

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 2 February 2012 at 10.00 am at Ground Floor Meeting Room G02B - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Sunil Chopra
Councillor Adele Morris
Councillor the Right Revd Emmanuel Oyewole

OTHERS PRESENT: Victoria Melles-Sawyers, applicant
Jose Huet, applicant
Shilpa Mathuradas, applicant's solicitor
Mick Larkin, objector
Patrick Voss, objector

OFFICER SUPPORT: Dorcas Mills, licensing officer,
David Perry, legal officer,
Virginia Wynn-Jones, 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

Additional information relating to John Smith House was circulated to members and interested parties prior to the meeting.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. PAYLESS, 94-96 PECKHAM ROAD, LONDON SE15 5PY

This application was withdrawn at the request of the applicant.

6. JOHN SMITH HOUSE, 144-152 WALWORTH ROAD, LONDON SE17 1JL

The licensing officer presented her report. The members had no questions for the officer.

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

The local residents then addressed the sub-committee. Members had questions for the local residents.

All parties were given five minutes to sum up. At 11.56am the meeting went into closed session to consider the application.

At 12.52pm the meeting resumed and the chair read out the decision as follows:

RESOLVED:

That the application by Safestay Limited for a grant of a Premises Licence issued under the Licensing Act 2003 in respect of John Smith House, 144-152 Walworth Road, London, SE17 1JL is granted as follows:

Licensable Activity	Mon – Sun
Sale and supply of alcohol on the premises only (Limited to areas outlined in red on plan submitted with application)	24 hours
Opening hours	24 hours

In addition to the decision as above, the following conditions will apply:

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 an image of every person who enters the premises and cover both inside and outside of 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 the rear beer garden will not be used for the consumption of alcohol or other beverages after 22:30 hours.
4. The sale and supply of alcohol should be restricted to resident customers and their guests, the sale and supply of alcohol to guests should be restricted to 23:30 after which only resident customers will be able to obtain alcohol. Those persons who are not residents should leave the premises no later than 00:00.
5. The sale and supply of alcohol on the lower ground floor will only take place between 11:30 hours and 23:30 hours on Monday to Saturday and 12:00 hours to 22:30 hours on Sunday.
6. There will be no access to the rear garden on the lower ground floor after 22:30

hours.

7. A telephone number for the management will be prominently displayed at the premises.
8. Prominent, clear and legible notices will be displayed at all exits requesting that the needs of local residents are respected and asking people to leave quietly.

Reasons

The licensing sub-committee heard from the applicant and its representative, and two local residents in person.

The sub-committee also considered all the written representations received from local residents.

Additional information was received from the applicant and one local resident prior to the hearing, and this was also noted by the sub-committee.

The sub-committee noted that the applicant had agreed to all the conditions proposed by the police, and that these now formed part of the application. It was also noted that as a result the police and environmental protection team had withdrawn their representations in relation to crime and disorder and public nuisance.

The sub-committee heard from a local resident about concerns over the capacity of the premises, the target clientele and the issues with crime in the area. There were also concerns of noise from people using the premises, and how the bar would be operated. The sub-committee noted these concerns, although they were advised that some were planning issues and not relevant to the licensing objectives.

The sub-committee heard from one resident that the rear garden of the premises backed onto a number of residential flats, and that the design amplified any noise generated. He also told the sub-committee that there were issues with noise from the student accommodation which had a similar garden setup. From 10.00pm onwards he told the sub-committee that noise from the garden was a significant concern for residents, and that even with double glazing the sound carried into the residential properties. He also had concerns about people accessing the garden from the lower ground floor bar area, for example to smoke.

There were concerns from local residents about large numbers of people using the bar area to consume alcohol on a 24 hour basis, and the potential for crime and disorder and noise nuisance associated with this.

The sub-committee heard from the applicant that the bar in the lower ground floor area would be open to guests and the public from 11.30am to 11.30pm (12.00pm to 10.30pm on Sunday), and that it was willing to restrict sales of alcohol in that area to those hours. The sub-committee also heard that access to the hotel was keycard controlled and that residents would require a keycard and receipts to prove that they were staying at the premises.

The applicant also stated that the bar area would not be marketed or run to cater for non-

residents, and there would be no nightclub style events.

Having heard all representations the sub-committee decided to grant the application subject to conditions.

The sub-committee felt that it was both proportionate and necessary to add a condition to the licence specifying how and when the lower ground floor bar could be used, in order to promote the licensing objectives of crime and disorder, and address the issues raised by the local residents.

The sub-committee therefore felt it was appropriate to impose the following additional condition:

- The sale and supply of alcohol on the lower ground floor will only take place between 11:30 hours and 23:30 hours on Monday to Saturday and 12:00 hours to 22:30 hours on Sunday.

Given the concerns over noise from the beer garden, and the representations heard from the local resident, the sub-committee felt it was necessary and proportionate to impose the following conditions to address public nuisance concerns:

- There will be no access to the rear garden on the lower ground floor after 22:30 hours
- A telephone number for the management will be prominently displayed at the premises
- Prominent, clear and legible notices will be displayed at all exits requesting that the needs of local residents are respected and asking people to leave quietly.

For those reasons the sub-committee also felt it was appropriate to amend one of the conditions agreed with the police as follows:

- That the rear garden will not be used for the consumption of alcohol or other beverages after 22:30 hours.

Appeal Rights

That the licensee and any person who made relevant representations in relation to the application may appeal against the decision. Any appeal must be made to the magistrate court for the petty sessions area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the designated officer 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 closed at 1.00pm.

CHAIR:

DATED: