

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Monday 10 December 2018 at 10.00 am at Ground Floor Meeting Room G03 - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Renata Hamvas (Chair)
Councillor Sandra Rhule
Councillor Charlie Smith

OFFICER SUPPORT: Debra Allday, legal officer
Dorcas Mills, licensing officer
Jayne Tear, Licensing responsible authority officer
Richard Earis, environmental protection officer
P.C. Ian Clements, Metropolitan Police Service
Andrew Weir, constitutional officer

1. APOLOGIES

There were none.

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: VODAFONE SMALE HOUSE, 114 GREAT SUFFOLK STREET LONDON SE1 0SL

It was noted that this item had been conciliated.

6. LICENSING ACT 2003: MCDONALD'S, UNIT SU74 TOOLEY STREET WEST, LONDON BRIDGE STATION, LONDON SE1 2TF

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 Metropolitan Police Service representative addressed the sub-committee. Members had questions for the police.

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

The environmental protection officer addressed the sub-committee. Members had questions for the environmental protection officer.

All parties were given five minutes for summing up.

The meeting adjourned at 12.16pm for the members to consider their decision.

The meeting resumed at 12.45pm and the chair advised all parties of the decision.

RESOLVED

That the application made by Capital Arches Group Limited for a premises licence to be granted under s.17 of the Licensing Act 2003 in respect of the premises known as McDonald's Restaurants Unit 74 Tooley Street West, London Bridge Station, London SE1 2TF is granted as follows:

- Late Night Refreshment
 - Sunday to Thursday from 23:00 to 00:00
 - Friday and Saturday from 23:00 to 01:00.

Conditions

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

1. 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.

2. 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.
3. That a staff member who is able to operate the CCTV system shall be present at all times that they are open to the public.
4. That at least four litter picks are carried out before 16.00 each day and thereafter every two hours until 30 minutes after closing subject to a risk assessment of the litter pick routes after dark.
5. That there shall be no more than 40 people excluding staff in the public area of the premises.
6. That the written dispersal policy shall be kept at the premises with the licence and made available for inspection by authorised council officers or the police and that all relevant staff shall be trained in the implementation of the dispersal policy.
7. That deliveries to the premises and waste disposal will be made through London Bridge Station.
8. That a minimum of 1 SIA registered officer is employed between 22:30 and 01:30 on Fridays and Saturdays with a risk assessment to be carried out on the need of further SIA registered officers/wardens when the premises operate beyond 00:00 until 30 minutes after the end of late night refreshment activities.

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 will operate as a restaurant selling food and non-alcoholic drinks for consumption off the premises. The applicant had conciliated with the Metropolitan Police Service and the parties had largely come to an agreement. The only two matters outstanding were whether the application should be rejected outright for falling within the Bankside cumulative impact policy (CIP) area and the applicant had failed to rebut the presumption to refuse the application and secondly, whether the sub-committee would grant the amended hours of Sunday to Thursday 00:00 and Friday and Saturdays 01:00.

The representative for the applicant then amplified the details contained in the operating schedule which the rebuttal presumption and then addressed the remaining responsible authorities concerns. In particular, they advised that the police as crime and disorder experts had withdrawn and that the responsible authorities outstanding concerns of crime and disorder were largely redundant.

The licensing sub-committee then heard from the Metropolitan Police Service officer who confirmed that the applicant had agreed to include preferred CCTV condition wording and had since withdrawn his representation.

The licensing sub-committee heard from the officer for licensing as a responsible authority who reminded the members that the premises were situated in the Borough and Bankside

cumulative impact policy (CIP) area which, under Southwark's statement of licensing policy 2016-2020 applies to night clubs, public houses and bars, restaurants and cafes, off-licences, supermarkets, convenience stores and similar premises.

They further added that there was a rebuttable presumption that applications for new premises licenses are likely to add to the existing cumulative impact and normally would be refused or subject to limitations. The officer was of the view that the applicant had failed to demonstrate that the premises would not further contribute to the negative local cumulative impact on any of the licensing objectives and therefore should be refused in the first instance. Furthermore, the Introduction section of the applicant's operating schedule (page 57 of the agenda) provides: "Until approximately 2 years ago there was a McDonalds restaurant situated nearby in St Thomas Street. The restaurant was closed and relocated in order to make way for the installation of a Science Gallery....". If the premises is truly a replacement for the premises previously at St Thomas Street, the hours should reflect those that they had, being Monday to Sunday 23:00 to 00:00.

The licensing sub-committee heard from the environmental protection team officer who concurred with the licensing responsible officer's views. The officer also raised concern that the applicant had failed to sufficient address litter patrol arrangements, how noise from patrons consuming food in immediate vicinity would be contained and managed and whether the premises would accept delivery orders after 23:00 and how the noise from delivery drivers would be managed.

This premises has relocated from St Thomas Street, which closed two years ago as part of the current re-development of the London Bridge train and tube stations. The applicant and franchisee for the premises Capital Arches Group Limited is responsible for 23 other McDonald's premises in central, west London and City of London. Twenty of the premises provide late-night refreshment and seven operate 24/7. The licensing sub-committee therefore accepts that the applicant has considerable experience in their duties under the Licensing Act 2003 concerning the responsibility for staff, customers and the local communities within which they operate. The systems in place appear robust and promote the four licensing objectives. However, because this is a new premises (albeit relocated), the sub-committee would be unwilling to grant a licence until 05:00 as the proposed systems would not have been tested and where necessary adapted, for the needs of the premises and local community in an area that has changed significantly in recent years.

The applicant's representative advised that it was their intention to submit a series of temporary event notices (TENs) to demonstrate it's capability in run the premises as part of the full night time economy. The responsible authorities will be notified of the TENs timetable. A further application for extended late night refreshment would be made in Autumn 2019. The licensing sub-committee advised that it would expect the premises to maximise the TENs with the largest possible audience, so would need to liaise with Network Rail as to when works are due to be carried out as this would impact on the number of patrons attracted to the premises.

There was some discussion concerning the impact food order applications (i.e Uber eats etc.) may have on the Borough and Bankside CIP, particularly if the plans to close Tooley Street proceed. The licensing sub-committee therefore recommends that a study regarding this feeds into this as part of the 2019 partnership analysis.

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.

The meeting ended at 12.50pm

CHAIR:

DATED: