

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Friday 21 July 2017 at 10.00 am at Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Sandra Rhule (in the chair)
Councillor Sunil Chopra
Councillor Maria Linforth-Hall

OTHERS PRESENT: Jack Spiegler, legal representative, City Cruises
David Shaw, applicant, City Cruises
Ian Hailes, applicant, City Cruises
Owen David, applicant, City Cruises
Edward Marcus, local resident
Jaio Bahlin, local resident
David Green, local resident
Dr Cedar, local resident
Ian Banfield, applicant, Lassco
Paul Brown, applicant, Lassco
Marcus Harbourne, applicant, Lassco
Jerome Slesinski, applicant, Lassco
Julian Le Maitre, local resident
Damian Ferguson, local resident
Nathan Jones, local resident
Sofia Auram, local resident
Jeremy Hall, local resident

OFFICER SUPPORT: Debra Allday, legal officer
Paul Newman, environmental protection officer
David Franklin, licensing responsible authority officer
Andrew Weir, constitutional officer

1. ELECTION OF CHAIR

In the absence of the chair, Councillor Sandra Rhule was nominated to chair the meeting by Councillor Sunil Chopra. This was seconded by Councillor Maria Linforth-Hall.

2. APOLOGIES

There were none.

3. CONFIRMATION OF VOTING MEMBERS

The members present were confirmed as the voting members.

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

There were none.

5. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

6. LICENSING ACT 2003: GALA CLUB, SURREY QUAYS LEISURE PARK, SURREY QUAYS ROAD, LONDON SE16 1LL

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

7. LICENSING ACT 2003: CITY CRUISES - CITY ALPHA, CHERRY GARDEN PIER, BERMONDSEY WALL EAST, LONDON, SE16 4TU

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

The licensing sub-committee heard from the legal representative and the management of the premises. Members had questions for the legal representative and the management of the premises.

The environmental protection officer addressed the sub-committee. Members had no questions for the environmental protection officer.

The licensing sub-committee heard from the local residents objecting to the application. Members had questions for the local residents.

All parties were given five minutes for summing up.

The meeting went into closed session at 11.30am.

The meeting resumed at 11.47am and the chair read out the decision of the sub-committee.

RESOLVED:

That the application made by City Cruises Plc, for a variation of a premises licence, granted under the Licensing Act 2003 in respect of the premises known as City Cruises

Plc is granted as follows:

- 1) To extend the permitted hours for the exhibition of films to 23:00 hours Monday to Sunday.
- 2) To add the exhibitions of films outdoors subject to the condition that audio outdoors will be via headphones only.
- 3) To extend the opening house to 23:00 hours Monday to Sunday.

Conditions

- 1) That the film screen be inflated not before the first passenger pick up at or before the last passenger drop off.
- 2) That staff will leave the premises in silence and signage will be erected reminding staff of the same.

Reasons

The licensing sub-committee heard from the representative for the applicant who advised that a premises licence had been granted in 2016 and since that time, no complaints has been received regarding the operation of the premises. The company had 13 licensed vessels in London and no enforcement action had been taken in respect of any of them. A number of temporary event notices (TENs) had taken place, which neither the police or environmental protection Team had served counter notices. It was accepted that on 16 June 2017 no TEN was in place due to an administrative oversight. The variation application was in respect of films only and not in respect of alcohol and offered two conditions as detailed in section 2 of this notice of decision.

The licensing sub-committee heard from the council's environmental protection team (EPT) who submitted a representation, though made it clear that they were not making a formal objection, but provided information in relation to the concerns raised by local residents.

The licensing sub-committee then heard from four local residents, who objected to the application due to light pollution, health and sleep deprivation, impact of artificial light on wildlife the intensification of operations leading to additional deliveries and rubbish, noise nuisance and anti-social behaviour. Whilst the sub-committee was sympathetic to the local residents, the complaints largely concerned the way in which the business was being operated, rather than, specifically objecting to the variation application relevant to the City Alpha. Furthermore, much of the residents concerns related to planning legislation, which were not considerations for a licensing sub-committee.

The licensing sub-committee noted the representations from another seven local residents.

The licensing sub-committee considered all of the oral and written representations before it and were of the opinion that the cinema on the City Alpha would be a silent cinema so there would be no noise from coming from the cinema itself and the patrons on the deck would be occupied in watching the screenings so less likely to add significant noise, or become intoxicated. Furthermore, the effect of the variation on the servicing and waste collection was considered unlikely to be significant in terms of nuisance noise. The

application sought an additional hour to its current operation and this remained within the recommended hours detailed in Southwark's statement of licensing policy. The sub-committee took the view that there is a risk of nuisance from almost any licensing application, but in this case the licensing sub-committee was of the view that the level of risk did not justify a refusal of the application.

The level of concern raised by the local residents did concern the members of the sub-committee and whilst the local residents have a right to submit a review application of the applicant's premises licence, the issues raised were predominantly planning matters and it would be in the residents' interest to refer these to the planning enforcement team.

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.

8. LICENSING ACT 2003: LASSCO - 37 MALTBY STREET, LONDON, SE1 3PA

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 local residents objecting to the application addressed the sub-committee. Members had questions for the local residents.

The meeting went into closed session at 1.47pm.

The meeting resumed at 2.20pm. The legal officer read out the decision of the sub-committee.

RESOLVED:

That the application made by Lassco Ltd., for a time limited premises licence, granted under the Licensing Act 2003 in respect of the premises known as Lassco, 37 Maltby Street, London SE1 3PA is granted as follows:

Licensable activity	Hours
The supply of alcohol (both on and off sales)	Monday to Sunday 11:00 to 23:00
The provision of regulated entertainment in the form of films (indoors)	Monday to Sunday 07:00 to 23:00
Opening hours	Monday to Sunday 07:00 to 23:00

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, The conditions agreed with the Metropolitan Police Service and the licensing responsible authority during the conciliation process and the following additional conditions agreed by the sub-committee:

1. That the carriage of goods into and out of the premises in regards to licensable activities shall take place between 08:00 and 17:00 only.
2. That empty glasses, earthenware or anything of a similar nature shall be cleared away continually by staff in a timely manner.
3. That a trained first aider will be present when licensable activities are undertaken at the premises.
4. That a full wash room facility will be provided to customers and a shall be maintained in a clean and hygienic condition.
5. That waste glass, earthenware or any waste of a similar nature shall be deposited into external receptacles between 08:00 and 18:30 only.
6. That alcoholic beverages shall be kept behind the sales counter.
7. That customers engaging in anti-social behaviour will not be served.
8. That external security lighting shall be installed on Tanner Street. The security shall be maintained in such a manner so as to minimise light pollution to nearby residences. The security lighting shall be in use between dusk and dawn.
9. That the area used for the sale and consumption of alcohol shall be continually supervised at all times that the premises is being used for the sale, consumption or tasting of alcoholic beverages.

10. That a minimum of four staff shall be employed when the premises is in use for licensable activities.
11. That an incident book shall be kept at the premises.
12. That unaccompanied children shall not be permitted in the premises at any time.
13. That no children shall be allowed on the premises after 21:00.
14. That customers shall be encouraged to leave the premises and local area in a quiet and orderly manner.
15. That clear and legible notices shall be displayed at all entrances/exits to the premises requesting that customers leave quietly and respect residents.
16. That windows and doors shall be kept closed when licensable activities are taking place.
17. That there shall be a dispersal policy drafted in consultation with the local residents, and held with the premises licence.
18. There will be a maximum of eight smokers allowed in the external area by the Tanner Street entrance/exit to the premises.
19. That alcohol for consumption on the premises shall be sold ancillary to a substantial meal with the exception of 20 patrons in the bar area.

Reasons

The reasons for the decision are as follows:

The licensing sub-committee heard from the applicant who advised that the premises was restaurant with a bar which would serve a classically British Prix Fixe and cooked to order menu with influences from European and Mediterranean styles. The premises would also offer a range of locally brewed craft ales, continental wines and other beverages. They advised that the restaurant will seat 44 customers with ample space for those wanting a drink only. The interior decor would be a unique blend of salvaged curiosities both practical and ornamental and will take on the air of an antique shop with all items large, small and old for sale.

They further advised that parties and receptions would form part of the business plan along with corporate events such as business meetings with lunches and buffets on offer. Occasional TENs would be applied for to cover licensable activities for such events that carry on beyond 23:00 to end at 00:00 (midnight).

Breakfast and hot beverages will be on sale from 07:00 until 11:00. The full menu would be offered from 11:00 to 22:00 with hot and cold beverages for consumption on the premises up to 23:00 seven days a week and alcohol of all descriptions on sale for consumption on and off the premises until 23:00 seven days per week. Live music will be provided occasionally once per month for specialist evenings, to terminate at 23:00.

It was accepted that the projection of old/classic films, would actually be presentations of current artefacts, prints and items for sale, screened via a PowerPoint presentation at various locations throughout the combined licensed area and showroom, for which did not require a licence under the

Licensing Act 2003.

The licensing sub-committee heard from six local residents who objected to the application based on all four licensing objectives. Residents were concerned about the proximity of the premises to residential properties and the potential for associated nuisance from a licensed premises, including noise. Many of the residents pointed to the current operation of Lassco at 40 Maltby Street and the anti-social behaviour residents have experienced from this premises.

During the discussion section of the meeting, it became clear that the current application did not provide the same comfort to local residents of the wealth of conditions detailed on the licence also held by the applicants at 41 Maltby Street. There was therefore a brief break in the meeting for officers to explore with both the applicant and local residents whether there was scope to conciliate the current application, by adding conditions.

The conciliation was largely successful, with only one matter outstanding; residents wanting the closure of the front entrance of the premises at a particular time and patrons exiting at the rear of the premises onto Tanner Street. The applicant was not agreeable to this suggestion, as it was contrary to their business model. Furthermore, it would be inconvenient to patrons in the bar area, which was at the front of the building, to walk through the length of the premises and through the restaurant area potentially disturbing patrons eating.

The licensing sub-committee considered all of the oral and written representations before it and were of the opinion that the applicant had made considerable compromise to the resident's concerns and felt that the extent the complaints did not outweigh the applicant's business model as it currently stood. The dispersal of patrons would be dealt with in a dispersal policy that would be drafted in consultation with the residents. At this stage, the licensing sub-committee saw no advantage in conditioning this point. Only if residents are genuinely disturbed by the use of the front entrance and the premises licence is reviewed, will it become necessary to condition its use. This licensing sub-committee felt confident that this could be addressed appropriately in the dispersal policy.

It is apparent that the local residents do have grievances, and an open dialogue with the premises is imperative for benefit of all parties. It is therefore a recommendation of this sub-committee that a quarterly meeting takes place between the premises and local residents.

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

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The meeting ended at 2.23 pm.

CHAIR:

DATED: