

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Tuesday 4 July 2017 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Renata Hamvas (Chair)
Councillor David Hubber
Councillor Maria Linforth-Hall

OTHERS PRESENT: P.C. Graham White, Metropolitan Police Service

OFFICER SUPPORT: Debra Allday, legal officer
Alexander Lisowski, 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: HOGSMILL, 204 UNION STREET, LONDON SE1 0LR

It was noted that this item had been conciliated prior to the meeting.

6. LICENSING ACT 2003: ROCK ISLAND, 320-322 OLD KENT ROAD, LONDON SE1 5UE. - TEMPORARY EVENT NOTICE

It was noted that the premises user was not present and had not contacted the licensing officer to advise that they would be late.

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

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

The meeting went into closed session at 10.14am.

The meeting resumed at 10.25am. The chair did not read out the decision of the sub-committee as none of the parties were present.

RESOLVED:

That a counter notice be issued under Section 105 of the Licensing Act 2003 in respect of the temporary event notice (TEN) 859138 served Ms Claire Joy Steele in regards to an event to be held at Rock Island, 320 – 322 Old Kent Road, London SE1 5UE between 11.00 on Friday 7 July 2017 and 02.30 on Saturday 8 July 2017.

Reasons

This was a temporary event notice (TEN) 859138 served Ms Claire Joy Steele in regards to an event to be held at Rock Island, 320 – 322 Old Kent Road, London SE1 5UE between 11.00 on Friday 7 July 2017 and 02.30 on Saturday 8 July 2017.

The premises user failed to attend the licensing sub-committee meeting, but the content of the temporary event notice was noted. The event applied for was to permit a drag-queen show to take place during the London Pride fortnight. The temporary event notice sought to allow the sale of alcohol and the provision of regulated entertainment between 23.00 on Friday 7 July 2017 and 02.00 the following day; allow the provision of late night refreshment between 23.00 on Friday 7 July 2017 and 02.00 the following day; and allow opening hours from 23.00 on Friday 7 July 2017 to 02.30 the following day. The maximum number of people expected at any one time at the premises would have been 150.

The licensing sub-committee heard evidence from the Metropolitan Police Service representative who advised that on 1 June 2017 the licensing sub-committee refused a variation application from the premises as the variation sought to remove condition 847 of the premises licence which dealt with restricting the sale of alcohol to patrons that were taking table meals and that alcohol would be served ancillary to that table meal. The application also sought to extend the opening hours and the permitted hours for licensable activities until 02:30, similar to those as detailed in the temporary event notice. The licensing sub-committee determined that it was appropriate and proportionate to refuse the removal of condition 847 and not to allow the full extent of the additional hours.

This temporary event notice would have the effect of removing all the control measures and conditions of the premises licence. It could permit the sale and consumption of alcohol to non-dining patrons and extend the times that alcohol was available. The TEN would

circumvent the conditions of the premises licence which were carefully designed to prevent the venue from being anything other than a restaurant style venue.

The licensing sub-committee considered all of the oral and written representations before it and considered very carefully the temporary event notice against the notice of decision dated 1 June 2017. In the commentary of that decision, the licensing sub-committee concluded *"In the short time the premises have 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 are 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 one hour increase in the Friday and Saturday operating hours and licensable activities"*. This would have allowed licensable activities until 00:30 and operating hours of 01:00, which this sub-committee believe would have been more than sufficient time to hold the event planned.

Because the premises licence holder is appealing the decision of 1 June 2017, which is their right to do, they have been required to apply for this TEN.

This TEN was submitted only 12 days following the decision, in which the premises licence holder was informed that in the short time the premises has operated, they have been in breach of licence conditions. Until there has been a significant period of (licence) compliance and demonstration of good management, there will be certain restrictions placed on the licence and the premises. At this stage, the conditions and restrictions on the premises licence sufficiently deal with the promotion of the licensing objectives, which is evidenced by the fact that no complaints have been made by the local residents and little reported crime associated with the premises. It is for this reason a counter notice is been issued.

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

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 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.

The meeting ended at 10.27 am.

CHAIR:

DATED: