

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Friday 13 July 2018 at 10.00 am at Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Renata Hamvas (Chair)
Councillor Dora Dixon-Fyle MBE
Councillor Sandra Rhule (Reserve)

OTHER MEMBERS PRESENT: Councillor Adele Morris, ward councillor
Councillor Sirajul Islam, observing
Councillor Margie Newens, observing

OFFICER SUPPORT: Debra Allday, legal officer
Wesley McArthur, licensing officer
Farhad Chowdhury, health and safety officer
Richard Earis, environmental protection officer
Jayne Tear, licensing officer as a responsible authority
Andrew Weir, constitutional officer

1. APOLOGIES

Apologies were received from Councillor Linforth-Hall. Councillor Sandra Rhule attended as the reserve member.

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: BANKSIDE HOTEL, 2 BLACKFRIARS ROAD, LONDON SE1 9JU

The licensing officer presented their report. They advised that the responsible authorities had conciliated with the applicant. The licensing officer also confirmed that the premises were within a saturation zone.

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

The ward councillor addressed the sub-committee. Members had questions for the ward councillor.

Both parties were given five minutes for summing up.

The meeting adjourned at 11.56am for the members to consider their decision.

The meeting resumed at 12.30pm and the chair advised all parties of the sub-committee's decision.

RESOLVED:

That the application made by Clapton R2 London Limited for a premises licence to be granted under s.17 of the Licensing Act 2003 in respect of the premises known as Bankside Hotel, 2 Blackfriars Road, London Se1 9J be granted as follows:

Films (Indoors)	Monday to Sunday 09:00 - 00:00 24 hours for residents of the hotel and their guests
Live Music (Indoors)	Monday to Sunday 09:00 - 00:00
Recorded Music (Indoors)	Monday to Sunday 09:00 - 00:00
Performance of Dance (Indoors)	Monday to Sunday 09:00 - 00:00
Late Night Refreshment	Monday to Sunday 09:00-00:00
Supply of alcohol (On-Sales)	Monday to Sunday 09:00 - 00:00 24 hours for residents of the hotel and their guests
Operating Hours	24 hours

Non-Standards Timings	An additional hour to the standards and nonstandard times on the day when British Summertime commences for licensable activities.
------------------------------	---

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 trading standards during the conciliation process and the following additional conditions agreed by the sub-committee namely:

1. That the sale of alcohol beyond midnight shall be restricted to residents of the hotel and up to four bona fide guests per resident. The alcohol purchased after midnight shall be via room key only. This condition shall not apply to members of the public who have a ticket or are on a guest list for a pre-booked private function.
2. That external promoters will not be used and any private hire event will remain within the control of the premises management.
3. That a CCTV system 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 areas within the premises that licensable activities are available to the general public including the outside area to the front in all lighting conditions.
4. That all CCTV footage shall be kept for a period of thirty one (31) days and shall, upon request, be made immediately available to officers of the police and the council.
5. That a staff member who is able to operate the CCTV system shall be present at all times they are open to the public.
6. That there shall be no alcohol available in the mini-bar when rooms are solely occupied by persons under the age of 18 years.
7. That all staff involved in the sale of alcohol shall be trained in the prevention of sales of alcohol to underage persons, and the challenge 21 scheme in operation at the premises. A record of such training shall be kept I be accessible at the premises at all times and be made immediately available for inspection at the premises to council or police officers on request. The training record shall include the trainee's name (in block capitals), the trainer's name (in block capitals), the date(s) of training and a declaration that the training has been received.
8. That a challenge 21 scheme shall be maintained at the premises requiring that staff selling alcohol request that any customer who looks under 21 years old, and who is attempting to purchase alcohol, provides valid photographic identification proving that the customer is at least 18 years old. Valid photographic identification

is composed of a driving licence, passport, UK armed services 10 card and any Proof of Age Standards Scheme (PASS) accredited card such as the Proof of Age London (PAL) card.

9. That clearly legible signs shall be prominently displayed where they can easily be seen and read by customers stating to the effect that a challenge 21 policy is in operation at the premises, that customers may be asked to provide proof of age and stating what the acceptable forms of proof of age are.
10. That a register of refused sales of alcohol shall be maintained in order to demonstrate effective operation of the challenge 21 policy. The register shall be kept and be accessible at the premises at all times. On a monthly basis, the Designated Premises Supervisor (DPS) shall check the register to ensure it is being properly completed and mark the register to that effect and, where appropriate, take corrective action in a timely manner if the register is not being completed correctly. The register shall be made immediately available for inspection at the premises to council or police officers on request.
11. That no gambling machines will be on the premises.

The licensing sub-committee also imposed the following additional conditions:

12. That when a pre-booked event is taking place the licensable activities shall terminate at 01:00 hours.
13. That on no more than 15 occasions per calendar year all licensable activities shall be extended until 03:00 hours for the basement, ground and first floors. A record shall be kept for inspection.
14. That no alcohol will be in the vending machines.

Reasons

The reasons for the decision are as follows:

The licensing sub-committee heard from the representative for the applicant who advised that the concept of the Bankside Hotel has been under development for years. The hotel has been designed to reflect its location and blend into the cultural area. The art studio with the premises is dedicated for local artists to show their work. The hotel would be accessible for its neighbours and would be part of the community. The hotel will also feature a space for use by local artists and creatives which, it is envisaged, will allow gatherings for talks/lectures, art exhibitions and other community focused projects and events.

The event space in the basement would be used for a variety of events including gallery/exhibitions and fashion shoots. The events would not be high velocity and when events were not arranged, it was expected that licensable activities would finish at 00:00 hours, with the exception of residents, residents' guests or those attending a function. The applicant had conciliated with all the responsible authorities, and whilst they had offered to meet with the residents, none attended.

The applicant had also considered Southwark's statement of licensing policy very carefully. Whilst located in the Borough and Bankside cumulative impact policy area,

as part of New Southwark Plan, regeneration such as the hotel's development was encouraged. Under the statement of licensing policy there was no restriction to residents in terms of closing time for hotel bars and guest houses in major town centres and strategic cultural areas; this permitted 24 hours alcohol sale. The application was for licensable activities to finish at 03:00, being outside policy hours. This however did not rebut the presumption to refuse the licence and reference was made to paragraph 140 of the licensing policy, the hours applied for, together with the suite of conditions offered and the fact that the senior management team for the Bankside Hotel were very experienced.

The licensing sub-committee heard from the ward councillor who advised there had been a long discussion with the hotel's management team. The applicant's reference to the hours of the other hotel premises in the Borough and Bankside ward was not relevant as the licences held by them were largely historic and in any event, did not utilise the hours permitted under licensing as they exceeded the permitted hours for planning. The ward councillor was not satisfied that there was sufficient justification to grant the hours applied for.

The licensing sub-committee noted that all of the responsible authorities had conciliated.

The licensing sub-committee noted the content of the representation from other persons, which remained outstanding.

The licensing sub-committee noted the comments from Southwark's regeneration department in support of the application.

The licensing sub-committee noted that the applicant is an independent hotel located in the strategic cultural area of Borough and Bankside, which is part of the borough most suitable for new art and visitor attraction uses to be created. This is at odds with the premises being located in a cumulative impact policy area, where there is a presumption to refuse. Whilst the sub-committee are pleased that the applicant has agreed a suite of conditions with the responsible authorities, during the course of the meeting, the applicant advised the sub-committee the proposed vending machines for the guest room floors had been specially built for the hotel and the applicant intended to install them for "a bit of fun".

The alcohol available in these vending machines would be high value and would be priced with a significant mark up. However, when asked, the controls in place were considered unacceptable to the sub-committee: purchases would be by credit/debit cards, despite debit cards account being held by under 18's. The suggestion that the purchase should be made by key cards was not accepted by the applicant, despite the machines being specially built specifically for the hotel. There was also no control of guests and members of the public accessing the different floors. No challenge 25 (or 21 in this case) could be undertaken, nor any control to prevent a sale of alcohol to the intoxicated. This evidence heard by this licensing sub-committee outweighed the conciliation achieved between the applicant and trading standards and it is for this reason the applicant is not permitted to have alcohol within the vending machines. The purchase of such high value alcohol could be made via room service or a gift shop, where the necessary controls are in place, which would of limited inconvenience to the applicant.

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.

6. LICENSING ACT 2003: THE BARREL PROJECT, 80 DRUID STREET, LONDON SE1 2HQ

The licensing officer presented their report. The licensing officer advised that the police had conciliated with the applicant. 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 environmental protection officer addressed the sub-committee. Members had questions for the environmental protection officer.

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

The health and safety officer addressed the sub-committee. Members had questions for the health and safety officer.

All parties were given five minutes for summing up.

The meeting adjourned at 1.56pm for the members to consider their decision.

The meeting resumed at 2.35pm and the chair advised all parties of the sub-committee's decision.

RESOLVED:

That the application made by Simon Charles Cotton to vary a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as The Barrel

Project, 80 Druid Street, London SE1 2HQ be granted as follows:

- To have an outside area where people can consume alcohol on Druid Street.
- To vary the conditions of the licence as listed below.

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 trading standards during the conciliation process and the following additional conditions agreed by the sub-committee namely:

1. That condition 353 (prohibiting children) shall be removed.
2. That conditions 341, 343, 344, 345, 346 and 354 shall remain on the licence with the Insertion of the following words before each condition "Save for the designated outside drinking area".
3. That no more than 25 customers are permitted within the designated outside drinking area at any one time (as hatched on the attached plan at p.22 of the applicant's presentation).
4. That the designated outside drinking area must be clearly demarcated. If a physical barrier is to be used it must be approved in writing by Southwark Council's Highways Authority.
5. That a door supervisor must be employed to supervise and control the outside drinking area whenever it is being used by customers with drinks.
6. That the outside drinking area may only be used by customers on Fridays between 16:00 and 21:00 and Saturdays between 11:00 and 21:00.
7. That the premises licence holder shall submit to the licensing authority, and operate in accordance with, an outside management policy that deals with patrons that consume alcohol in the designated outside drinking area and is designed to minimise the risk of public nuisance to residents and other persons in the vicinity: The plan may be updated from time to time.
8. That the premises shall provide and display a dedicated and manned telephone number of the management of the premises to local residents.
9. That glassware shall be collected at regular intervals from the designated outside drinking area
10. That all drinks are to be served in toughened glass or polycarbonate receptacles
11. That condition 342 be removed.
12. That condition 344 shall be amended as follows:
"344. That after 21:00 customers shall not use any outside area other than those who temporarily leave the premises to smoke. Smokers shall use the demarcated

area on Druid Street and no more than five people shall be permitted to do so at any one time”.

13. That children are not permitted in the premises unless accompanied by an adult.

14. That children are not permitted in the outside area drinking area at any time.

Reasons

The licensing sub-committee heard from the representative. They advised that after the granting of the licence in Autumn 2017 customers both wished and expected to be able to enjoy a drink in the area immediately outside our premises as well as inside. It had not previously been anticipated there would be this demand and therefore the request for outside use had not been made at the time. Other licensed premises in Druid Street are permitted to have outside drinking and patrons are being lost to other Druid Street premises because the current premises licence does not permit the same.

This variation application seeks to permit outdoor drinking, in a tightly controlled manner and subject to stringent conditions. It is accepted that following one or two temporary event notices there were some customers milling around and this caused a disturbance to residents. As a result of this, the applicant confirmed to the licensing sub-committee that they would not submit any temporary event notices in the future.

The sub-committee heard that the loading bay directly outside the premises is dedicated to The Barrel Project and a comprehensive outside management plan has been devised to manage the outside area effectively and in line with that used by other premises in the area. The applicant's legal representative went on to advise that any concern relating to the use of the loading bay (being part of the public highway) as an external drinking area as an obstruction must be dealt with under a separate regime and were an irrelevant consideration for Licensing Act purposes. In any event, the use (as demonstrated in the photograph on page 13 of the Applicant's presentation) did not amount to an obstruction under Section.137 Highways Act 1980 and also, the local authority is already permitting the unauthorised use of the external area/loading bay and causing a potential highways obstruction in advocating the use of loading bays to accommodate the commercial waste bins.

The licensing sub-committee heard from the environmental protection officer. They advised that in principle they were happy with the conditions agreed with the applicant. However, they advised that there is no external area within the demise and the premises has no right to use the area to the front on Druid Street as this is a loading bay which forms part of the carriageway.

The licensing sub-committee heard from the representative for licensing as a responsible authority and whose representation was based on the prevention of crime and disorder and public nuisance licensing objectives. The premises were located in a residential area and the use of the external area would contribute to on-going issues being complained of by local residents.

The licensing sub-committee heard from the representative from health and safety whose representation was based on the public safety licensing objective and major concern was the premises intended use of a section of the public highway as an outside drinking area; the area identified by the applicant should accommodate no more than 25 patrons.

The licensing sub-committee noted that the representation from the Metropolitan Police

had conciliated.

The licensing sub-committee noted that the representation from another person who referred the temporary event notices (TENs) that had taken place since the licence had been granted in 2017. The TENs had run until 01:00 and disturbed residents. There had been a increase in licensed premises on Druid Streets and residents' weekends (and sometimes weekday evenings) have been negatively impacted by noise from patrons.

The licensing sub-committee recognise that under the Licensing Act 2003, other regulatory regimes are not considerations for this sub-committee. It also recognises if the external area is used, it should be stringently controlled for the benefit of the local residents. In this respect, the sub-committee's hands are tied. The licensing sub-committee has seen a steady increase in the number of applications along Druid Street and whilst this places the Bermondsey Beer Mile firmly on the map for tourism and hotspot from craft breweries, the sub-committee are acutely conscious that the area is predominantly a residential area, with a housing estate opposite these licensed premises. It is for this reason this licensing sub-committee recommends that the licensing team investigates and reports to the licensing committee on 2 October 2018 on the viability of going to public consultation of the Druid Street area becoming a cumulative impact area in Southwark's statement of licensing policy 2020 -2024. If it is not feasible for a Druid Street cumulative impact policy area, then to report to the licensing committee (on 2 October 2018) other options available in addressing residents concerns.

This licensing sub-committee further recommends that regulatory services, including the highways licensing and enforcement team, are to inspect the licensed premises along Druid Street and take all appropriate enforcement action in respect of any regulatory breaches. The details all enforcement action is to also be reported back to the full committee on 2 October 2018.

Appeal rights

The applicant may appeal against any decision to modify the conditions of the licence; and

Any person who made relevant representations in relation to the application who desire to contend that:

- a) That variation ought not to have been made; or
- b) That, when varying the licence, the licensing authority ought not to have modified the conditions of 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: TAZZE GRILL, 22 CAMBERWELL CHURCH STREET, LONDON, SE5 8QU

The licensing officer presented their report. They advised that the individual in attendance was the applicant's business partner. The licensing officer contacted the applicant to ask that the applicant send an email confirming that the individual in attendance had permission to represent them at the meeting. The licensing officer advised that the police and environmental protection team had conciliated with the applicant.

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

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

Both parties were given five minutes for summing up.

The meeting adjourned at 3.33pm for the members to consider their decision.

The meeting resumed at 3.56pm and the chair advised all parties of the sub-committee's decision.

RESOLVED:

That the application made by Mr Sefatullah Rozikhel to vary a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Tazze Grill, 22 Camberwell Church Street, London SE5 8QU be granted for opening until 01.30 on Monday, Tuesday, Wednesday, 03:00 on Thursday, Friday and Saturday and 02:00 on Sunday subject to the following conditions:

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 environmental protection team during the conciliation process and the following additional conditions agreed by the sub-committee:

The opening hours have been granted subject to the following conditions:

1. That no food orders shall be accepted after 00.30 on Monday, Tuesday and Wednesday.
2. That no food orders shall be accepted after 02:00 on Thursday, Friday and Saturday.
3. That no food orders shall be accepted after 01:00 on Sunday.

Reasons

The licensing sub-committee heard from the applicant's representative Shiraz Kamawal (manager) who had written permission to speak on behalf of Mr Rozikhel. He confirmed that the applicant sought the additional hours to be able to prepare and finalise orders received just before their current closing time.

It was explained to the sub-committee that the premises would be closed during the additional hours and that only deliveries would be made. Drivers would remain inside the premises to reduce any noise.

The sub-committee heard representations from Licensing as a responsible authority, who stated that their objections to the original application had changed due to the reduction in hours requested, and that there was only to be deliveries during the extended hours.

The police and environmental protection team withdrew their representations and there were no representations from other persons.

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 to modify the conditions of the licence; and

Any person who made relevant representations in relation to the application who desire to contend that:

- a) That variation ought not to have been made; or
- b) That, when varying the licence, the licensing authority ought not to have modified the conditions of 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.

The meeting ended at 3.57pm.

CHAIR:

DATED: