

Licensing Sub-Committee

Minutes of the Licensing Sub-Committee held on Wednesday 7 November 2018 at 10.00 am at Ground Floor Meeting Room G02B - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Renata Hamvas (Chair)
Councillor Sirajul Islam
Councillor Lorraine Lauder MBE

OFFICER SUPPORT: Sharmistha Michaels, legal advisor
Dorcas Mills, licensing team
Jayne Tear, licensing team
Tim Murtagh, constitutional team

1. APOLOGIES

The Chair gave apologies for lateness due to severe traffic.

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

Supplemental Agenda No.1 had been circulated in advance of the meeting which contained updated representations from other persons.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. UNCOMMON - 1 LONG LANE, LONDON, SE1 4PG

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

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

The meeting adjourned at 11.58am and resumed at 12.07pm.

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

An other person objecting to the application addressed the sub-committee. Members had questions for the objector.

All parties were given five minutes for summing up.

The meeting adjourned at 12.37pm for the members to consider their decision.

The meeting resumed at 2.03pm and the chair advised all parties of the sub-committee's decision.

RESOLVED:

That the application made by CER Long Lane Ltd for a premises licence to be granted under s.17 of the Licensing Act 2003 in respect of the premises known as Uncommon, 1 Long Lane, London SE1 4PG is granted as follows:

The sale by retail of alcohol (on sales and off sales (subject to condition 15))
Monday to Friday 10:00 to 21:00 (except on private or corporate events 22:30)
Saturday and Sunday 10:00 to 21:00 (except on private or corporate events 22:30);

The provision of regulated entertainment in the form of live and recorded music, films and plays (except for terrace where condition 8 would apply)
Monday to Friday 08:00 to 23:00
Saturday and Sunday 10:00 to 22:00.

Conditions

In reaching this conclusion the sub-committee have taken into account the conditions proposed by the responsible authorities which were agreed by the applicant and in addition have added further conditions. For the sake of completeness these are set out in full below.

1. The premises are used by and available to the following:
 - (b) Members of Uncommon (whose use of the venues is then subject to house rules).
 - (c) Guests of members signed in by them (using the procedure set out in the house rules)
 - (d) Persons invited by Uncommon to private events organised by Uncommon (both members and others)
 - (e) Those attending a private/corporate function organised by a third party but

where Uncommon have let parts of the premise to that third party.

2. Access to the premises is controlled by key card entry or videophone access and there is a manned reception between the hours of 8am and 5 pm during the week. Outside of these teams there will be at least one person working at the premises at all times and part of whose role is to supervise the premises.
3. 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 used in the sale and consumption of alcohol and the 5th floor outside area.
4. That a member of staff should be on duty at all times between 8am and 6pm that is trained in the use of the CCTV and able to view and download images to a removable device.
5. That all CCTV footage shall be kept for a period of thirty-one days (31) days, maintained to a good working order and shall, upon request, be made immediately available to officers of the Police and council.
6. That all staff involved in the sale or service of alcohol are trained in their responsibilities under the Licensing Act 2003 and training records to be kept and updated every 6 months and shall upon request, be made immediately available to officers of the Police and the council.
7. A minimum of two SIA registered door supervisors will be engaged on the premises when the premises are in operation for a private event for members and others or corporate functions where more than 30 person are likely to attend or unless otherwise agreed with in the police licensing unit in writing. They will be employed at all times until the end of business and all patrons attending the event have vacated the premises they will be engaged to monitor admission and re-admissions to the premises, security, protection, screening and dealing with conflict.
8. The use of the outside terrace for the sale of alcohol shall cease at 8.30pm when in ordinary use and at 9.30 pm when used for an event (as per condition 1c and 1d) and the areas shall be cleared by 10pm and the doors closed.
9. Signage shall be displayed at the exit to the premises asking people to leave the premises quiet and respectfully.
10. The premises shall adopt and implement a written dispersal policy in relation to private events (as per condition 1c) or private or corporate events (as per condition 1d).
11. No bottles or refuse will be placed in the premises dedicated refuse area before 9am or after 8pm on any day.
12. The hours when licensable activities may be provided shall be limited to 10am to 9pm daily other than in relation to a private event (as per condition 1c) or a private or corporate event (as per condition 1d) when the hours shall be 10am to 10.30pm

daily.

13. The maximum number of private or corporate event per year (whether falling under condition 1c and 1d above) shall be 35.
14. The maximum number of guests invited to a private or corporate event (whether falling under condition 1c and 1d above) shall be 150 at other times the capacity limits for the licensed areas shall be as follows:
 - (a) Ground floor- shall not exceed 130 persons (excluding staff); and
 - (b) Basement- shall not exceed 160 persons (excluding staff).
15. Any off sales of alcohol shall be provided in sealed containers and taken away from the premises.
16. That appropriate signage to direct smokers to the right of main entrance as they leave the building be put up by the CER Long Lane Limited.
17. That appropriate signage to ask members and their guests to leave the property quietly.
18. That CER Long Lane Limited organise a bi-annual meeting with the local residents from the immediate area and community or faith groups and provide a single point of contact by way of phone number and email.
19. Any person attending an event will not use or be entitled to use the car park other than staff.
20. Attendance at events shall be for members, prospective members and their guests.
21. For the licensed basement areas windows cannot be opened when licensable activity takes place except in the event of emergency.
22. The rear entrance to the property is for card operated ingress and egress except in the event of an emergency.

Recommendation:

That CER Limited contact the local authority to see if it is possible to obtain the appropriate bin for the disposal of cigarettes and other refuse to be placed outside and to the right of the main entrance.

Reasons

The reasons for this decision are as follows:

The sub-committee heard first from the licensing officer who set out for the sub committee the documents for the meeting, any objections, and details of amended and agreed conditions and a dispersal policy provided by the applicant.

The sub-committee noted that the Metropolitan Police (Licensing Division), Public Health had all withdrawn their representations following additional conditions being agreed.

The sub-committee heard from the applicant, who set out that the premises currently operated as a shared working space for members, providing a work environment and facilities for those who wished to use them for business and work purposes. That the premises included a café from where it was intended to sell alcohol to members of Uncommon, who were using the working space. Also, for events organised by Uncommon or by members who wished to hire rooms for events and wished to purchase alcohol. He went on to say that by members, they were referring to those with whom Uncommon had a contract. He raised that fact that the building was not open to the general public and noted that there was a lack of objections from the police or any other statutory bodies.

Submissions were made regarding the statement of licensing policy (“the Policy”) and the property being in a CIP area. The applicant stated that he felt that they satisfied the criteria in the policy demonstrating that there will be no impact and gave examples of how Uncommon met these criteria. He explained that the premises were well-managed with key card use for access or intercom for entrance into the building. That the existing café had not caused any problems and was run well. That the promotional events had now been restricted to 35 occasions per year and licensing hours reduced. He addressed the issues of notice and stated that he had been the one to put up the notices and it had been an A4 notice. He addressed the objections that had been raised by residents and submitted that many of the objections were not relevant to the current licensing application and that the sub-committee might take comfort from the fact that there was a lack of statutory objections.

One of the sub-committee members asked about how Uncommon advertised its membership. In response the applicant stated that there were a series of brokers and social media for those who seek out an office space.

A second sub-committee member asked about access to the building and referred to the plans and the basement entrance. The response from the applicant was that this was key card only and mainly used by staff for access to the bike racks. Questions were asked in relation to basement windows and whether they were kept closed. The applicant responded that they could be kept closed. Questions were also asked regarding the need for the sale of alcohol to be taken off site. The applicant responded that they wished to enable members when they finished work to be able to purchase for example a bottle of wine to take home or if they wanted to take a bottle they had started on site then it would be resealed before they left the building.

The second sub-committee member stressed concerns about the premises being located close to a residential housing estate and the car park area being a shared space. She asked for clarification regarding the roof terrace and was referred to the pictures provided of the 5th floor of the building and referred to the amended proposed conditions.

The sub-committee then heard from a local resident on behalf of Madison Apartments. The resident stated that firstly she wanted to be clear that there was no general objection to the nature of the business and never had been. She went on to explain what the previous history of the building had been. She explained that the car park was a freehold for the Madison Apartments and there had historically been no issues with the previous occupants of 1 Long Lane. However, residents, particularly those who faced onto the car park, were being affected by noise nuisance from works being carried out at the site in the early hours. She gave examples such as the early morning dumping of rubbish, cleaners leaving in the early hours and conversing in the car park, contractors operating from the car park in the early morning. She commented on the position of the bike racks but was reminded by the second committee member that this was unfortunately not a matter that

could be dealt with in the Licensing application and was more of a planning issue. She stated that they had been having problems with people smoking near their building particularly during inclement weather and depositing their cigarettes into their planters and that when asked some had said they were from Uncommon. She mentioned that there had been unauthorised alterations to their building in that CCTV had been installed by Uncommon onto the Madison without permission. It was submitted that the behaviour and actions of Uncommon were not those of a considerate neighbour and not of a potential licence holder. It was noted by the ward councillor that many of these objections did not fall within the licensing objectives and again would be a planning matter. In conclusion it was submitted by the representative from the Madison Apartments that a license would only exacerbate this behaviour.

The second committee member raised the issue of smokers with the applicant. He responded that smokers were asked to smoke outside to the right of the building as they exited. That generally smoking was discouraged. The applicant also mentioned that the council had objected to rubbish being put on Tabard Street and that the area shown in the pictures was a designated area for collection for that reason.

The sub-committee heard brief representations from the licensing unit who set out the relevant criteria in the policy relating to CIP areas and stated that the new conditions and reduced operating hours and dispersal policy and accommodation limit addressed the concerns of the licensing unit.

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

This decision is open to appeal by either:

- a) The applicant for the review
- b) The premises licence holder
- c) Any other person who made relevant representations in relation to the application

Such appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the Magistrates' Court for the area within the period of 21 days beginning with the day on which the appellant was notified by this licensing authority of the decision.

This decision does not have effect until either

- a) The end of the period for appealing against this decision; or
- b) In the event of any notice of appeal being given, until the appeal is disposed of.

The meeting ended at 2.07pm

CHAIR:

DATED: