

## Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Monday 16 October 2017 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

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**PRESENT:** Councillor Sandra Rhule (in the chair)  
Councillor Lorraine Lauder MBE  
Councillor Sunny Lambe

**OTHERS  
PRESENT:** Gary Grant, legal representative for Farey and Ryan  
Jake Farey, applicant, Farey and Ryan  
Daniel Ryan, applicant, Farey and Ryan  
S. Wood, witness for Farey and Ryan  
N. Roskin, local resident  
Councillor Ian Wingfield, ward councillor  
Councillor Mark Williams, ward councillor  
J. Roskin, local resident  
D. Eastman, local resident  
A. Bell, local resident  
B. Bacor, local resident  
L. Browning, local resident  
Sarah Le Fevre, legal representative for Hawker House  
Jonathan Downey, applicant, Hawker House  
Ji Park, applicant, Hawker House  
Councillor kath Whittam, ward councillor  
S Sarimovich, local resident  
A. Ioannidis, local resident  
Councillor Radha Burgess (observing)

**OFFICER  
SUPPORT:** Debra Allday, legal officer  
Andrew Heron, licensing officer  
Wesley McArthur, licensing officer  
Andrew Weir, constitutional officer

### 1. ELECTION OF CHAIR

In the absence of the chair, Councillor Lorraine lauder MBE nominated Councillor Sandra Rhule to chair the meeting. This was seconded by Councillor Sunny Lambe.

**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. THE CLF ART LOUNGE, 12A STATION WAY, LONDON SE15 4RX**

It was noted that this item had been deferred to the meeting on 10 November 2017.

**7. LICENSING ACT 2003: FAREY AND RYAN LTD, 58A CAMBERWELL CHURCH STREET, LONDON SE5 8QZ**

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

The applicant and their representative addressed the sub-committee. Members had questions for the applicant and their representative. The applicant also called on a local resident as a witness. Members had questions for the witness.

The licensing sub-committee heard from two ward councillors objecting to the application. Members had questions for the ward councillors.

The licensing sub-committee heard from the Chair of the Camberwell Society, objecting to the application. Members had questions for the Chair of the Camberwell Society.

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

All parties were given five minutes for summing up.

The meeting adjourned at 11.48am for the members to consider their decision.

The meeting resumed at 12.20pm and the chair read out the decision of the sub-committee.

## RESOLVED:

That the application made by Farey and Ryan Ltd, for a premises licence, granted under the Licensing Act 2003 in respect of the premises known as Ambigu, 58a Camberwell Church Street, London SE5 8QZ be granted as follows:

Licensable activity	Hours
The supply of alcohol (both on and off sales)	Sunday to Thursday from 11:00 to 00:00 (midnight) Friday and Saturday from 11:00 to 01:30
The provision of late night refreshment (indoors and outdoors)	Monday to Thursday from 23:00 to 00:00 Friday to Sunday from 23:00 to 01:30
The provision of regulated entertainment in the form of recorded music (indoors)	Sunday to Thursday from 11:00 to 00:00 (midnight) Friday and Saturday from 11:00 to 01:30
Opening hours	Sunday to Thursday from 11:00 to 00:00 (midnight) Friday and Saturday from 11:00 to 01:30

## 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 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 condition 7 of the conciliated conditions be amended to read: "That the premises shall host quarterly residents meetings for at least the first 12 months and with at least one meeting held in advance of the operation of the premises so that any issues relating to the premises' operation can be aired and responded to by the licence holder. The date and time of such meetings must be publicised on the premises' website.
2. That condition 38 of the conciliated conditions be amended to read: "That no more than six patrons shall be permitted on the Camberwell Church Street frontage to smoke at any time when the premises is open and trading".
3. That a dedicated telephone and email address for the management of the premises be clearly displayed.
4. That the dispersal policy be amended at paragraph 1c to read: "That Staff and security shall ensure that customers do not congregate or loiter outside and, particularly, on the residential street Camberwell Grove and Datchelor Place close to the premises. They will do this in a polite and friendly manner".
5. That the Dispersal Policy be amended at paragraph 1e to read: "All customers will be

notified to leave quietly and to respect our local neighbours. Any customer (or other person) seen loitering on Camberwell Grove and Datchelor Place close to the premises will be asked to move on to the nearest mode of public transport or taxi office”.

## **Reasons**

The reasons for the decision are as follows:

The licensing sub-committee heard from the representative for the applicants who advised that the applicants had no intention on running a nightclub like Club Couture, which was previously at the premises and had its licence revoked in 2012/3. The applicants were extremely experienced and also run the Bermondsey Social Club, a discrete venue in the heart of Southwark, which in its short life since June 2015 it has become the go-to venue for private hires - hosting live music, birthday parties and corporate events for up to 120 people and received many positive reviews in both local and national publications. The applicant also called a local resident to give evidence. The resident had initially submitted an objection, but after meeting with the applicant, wholly supported the proposed operation stating that the premises would help improve the area.

The licensing sub-committee noted that all of the responsible authorities had conciliated and had agreed 40 robust licence conditions.

The licensing sub-committee then heard from two ward councillors, who welcomed the plethora of conciliated conditions. They advised that the premises has had a very long and troubled history and whilst the proposed operation was that of a restaurant, it was felt that the closing time should be no later than midnight.

The licensing sub-committee heard from the chair of the Camberwell Society who objected to the premises operating beyond midnight. They advised that none of the other premises in the area that had an operation beyond midnight.

The licensing sub-committee also noted the objections received from 39 other persons, most of whom were residents. Six of these objectors attended the meeting, objecting to the grant of the licence. Their representations related to all four licensing objectives and concerned the proximity of the premises to residential properties and the potential for associated nuisance with a licensed premises opening so late. There was an underlying fear that the premises would be run in a similar fashion to which it was and residents would be subjected to serious anti-social behaviour.

The licensing sub-committee considered all of the oral and written representations before and understood the extent of fear of the local community that the premises could revert to a nightclub style operation. However, the sheer number and detail of the conciliated conditions meant that there it would not be possible for the premises to morph into a nightclub. Whilst in a cumulative impact policy area, the policy did not extend to restaurants. The licensing sub-committee were taken through the operating hours of some of the other premises in the vicinity and a number of them were open beyond midnight. In those circumstances, the committee could not justify a terminal hour of midnight.

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: HAWKER HOUSE, CANADA WATER RETAIL PARK, SURREY QUAYS ROAD, LONDON SE16 7PJ**

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

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

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

Members heard from two local residents objecting to the application. Members had questions for the local residents.

All parties were given five minutes for summing up.

The meeting adjourned at 2.30pm for the members to consider their decision.

The meeting resumed at 3.34pm and the chair advised of the decision of the sub-committee.

### **RESOLVED:**

That the application made by New London Markets Limited, for a time limited premises licence for between 1 December 2017 and 30 November 2018, to be granted under the Licensing Act 2003, in respect of the premises known as Hawker House, Canada Water Retail Park, Surrey Quays Road, London SE16 7PJ be granted as follows:

<b>Licensable activity</b>	<b>Hours</b>
The supply of alcohol (on sales only)	Monday to Saturday from 10:00 to 00:30 the following day  Sunday from 10:00 to 2300
The provision of late night refreshment (indoors and outdoors)	Monday to Saturday from 23:00 to 00:30 the following day
The provision of regulated entertainment in the form of recorded music (indoors)	Monday to Saturday from 10:00 to 00:30 the following day  Sunday from 10:00 to 23:00
Opening hours	Monday to Saturday 10:00 to 01:00 hours the following day  Sunday from 10:00 to 23:30

### **Conditions**

The operation of the premises under the licence shall be subject to relevant mandatory conditions and conditions derived from the operation schedule highlighted in Section M of the application form, in addition to the conditions agreed by the sub-committee:

1. That there shall be no off sales at any time.
2. That a dedicated telephone and email address for management of the premises be displayed.
3. That the premises shall host quarterly residents meetings with at least one meeting held in advance of the operation of the premises so that any issues relating to the premises' operation can be aired and responded to by the licence holder. The date and time of such meetings must be publicised on the premises' website.
4. That the premises shall sign up to the Southwark Women's Safety Charter.
5. That the dispersal policy within the London Union Operational Procedures be amended at paragraph 7.4 to read: "During busy periods, SIA/Marshalls will remain on duty for 30 minutes after the venue has closed."
6. That the dispersal policy be amended at paragraph 7.6 to read: "Any music shall be subject to a "wind down" 30 minutes before the terminal hour."
7. That no drinking receptacles will be removed from the premises.
8. That clearly legible signage shall be prominently displayed where it can easily be seen and read by customers at all exits / entrances at the premises and in all external areas of the premises requesting to the effect that customers leave the premises in a quiet and orderly manner with respect for local residents.

9. That SIA/marshalls in high visibility vests, outside the premises, shall have clearly legible signage directing patrons away from the premises.
10. That marshalls in high visibility vests shall sweep immediately outside and around the premises checking for rubbish/waste on an hourly basis after 21:00.
11. That taxis shall be directed to pick up and drop off patrons at the Jurassic Gate, Surrey Quays Road.
12. That delivery and collection times in addition to waste collection shall not take place between the hours of 20:00 and 08:00.

## **Reasons**

The reasons for the decision are as follows:

The licensing sub-committee heard from the applicant's representative who advised that the application was for a further time limited premises licence and that the application was time limited because the lease to the site was due to expire in April 2018.

They informed the sub-committee that the premises is a street food market within the Canada Water retail park and the application sought the same conditions as permitted under their current licence number 851845. London Union was founded with a mission to transform London's food landscape, using underused and derelict corners of the city into vibrant street food markets, bringing communities together, creating employment and provide opportunities for new food entrepreneurs to establish themselves without the need for large amounts of capital.

They advised that London Union is now backed by some of Britain's most successful restaurateurs, food writers, broadcasters and entrepreneurs. The applicant's representative advised that it was not until the consultation closed for this application when they were made aware of the level of residents concern and disquiet and in response, they arranged a meeting with local residents to discuss the issues and produced the Hawker House Neighbourhood Response Plan (9 October 2017) as a result. Regardless, the applicant had instructed an acoustic consultant who concluded that the food market would not adversely impact on residential amenity.

The licensing sub-committee noted the representation from public health who objected to the hours sought for the sale of alcohol.

The licensing sub-committee heard from a local ward councillor who informed the committee that she had received a number of complaints from residents of the Water Gardens Estate which is in close proximity to Hawker House. These residents had complained of noise nuisance due to the music from the venue and loud voices of people leaving the venue. She also stated that she had received complaints of patrons leaving the premises and urinating on the wall of Giverny House. She also advised that there were no marshalling of patrons and that fights and arguments have broken out in the area.

The licensing sub-committee heard from two local residents who stated that noise nuisance was being caused by patrons of the premises approaching and leaving the premises, in addition to loud music emanating from the premises and cars and car horns

sounding picking up customers from the premises.

They went on to say that customers of the premises engaged in crime and anti-social behaviour including shouting, swearing, screaming, fighting, public urination, arguments, public drug taking, vomiting, intimidation of local residents and passers-by and damage to public property.

They further advised that the operation of the premises gives rise to a risk to public safety due to bottles being discarded in the locale and large amounts of waste arising from the premises left in the locale. Patrons leave the premises extremely intoxicated and that as a result of the poor management of the patrons, residents were suffering sleep deprivation caused by the operation of the premises. The residents also stated that the premises were not suitable for live events as the premises were not sound proofed. The operation of the premises was not in keeping with the locale which is primarily residential in nature.

The licensing sub-committee also noted the written representations from 23 other persons, not in attendance, who were local residents.

The licensing sub-committee were concerned about the level of objection from the local residents. However, there appeared to be no corroborating evidence from the responsible authorities in relation to the issues raised.

The Metropolitan Police did not submit any representation suggesting that there was any issue of criminal and disorder associated with the premises. Also, the environmental protection team did not submit a representation objecting to the application that the operation of the premises undermined the public nuisance licensing objective.

During the course of the meeting, it became clear that there were concerns about the operation of the premises during the course of the last 12 months and for this reason, a more formal /structured line of communication needs to be put in place between the residents and the premises.

It is also noted that the life of the premises was uncertain, because at this stage it is unknown if the lease to the premises will be extended beyond April 2018. The applicant agreed that if the lease was not extended beyond April 2018 then they would surrender the licence.

Because of the uncertainty around the future of Hawker House, it would not be financially viable to insulate/sound proof the premises. However, if the lease is extended and the operation of the premises extends beyond April 2018, it would be wise for the applicant to consider sound proofing measures.

The licensing sub-committee are of the view that the additional conditions imposed will address the local residents concerns. However, if these conditions prove to be inadequate, then they are at liberty to call the licence in for a review. The sub-committee trust that such action will not become necessary.

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:

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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 3.36pm.

**CHAIR:**

**DATED:**