

## Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 12 September 2019 at 10.00 am at Room G06 - 160 Tooley Street, London SE1 2QH

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**PRESENT:** Councillor Renata Hamvas (Chair)  
Councillor Barrie Hargrove  
Councillor Charlie Smith

**OFFICER SUPPORT:** Joanne Shilton, legal officer  
Dorcas Mills, licensing officer  
Jayne Tear, licensing responsible authority officer  
Clizia Deidda, public health 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: BERMONDSEY ARTS CLUB, 102A TOWER BRIDGE ROAD, LONDON SE1 4TP**

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

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

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

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

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

All parties were given five minutes for summing up.

The meeting adjourned at 11.33am for the sub-committee to consider its decision.

The meeting reconvened at 12.08pm and the chair advised all parties of the decision.

**RESOLVED:**

That the application made by Bermondsey Arts Club for a premises licence to be varied under Section 34 of the Licensing Act 2003 in respect of the premises known as Bermondsey Arts Club, 102A Tower Bridge Road, London SE1 4TP be granted as follows:

The sale of alcohol to be consumed on the premises	Monday to Sunday from 09:00 to 03:30
Recorded Music	Monday to Sunday from 09:00 to 03:30
Opening Hours	Monday to Sunday from 09:00 to 04:00

**Conditions**

1. That there shall be no admittance or re-admittance to the premises after 02:30.
2. That there shall be a maximum capacity of 80 people in the premises at any one time, including staff.
3. That there shall be a dispersal policy for the premises agreed by an authorised officer of the London Borough of Southwark Licensing Department.
4. That all staff shall be provided with appropriate training in the implementation of the dispersal policy.
5. That there shall be no externally promoted DJ led events.
6. That amplified music shall cease at 02:30.

7. That a CCTV system 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.
8. That all CCTV footage be kept for a period of 31 days and shall on request be made immediately available to officers of the police and the council.
9. That a member of staff should be on duty at all times the premises is open that are trained in the use of the CCTV and able to view and download images to a removable device on request of Police or council officers.
10. That all staff 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 officer or the Police and the Council.

### **Reasons**

The reasons for the decision are as follows:

The licensing sub-committee heard from the applicant who stated that he had now reduced the opening hours in his application from the original application of 09:00 - 05:00 to 09:00 - 04:00 with the hours for licensable activities being 09:00 – 03:30.

In addition the applicant confirmed that they were happy for condition 4AD, in relation to SIA staff, to remain as it is in the current licence conditions.

The applicant advised that the premises are a reasonably small premises with a capacity of 80 people which has been in operation with a terminal hour of 02.30am since 2014 without any complaints or issues.

They advised that they play jazz music on Wednesdays and Thursdays and offer a seated environment with table service for drinks and that they are mainly aimed at the artistic community.

The applicant highlighted that there were no complaints from local residents and no objections from local residents regarding this variation application.

The applicant confirmed that they already adopt control measures which are incorporated within their current licence conditions to assist in promoting the licensing objectives, for example they ensure that signs are prominently displayed in the premises and that no more than five people are permitted outside to smoke after 23:00.

The applicant stated that their track record over the last five years and recent temporary event notice, which total 20 events since 2018 demonstrated that they are capable of operating responsible premises in accordance with their obligations under the Licensing Act 2003.

The licensing sub-committee heard from the Metropolitan Police Service who advised that the application for the variation of the licensing hours should be rejected and highlighted that the hours applied for were later than the recommended hours as detailed in Southwark's licensing policy.

They confirmed that their initial concerns with the CCTV and SIA security had been addressed through discussion with the applicant and the addition of the suggested conditions which are now imposed above.

The police stated that whilst the reduction in the hours was a positive move forward they were concerned that the additional hours may add to the crime and disorder in the area rather than promoting the prevention of crime and disorder licensing objective.

The police confirmed that they were not aware of any complaints against the premises under the current licence.

The licensing sub-committee heard from public health who advised that the application for a variation of the premises operating hours should be rejected as that the premises was located close to a residential area local schools and that studies (referred to in the objection forming part of the report) had shown links between additional hours of opening times of premises selling alcohol and increase in violent crime and alcohol related injuries.

The licensing sub committee heard from the licensing authority who advised that the application for variation of the premises operating hours should be rejected because the premises was in a residential area and that if the premises were permitted to operate to the extended hours the officer had concerns that the premises would be similar to a nightclub operation.

The licensing officer also highlighted that the requested hours were outside the hours recommended in the licensing policy.

The licensing officer also expressed concerns that the premises did not have a dispersal policy, a capacity limit or a restriction on admittance or re-admittance and in the event that the variation was granted, suggested that these issues should be dealt with by way of conditions.

The members of the sub-committee were satisfied that the nature of the premises, being a relatively small cocktail bar and arts venue with table service, situated below ground, along with the numerous conditions attached to the licence were sufficient for this variation to be granted.

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 the 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 12.13pm.

**CHAIR:**

**DATED:**