

## Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Tuesday 15 May 2018 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

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**PRESENT:**

Councillor Renata Hamvas  
Councillor Maria Linforth-Hall  
Councillor Sandra Rhule

**OTHER MEMBERS  
PRESENT:**

**OFFICER  
SUPPORT:**

**1. ELECTION OF CHAIR**

The meeting started at 10.26am.

The clerk asked for nominations for Chair.

Councillor Renata Hamvas was nominated, seconded and elected Chair.

**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

Item 6: Licensing Act 2003: The Ministry, 79-81 Borough Road, London SE1 1DN

Councillor Maria Linforth-Hall declared a non pecuniary interest in Item 6, as she lived in the same ward.

The meeting was advised that Item 7 had been withdrawn by telephone on the day of the meeting. Email confirmation of the withdrawal was received later that day.

## 8. LICENSING ACT 2003: THE MINISTRY, 79-81 BOROUGH ROAD, LONDON SE1 1DN

The meeting was adjourned at 10.30am to enable the applicant and interested parties to discuss issues outside the meeting room.

The meeting resumed at 11.32am at which point the chair asked the applicant and interested parties about the pre-meeting discussions.

The members adjourned the meeting to enable discussions to continue.

The meeting resumed at 12.16pm.

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

The applicant's legal representative addressed the sub-committee. Members had questions for the applicant's representative.

The sub-committee heard from ward councillors. Members and the applicant had questions for the ward councillors.

The environmental protection team officer addressed the sub-committee. Members and the applicant had questions for the enforcement officer.

The licensing officer representing the council as a responsible authority addressed the sub-committee. The applicant's representative had questions for the officer.

The sub-committee heard from objectors and noted the representations from other persons who were not present.

The meeting adjourned at 4.02pm for the members to consider their decision.

The meeting resumed at 4.31pm and the chair advised all parties of the sub-committee's decision.

### **RESOLVED:**

That the application made by 79 Borough Road Ltd for a premises licence to be granted under s.17 of the Licensing Act 2003 in respect of the premises known as The Ministry, 79-81 Borough Road, London SE1 1DN is granted as follows:

Plays (indoors)

Monday to Thursday 07:00 to 00:00

Friday and Saturday 07:00 to 01:00

Sunday 07:00 to 00:00

Films (indoors)

Monday to Thursday 07:00 to 00:00

Friday and Saturday 07:00 to 01:00

Sunday 07:00 to 23:00

Recorded music (indoors)

Monday to Sunday 07:00 to 00:00

Anything of a similar description to live music, recorded music or performance of dance

Monday to Thursday 07:00 to 00:00

Friday and Saturday 07:00 to 01:00

Sunday 07:00 to 23:00

Performance of dance (indoors)

Monday to Thursday 07:00 to 00:00

Friday and Saturday 07:00 to 01:00

Sunday 07:00 to 23:00

Late night refreshment (indoors)

Monday to Sunday 23:00 to 05:00

Supply of alcohol (on premises)

Monday to Sunday 07:00 to 01:00

Opening hours

Monday to Sunday 24-hours

**Conditions**

The operation of any premises under the licence shall be subject to relevant mandatory conditions, any conditions derived from the operating schedule in Section M of the application for and the following conditions imposed by the licensing sub-committee:

1. That the plan number 17080-SQP-ASK054 be amended (a copy of which is attached) and defined as:
  - (i) Area GA – “event space”
  - (ii) Area GB – “bar/restaurant”
  - (iii) Area GC – “meeting rooms”
  - (iv) Area GD – “outside area”
  - (v) Area GE – “outside area”
2. That no licensable activities shall take place in the event space (GA) and meeting and meeting room areas on the ground floor after midnight.
3. That save for the provision of late night refreshment, no licensable activities shall take place after 01:00 hours in the bar/restaurant.

4. That save for late night refreshment, no licensable activities shall take place on floors 1-4.
5. That the premises will operate as offices with ancillary bar and events space. Save for up to 200 Founding Members, membership shall be limited to persons over the age of 18 who have paid for office space within the building.
6. That admission to the premises shall only be:
  - a. Via reception when a member of staff will record each admission; or
  - b. By members using an electronic key card or similar.
7. That no member of the public will be admitted to the premises.
8. That licensable activities may only be sold or supplied to:
  - a. Members and their guests;
  - b. Management and their guests;
9. That subject to approval by the "Vetting Committee" members may personally invite additional guests to events, provided that those guests' details have been provided in advance and appear on a guest list which shall be maintained at reception and be available for inspection by a police officer or authorised officer of this Licensing Authority.
10. That the "Vetting Committee" will not authorise additional guests without:
  - i) being provided with a guest list to be kept at reception;
  - ii) arranging for the individual guests to be provided with a pack giving information designed to minimise any disturbance to local residents,
  - iii) undertaking a risk assessment which, amongst other things, will detail any need for SIA registered door persons.
11. That the maximum accommodation (save for staff) of the ground floor shall be 400 and the maximum occupancy of individual parts of the ground floor and basement shall be as follows:
  - a. event space ("GA") shall be 199.
  - b. basement screening room shall be 40.
  - c. bar/restaurant area ("GB") shall be 196.
  - d. smaller external area ("GE") shall be 20.
  - e. larger courtyard area adjacent to Newington Causeway ("GD") shall be 60.
12. That no noise generated within the premises shall be audible in any other noise sensitive premises so as to be a nuisance.
13. That all amplified music generated in the event space, cinema or bar/restaurant shall be relayed through a noise limiter which will be set at a level to ensure that the music shall not cause a nuisance in any other noise sensitive premises.
14. That the LF max sound from amplified and non-amplified music and speech from the application site shall not exceed the lowest L90 (5min), 1m from the façade of any residential premises receptor in all third octave bands between 31.5Hz and

8kHz.

The L90 (5min) not to be exceeded is that reported in ‘The ministry offices – Ministry of Sound – Noise Assessment and Management Plan – VC-102611-NMP-EN-JETG-0001 – FIN - FINAL – 3 May 2018 by Vanguardia”:

Levels dB	Octave Frequency Band							
	63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz	8kHz
L90 lowest level	50	43	42	41	41	35	24	16

15. That no noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
16. That regulated entertainment by way of recorded music shall not be permitted off the premises or in external areas on the premises including areas GD and GE.
17. That no table or chairs shall be permitted on the pavement in front of the premises.
18. That sound lobbies shall be maintained at the entrances to the event space and the bar/restaurant as shown on the plans.
19. That whenever regulated entertainment is provided doors and windows shall be closed except for immediate ingress and egress.
20. That food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied.
21. That notices shall be prominently displayed at all exits requesting all users of the premises to respect the needs of local residents and businesses and to leave the area quietly.
22. That the external areas (“GD” and “GE”) will be closed between 23:00 and 07:00 with the exception of up to 10 smokers at any one time in each area.
23. That both external areas (“GD” and “GE”) shall be supervised by staff when occupied at all times licensable activities are being carried on or if being used by smokers at any time.
24. That a CCTV system that shall be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV system must be capable of capturing a clear facial image of every person who enters the premises. It should cover all communal areas within the premises including outside area to the front in all lighting conditions.
25. That a member of staff should be on duty at all times the premises is open that is trained in the use of the CCTV and able to view and download images to a removable device on request of Police or council officer.

26. That all recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorized officer throughout the preceding 31 day period. The CCTV system should be updated and maintained according to police recommendations.
27. That a direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
28. That a challenge 25 proof of age scheme for guests of members will operate at the premises where the only acceptable forms of identification are recognised photographic identification (including electronic) cards such as:
  - a. Driving licences
  - b. Passports
  - c. National identity cards
  - d. Military identity cards
  - e. Cards bearing the PASS Hologram
29. That all staff involved in the sale of alcohol shall be trained in their responsibilities under the Licensing Act 2003, training records to be kept for a minimum period of 6 months.
30. That no drinks shall be permitted to be taken in to the external areas ("GD" and "GE") to the rear of the event space between 23:00 and 07:00 the following day.
31. That the acoustic measures specified in the Vanguardia Noise Report of 3 May 2018 (reference "Noise Assessment – Peabody Estates, VC-102611-NMP-EN-JETG-0002 – FIN – FINAL") at paragraphs 4.9 to 4.14 shall be implemented prior to the provision of licensable activities at the premises, specifically to the ground floor front and rear facades. The scheme of sound insulation shall be constructed and installed in accordance with the approval given and shall be permanently maintained thereafter. Following completion of the works and prior to the provision of licensable activities at the premises a validation test shall be carried out assessing both noise and vibration emissions from the premises. The results shall be submitted to the licensing authority.
32. That the installation of a noise canopy or similar in the larger external area ("GD") shall be effected before the residential occupation of any proposed residential property within 50 metres of it.
33. That the premises shall operate in accordance with a Noise Management Plan a copy of which shall be provided to the Licensing Unit.
34. That there will be a minimum of 750 workspaces available at the premises.
35. That there will be a personal licence holder on duty at all times the premises is open to the public.
36. That external waste handling, collections, deliveries and the cleaning of external areas shall not take place between the hours of 20:00 and 08:00.
37. That there will be a written dispersal policy provided to the licensing authority, a

copy shall be kept at the premises and made immediately available for inspection by the police and authorised council officers.

38. That when an event takes place of over 100 persons, SIA registered door supervisors will be engaged and at least one SIA registered door supervisor will be sited at each of the 2-main entrances on Borough Road.

## **Reasons**

The reasons for the decision are as follows:

The licensing sub-committee heard from the representative for the applicant who advised that the premises was a £10 million enterprise of a members only creative workspace where people would come to think, meet and create. The premises would have over 750 desks for people across the core industries of audio, visual and create technology start-ups. The applicant's aim was for the premises to be the new home for creative businesses in London. The facilities include meeting rooms, breakout spaces, a bar, restaurant, sound studios, screening room and events space. It anticipated that 775 new jobs would be created in Southwark comprising over 750 creative entrepreneurs. The members would be from established, reputable and cutting edge companies, and would contribute to Southwark's exciting and vibrant local economy, making Southwark the creative centre for south London.

They also advised that the application had been amended so it no longer included live music.

The licensing sub-committee then heard from the representative from the Environment Protection Team (EPT) who advised that their concerns had related to the applicant undertaking live music into the middle of the night on Thursdays to Saturdays and perform regulated entertainment 24/7. EPT had agreed on a waste handling and also a dispersal policy which they welcomed, but remained concern of over the proposed hours, which far exceeded the policy hours.

The representative from licensing as a responsible authority stated that the closing times for the premises is significantly earlier than the termination for the licensable activities for members of the public. This premises was located in the Borough and Bankside cumulative policy area and as such, there was a rebuttable presumption that applications for new premises licences such as Ministry would add to the cumulative impact of crime and disorder and public nuisance in the area and should be refused. The premises was also situated within the Elephant and Castle Major Town Centre Area, the hours applied for exceed the guidance hours detailed in the Statement of Licensing Policy.

The licensing sub-committee noted the representation from Public Health had been withdrawn.

One of the ward councillors advised that licensing sub-committee welcomed the applicant's investment in the local economy, however, it was important that resident's interests were protected. Whilst the 24-hour use of the premises was not opposed. The ward councillor raised concern of the consumption of alcohol 24-hours a day so residents would be disturbed by noise. Robust conditions needed to be attached to the premises licence, if granted.

The second ward councillor stressed concern that the premises was located directly

opposite low rise residential housing estate, who already have problems with patron from nearby premises cutting through the estate late at night, shouting and urinating. The local residents were already experiencing problems with the existing late-night businesses that were affecting the health and well-being of residents in the area. There was also an issue with rubbish which would be exacerbated by a 24-hour club.

The licensing sub-committee then heard from a local resident who lived opposite the premises. The resident stated that they were being affected by noise nuisance from works being carried out at the site. Because of the noise, the resident was having to sleep in the basement of their property. The concern was with a sound studio being located in the basement of the premises, vibrations from the noise would be felt/heard by them across the road.

There noted the representations from the other persons who were not present.

The representative for Peabody Trust informed the committee that there was currently 450 residential premises within the Borough and Bankside CIP. The land immediately behind the premises had been highlighted for residential development by Peabody, as detailed in the New Southwark Plan as such, the premises would have considerable impact on the future Peabody residents. Because the premises is located in a CIP, the starting point should be to refuse the application; the applicant had not sufficiently rebutted the presumption. However, Peabody's stance was not that the licence should be refused, but alternatively, to grant the licence with strict controls so that the premises does not disproportionately affect the local residents, by limiting the hours, the accommodation limit etc.

The licensing sub-committee considered very carefully all of the representations before it, both written and verbal. Whilst there had been conciliatory discussions between all the parties, which the committee was grateful for, it was felt that an application of such magnitude, and attracting the wealth of representations it had, particularly the residents, the applicant should have entered amicable discourse far sooner than it had. By doing so, the level of objection may have been avoided. The committee recognised that the applicant reduced the scope of its application, remain concerned that this is a premises within a CIP and seeking hours beyond those within Southwark's licensing policy. In order to promote the licensing objectives and to ensure residents are not impacted by the premises operation, the licensing sub-committee grant the premises licence with the conditions as detailed in this notice of decision.

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.

**7. LICENSING ACT 2003: LIGHTHOUSE, 262-270 CAMBERWELL ROAD, LONDON SE5 ODP**

This item was withdrawn prior to the start of the meeting.

Meeting ended at Time Not Specified

**CHAIR:**

**DATED:**

**[CABINET ONLY]**

**DEADLINE FOR NOTIFICATION OF CALL-IN UNDER SECTION 21 OF THE OVERVIEW AND SCRUTINY PROCEDURE RULES IS MIDNIGHT, [DATE].**

**THE ABOVE DECISIONS WILL NOT BE IMPLEMENTABLE UNTIL AFTER THAT DATE. SHOULD A DECISION OF THE CABINET BE CALLED-IN FOR SCRUTINY, THEN THE RELEVANT DECISION WILL BE HELD IN ABEYANCE PENDING THE OUTCOME OF SCRUTINY CONSIDERATION.**