted the written representation from public health.

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.

The meeting went into closed session at 12.29pm.

The meeting resumed at 1.20pm. The chair did not read out the decision of the sub-committee as none of the parties were present.

RESOLVED:

That the application made by Mr Paul Anthony Scarborough, for a variation of the premises licence under the Licensing Act 2003 in respect of the premises known as Rock Island (Thomas A Becket), 320-322 Old Kent Road, London SE1 5UE is granted as follows:

Licensable activity	Hours
The supply of alcohol (for consumption on premises)	Sunday to Thursday from 11:00 to 23:30 (the following day) Friday and Saturday from 11:00 to 00:30 (the following day)
The provision of late night refreshment (indoors):	Sunday to Thursday from 23:00 to 23:30 (the following day) Friday and Saturday from 23:00 to 00:30 (the following day)
Operating hours	Sunday to Thursday from 07:00 to 00:00 (the following day) Friday and Saturday from 07:00 to 01:00 (the following day)

Conditions

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

That the doors and windows to the premises will be shut after 22:30.

Reasons

The reasons for the decision are as follows:

The applicant and their representative addressed the sub-committee. They advised that the variation application was being made, to give more flexibility to the business. They advised that there was no intention to change the operation of the premises and that it would remain a restaurant, bar and grill. An independent licensing consultant conducted a compliance check on 22 May 2017. They found no issues at the premises, with the exception of CCTV and the dispersal policy (a copy of which was submitted that morning). They informed the sub-committee that since the grant of the premises licence, there had been no incidents of crime and disorder.

The Metropolitan Police Service representative addressed the sub-committee and stated that the applicant's current licence had only been granted on 30 January 2017 and that the variation application was received only 35 days after. The variation sought the removal of two conditions (842 and 847) that were placed on the licence after considerable conciliation between the applicant and the responsible authorities. They informed the sub-committee that these conditions were explained to the applicant and their representative and they had agreed to them. The applicant also applied to extend the hours to later than applied for and not granted by the sub-committee in the original application.

They advised that the premises is situated in a designated residential area, as set out in

the Southwark statement of licensing policy and the current hours are later than those recommended in the policy for restaurants or public houses. Insufficient time had passed to establish the current licence holder's ability to manage the premises and the historical associated problems. The removal of the conditions requested in the application would change the permitted operation from that of a restaurant to a bar, which the police feel would require more stringent conditions, none of which have been offered by the applicant.

The environmental protection officer addressed the sub-committee and raised similar concerns to those raised by the Metropolitan Police Service and licensing officer representing the council as a responsible authority. The officer highlighted that the premises was very close to residential premises, in particular, the residential accommodation that occupies the floors above the venue. Previous assessments carried out by environmental health officers have indicated that the building has problems with flanking transmission of noise between the commercial and residential premises. The address has a long history of causing public nuisance both from the music/noise transmission, and people noise from patrons congregating outside and having loud music blasting out of cars etc. The environmental protection team officer recommended that the application be refused in its entirety.

The licensing sub-committee noted the written representations from public health.

The licensing sub-committee heard from a local resident, who advised that she spoke on behalf of the residents of Riddle Court. The licence conditions imposed when this licence was granted played a key role in preventing and controlling alcohol related crime and anti-social behaviour, ensuring that alcohol consumption was well managed. The removal of condition 847 would allow non-dining patrons to consume alcohol only. The resident stated that she had not experienced any problems with the premises since the grant of the licence in January 2017, but there was a prevailing fear that the problems experienced in 2015 would return. Having heard from the responsible authorities, the resident did not have confidence in the management of the premises. They added that the Thomas A Beckett building was an asset of community value and the hours sought appeared to contradict this.

The licensing sub-committee noted the written representations from the other persons.

The licensing sub-committee considered all of the oral and written representations before it and concluded that in the short time that the premises has operated under its current licence, they have been in breach of licence conditions. Given the very serious history of crime and disorder related to the premises, there has been insufficient time to demonstrate that the premises is well managed. This licensing sub-committee does however note that there have been no complaints made by local residents. It is for this reason, the sub-committee refuse the removal of conditions 842 and 847, but allow a 1 hour increase in the Friday and Saturday operating hours and licensable activities.

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.

6. LICENSING ACT 2003: DARWIN COURT CAFÉ, 1 CRAIL ROW, LONDON SE17 1AD

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

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

The licensing sub-committee noted the written representations from the two local residents objecting to the application.

The applicant was given five minutes for summing up.

The meeting went into closed session at 11.03am.

The meeting resumed at 11.59am. The chair did not read out the decision of the sub-committee as there was nobody present.

RESOLVED:

That the application made by Julia Rose-Weir, for a variation of a premises licence, granted under the Licensing Act 2003 in respect of the premises known as Darwin Court Café, 1 Crail Row, London SE17 1AD is granted as follows:

Licensable activity	Hours
The supply of alcohol (for consumption on premises)	Monday to Saturday from 08:00 to 22:00
Opening hours:	Monday to Friday from 08:00 to 20:00 Saturday from 09:00 to 16:00

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 the following additional conditions agreed by the sub-committee:

1. That a Challenge 25 policy (requiring all those believed to be under the age of 25 to provide identification) will be adopted and a poster on the premises will be displayed to this effect.

Reasons

The reasons for the decision are as follows:

The applicant addressed the sub-committee and emphasised that the extended opening hours would not be for public events, but for private functions held by local residents, or local groups that the Peabody Trust already worked with, for example to host staff parties, or quiz nights. The applicant stated that they had been operating on their current licence for a period of five years, and that no complaints had been made to the council during that time.

The applicant stated that they have a small alcohol selection available, covering wine, and beer and that currently alcohol sales made up a small percentage of their overall turnover. The applicant explained some of the measures they put in place to ensure safety, such as having events staffed by their own staff, no alcohol being allowed outside, including in the garden area, and procedures for handling anti-social behaviour, which were already in place.

The licensing sub-committee noted the written representations from the two local residents objecting to the application.

The licensing sub-committee considered all of the oral and written representations before it and were of the opinion that the conditions on the existing license, and the procedures the applicant already had in place satisfied the licensing objectives.

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.

7. REVOCATION OF TRADING LICENCE

The sub-committee noted the open report and considered the revocation of the temporary street trading licence.

The sub-committee agreed to revoke the licence of the temporary street trader after hearing the report from the street trading officers, the evidence from the temporary street trader and their legal representative and the information in the report.

This does not preclude the temporary street trader from applying for either a temporary or permanent market licence.

8. REVOCATION OF TRADING LICENCE

EXCLUSION OF PRESS AND PUBLIC

It was moved, seconded and

RESOLVED:

That the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in categories 1 and 2 of paragraph 10.4 of the Access to Information Procedure Rules of the Southwark Constitution.

The following is a summary of the decisions taken in the closed section of the meeting.

The licensing sub-committee considered the closed information relating to this report.

Meeting ended at 4.52pm.

CHAIR:

DATED: