



## Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 15 February 2024 at 10.00 am at Online/Virtual

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**PRESENT:** Councillor Ian Wingfield (in the chair)  
Councillor Margy Newens  
Councillor Charlie Smith

**OTHER MEMBERS PRESENT:** Councillor Sam Dalton  
Councillor Rachel Bentley

**OTHER AUTHORITIES PRESENT:** P.C. Ian Clements, Metropolitan Police Service

**OFFICER SUPPORT:** Charlotte Precious, Legal officer  
David Franklin, licensing officer  
Wesley McArthur, licensing responsible authority officer  
Andrew Weir, constitutional officer

### 1. ELECTION OF CHAIR

The clerk opened the meeting at 10.05am.

Councillor Ian Wingfield was nominated by Councillor Margy Newens to be the chair for the meeting. This was seconded by Councillor Charlie Smith.

The meeting adjourned at 10.11am to allow members of the public to join the meeting. The meeting then reconvened at 10.16am.

### 2. APOLOGIES

The chair explained to the participants and observers how the meeting would run.

Everyone then introduced themselves.

There were no apologies for absence.

**3. CONFIRMATION OF VOTING MEMBERS**

The voting members were confirmed verbally, one at a time.

**4. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT**

The voting members were confirmed verbally, one at a time.

**5. DISCLOSURE OF INTERESTS AND DISPENSATIONS**

There were none.

**6. LICENSING ACT 2003: MASQ LONDON, 201 TOOLEY STREET, LONDON SE1 2JX**

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

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

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

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

The licensing sub-committee heard from two ward councillors. Members had no questions for the ward councillors.

The licensing sub-committee heard from other persons objecting to the application. Members had questions for the other persons.

The sub-committee noted the written representations of the other persons who were not present at the meeting.

All parties were given up to five minutes for summing up.

The meeting adjourned at 12.22pm for the sub-committee to consider

The meeting reconvened at 12.52pm and the chair advised everyone of the decision.

## **RESOLVED:**

That the application made by Masq London for a premises licence to be varied under Section 34 of the Licensing Act 2003 in respect of the premises known as Masq London, 201 Tooley Street, London SE1 2JX be refused.

### **Reasons**

This was an application made by Masq London for a premises licence to be varied. The applicant submitted late representations to the licensing sub-committee at the start of the hearing, an other party objected to their inclusion and so, in accordance with Regulation 18 of the Licensing Act 2003 (Hearings) Regulations 2005, they could not be taken into consideration.

The applicant also submitted late representations the previous evening to responsible authorities and other persons by way of conciliation. A number of other parties raised that they had not had time to consider the late representations and objected to their inclusion as a whole. Regulation 18 states the authority *may* take into account representations produced before the hearing and the Revised Guidance issued under Section 182 of the Licensing Act 2003 reflects the need for parties to have sufficient time to consider information.

Given the length of the representations, and the late hour at which they were submitted, it was not in the interests of justice or fairness for them to be circulated to the sub-committee. However, it was agreed between all parties that the applicant would be given time to read out the additional proposed conditions they had drafted when giving their closing statement.

The licensing officer pointed out that many of the issues raised by the residents concerned people being in the streets late at night, it was suggested that this correlates with temporary event notices (TENs) that have been held at the premises. The appendices lists several complaints the council received, some of which were received the week following the weekend of a TENs, a list of TENs applications was also included in the appendices.

The licensing sub-committee heard from the applicant who raised concerns that the residents' complaints follow the same template and that there was no unique or individual complaint. They explained the local residents were their top priority, they also aimed to make the local area a better place.

The applicant explained they applied for an extension to their licence to make their business as a restaurant more complete. After considering the complaints raised by residents, they added many points to their house security and in house checks regarding the exiting of clients.

They stated they were testing the system as they go but would like to test it further if a later licence is granted. Security would be more visible around the local vicinity and they intended to provide a taxi shuttle service to prevent people hanging

around the premises. They intended to work with City Cars, a local company, to pick customers up and drop them wherever they needed to go. They would also make sure there is one member of staff who liaises with all clients as they entered and exited. They later clarified the deal was still being finalised but was one of their biggest focuses at present. There would also be an SIA registered security officer in a high visibility vest with extensive public transport knowledge to liaise and guide people in respect of busses and trains and what direction to travel in.

The premises described themselves as an ethnic African restaurant, primarily serving people of African Caribbean background who tend to eat later, drink later and leave the premises later. Patrons were able visit for a drink if they pre-booked a drinking table, they would then then be allocated a seating area and could drink, have a cocktail, or purchase a bottle of wine or spirit. The premises explained that they encouraged the purchase of bottles of spirits rather than lots of small drinks as it enabled customers to allocate their drinks to their guests which encouraged responsible drinking.

The licensing sub-committee then heard from the representative from the Metropolitan Police Service who are the experts on the prevention of crime and disorder. They made it clear they objected to the application in full. They highlighted the appendices lists visits to the premises and a number of complaints received from local residents.

The representative for the police stated the current hours were causing problems and longer hours would only cause more. They suggested the applicant implement the proposed changes and then return to the sub-committee at a later date if those changes had a good effect, they also advanced a list of possible conditions should the sub-committee be minded to grant the application despite their objection. The applicant confirmed they would be prepared to accept all but one of these conditions, namely the condition limiting the supply of alcohol to people taking a table meal.

The licensing sub-committee heard from licensing as a responsible authority, experts on all four of the licensing objectives. They maintained their objection in respect of the prevention of public nuisance and the prevention of crime and disorder objectives. Whilst the terminal hours were congruent with the terminal hours recommended within Southwark's statement of licensing policy 2021-2026 (SoLP), the premises had been subject to 15 complaints as stated within the report (para 55).

Whilst the complaints were unsubstantiated, in that they could not be investigated at the time they were received, it did not mean they did not occur. They contended the complaints were indicative of the operation of the premises causing residual problems in the locale and that extending the operating hours of the premises could lead to the local residents being affected later into the night.

They also suggested a list of possible conditions should the sub-committee be minded to grant the application. The applicant confirmed they would be prepared to

accept all suggested conditions, albeit with an amendment to the condition relating to SIA registered staff, to not include Sundays.

The licensing sub-committee noted the 48 representations from other persons objecting to the application and the images provided as evidence of their complaints. 16 were in attendance at the hearing and had arranged for two specific objectors to speak on their behalf.

They detailed significant public nuisance and increased crime and disorder resulting from the premises, they explained it wasn't uncommon for residents to be woken twice or more during the night resulting from the arrival and departure of patrons. Patrons congregated in large groups outside the venue and their vehicles, partying until 04:00-05:00 hours, after the venue had closed. Additionally, car stereos were played at high volume with patrons shouting, joy riding on e-bikes and fighting (on at least one occasion) with a knife. Some patrons engaged in excessive alcohol consumption and drug use as well as urinating and vomiting on the streets.

The residents stated there had been little or no attempt from the premises to engage with them and they considered it clear that the patrons were from Masq, as evidenced in the videos and photographic evidence submitted with their initial representations. Residents would also find Masq cups littering the streets the morning after disturbances.

The sub-committee also heard from two ward councillors who objected to the application, they stated the concerns raised by residents were persistent, regular and serious. They detailed the regular public nuisance residents have faced, along with hostility when it is raised. Fights in the street, drug taking and littering raised the licensing objectives of the prevention of crime and disorder as well as the promotion of public safety.

They also spoke in respect of the need to protect children as residents described glass and drug paraphernalia in the local streets the morning after the premises had been open. They welcomed the conditions put forward but also urged the need for the premises to show they can manage the issues complained about with the existing hours before any extension is considered.

The sub-committee noted that 11 licensing visits had been made to the premises and two warning letters were issued after the premises were found to be in breach of their licence conditions.

The licensing sub-committee considered the application and was extremely concerned with the strength of the complaints and objections received. They considered the premises hadn't taken the residents' concerns seriously; rather than appreciating the strength of 48 complaints and that their similarity reflected many people suffering the same issues, the venue seemed to consider this a reason to question the validity of the objections, describing themselves as a scapegoat within their closing statement.

The sub-committee considered the photos submitted by residents clearly showed those loitering in the locale and on the road had originated from the premises, they also raised strong public safety concerns.

Many premises engage with residents regularly and have a direct telephone number for them to contact at any time in order to address issues as and when they arise. It was noted that the residents reported little, if any, engagement from the premises and it is recommended that the premises consider what progress can be made in respect of this as it could go some way to understanding and addressing residents' concerns.

A number of the complaints received by licensing corresponded with when the premises were operating under a TENs and remaining open until a later hour. Whilst TENs are a different regime, the Sub-Committee considered them to be an indication of potential future complaints, should the premises' operating hours be extended.

The sub-committee were concerned with the premises' stance in respect of responsible drinking by offering patrons the opportunity to purchase bottles of spirits. By offering patrons measures of 25ml or 50ml, a premises maintains oversight of consumption and the premises is able to promote the licensing objectives. By contrast, when supplying an entire bottle of spirit to a table of patrons, it would be difficult to monitor and control the amount each patron is consuming.

The sub-committee gave careful consideration to the representations made by the applicant, and all of the conditions that were suggested. The dispersal policy evolved throughout the meeting in order to adjust to committee members questions and remained untested. The proposal in respect of the taxi service raised concerns in that cars would still take up parking space within the local area, waiting for patrons to exit the premises, or waiting to be called. By continuously picking up and dropping off patrons there is also the potential for continued disruption to local residents. As the applicant stated, the proposal was still being finalised and was yet to be tested, it was therefore not clear if it would sufficiently address complaints and promote the licensing objectives.

Both responsible authorities made it clear they were not prepared to conciliate and the complaints arising as a result of TENs as well as the considerable amount of local objection to the application demonstrated the potential negative impact on the local community.

The sub-committee felt the premises had not demonstrated that they were able to operate to a later hour in a way that would further the licensing objectives. The conditions suggested by the responsible authorities and the applicant did not alleviate the sub-committee's concerns, they remained untested and so the sub-committee could not be confident they would prevent the public nuisance and crime and disorder that residents were experiencing.

The sub-committee would need to see a period of stability, engagement and less complaints; should the premises be able to show this at a future date, the committee may reach a different decision.

In reaching this decision, the sub-committee had regard to all the relevant considerations, the four licensing objectives and the public sector equality duties 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) The variation ought not to be granted; 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.

Meeting ended at 12.56pm.

**CHAIR:**

**DATED:**