



## Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Friday 6 December 2013 at 10.00 am at Ground Floor Meeting Room G02B - 160 Tooley Street, London SE1 2QH

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- PRESENT:** Councillor Renata Hamvas (Chair)  
Councillor Lorraine Lauder MBE  
Councillor The Right Revd Emmanuel Oyewole
- OTHERS PRESENT:** Omo Ayoade, representative from Club Couture  
Graham Hopkins, legal representative for Club Couture  
Councillor Mark Williams, ward councillor  
P.C. Ian Clements, Metropolitan Police Service  
Robert Morris, local resident  
N.W. Roskill, local resident  
Julie Ruskin, local resident  
Hilary Eastman, local resident  
Douglas Eastman, local resident  
James Bowling, local resident
- OFFICER SUPPORT:** Joanne Devlin, legal officer  
Dorcas Mills, licensing officer  
Mark Prickett, environmental protection officer  
David Swaby, licensing officer representing the council as a responsible authority  
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

The chair agreed to accept the late supplemental papers for item 5: Club Couture, ground

floor and basement, 58A Camberwell Church Street, London SE5 8QZ as late and urgent.

#### **4. DISCLOSURE OF INTERESTS AND DISPENSATIONS**

There were none.

#### **5. LICENSING ACT 2003 - CLUB COUTURE, GROUND FLOOR AND BASEMENT, 58A CAMBERWELL CHURCH STREET, LONDON SE5 8QZ**

The licensing officer introduced the report.

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

The Metropolitan Police Service addressed the sub-committee. Members had questions of the police licensing officer.

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

Other persons addressed the sub-committee. Members had questions of the other persons.

A ward councillor addressed the sub-committee. Members had questions of the ward councillor.

The licensee's representative addressed the sub-committee. Members had questions of the licensee's representative.

The sub-committee went into closed session at 12.20pm.

The sub-committee reconvened at 2.34pm and the chair read out the decision.

#### **RESOLVED:**

The council's licensing sub-committee, having had regard to the application by environmental protection team for a review of the premises granted under the Licensing Act 2003 to OHMS ENT Limited in respect of the premises known as Club Couture, 58a Camberwell Church Street, London SE5 and having had regard also to all other relevant representations has decided it necessary for the promotion of the licensing objectives to revoke the licence.

#### **Reasons**

This was a review hearing submitted by the council's environmental team and supported by the Metropolitan Police Service in addition to 16 representations. The review was raised on the grounds of prevention of public nuisance. The licensing sub-committee heard evidence from the environmental protection officer, who expressed concern with a number of complaints and incidents of disorder and rowdy behaviour by patrons related to

the premises. He stated that there were 13 complaints from four different households since March 2013, and a statutory noise nuisance notice had also been served on the premises. He further highlighted various conditions of the licence had been breached, including condition 841, where it had been witnessed that there were in excess of seven patrons outside the premises at any one time, furthermore that alcohol had been served beyond the permitted hours and patrons permitted entry beyond the terminal hour.

He also referred to the various complaints as noted within the report, illustrating the licence holder's persistent breaches of the licensing conditions and further showing little or no regard to their neighbours, further demonstrated by the various complaints of noise nuisance received beyond the premises' operating hours.

The environmental protection officer's review was also supported by the Metropolitan Police Service, who had also received complaints regarding the operation of the premises; in particular noise caused by patrons outside the premises and operation beyond the agreed terminal hour. The police referred to an event on 19 October 2013, whereby they witnessed patrons being permitted entry to the premises beyond the licensable hours; police submitted that police spoke directly to the license holder, and security staff refused entry to uniformed police officers. The police further stated that the current operation of the premises was having a clear detrimental effect on the living standards of residents, and gave their full agreement and support for the revocation of the licence.

The council also heard from the licensing authority, who stated that they considered there were clear management issues with the premises. In doing so, he referred to the premises licence review which was considered in June 2006. Although an appeal was made to the magistrates' court and upheld on the basis that management had put in place measures to alleviate concerns for crime and disorder and public safety; however, he submitted that since this time the premises do not appear to be operating in a responsible way and in compliance with the licensing conditions and objectives, and therefore he supported the application to revoke the licence.

The sub-committee also heard from residents who stated that the public nuisance had increased as a result of the premises' failure to comply with the licensing conditions since 2010, and noted that such issues appeared to be as a result of failure to manage individuals outside the premises, either while smoking or leaving the premises. The residents highlighted that the issues continued throughout the night and into the morning, and therefore suggested a breach of the licensed hours. Residents further referred to their submissions contained within the licensing report, which set out a series of in excess of 20 incidents, including yelling and loud noise by patrons outside the premises and thumping music. Residents stated that there was a consistent pattern of public nuisance whereby their nights are routinely disturbed as a result of the premises, and they could therefore see no alternative but to support the application to revoke the licence.

The sub-committee heard from the licence holder's representative, who stated that he did not consider there was sufficient evidence to consider revocation or suspension of the licence, and that he understood that the premises had a noise limiter; and further stated that there was no evidence of criminality as a direct association with the premises. He stated that he did not consider that the responsible authority had sought to engage with the licence holder, and said that the licence holder had not received letters referred to in the environmental protection team's submission to the sub-committee. Despite hearing the representations, he stated that he did not consider that there was evidence of music

being a problem, and highlighted that the appeal was upheld in 2006 and that the review has not been brought due to violence.

The sub-committee also heard directly from the licensee, who stated that he felt that the premises were a legitimate business with responsible management, and he did not feel there were any issues until they were brought to his attention. He further stated that he wanted to engage with the responsible agents and local residents, and stated that whilst there was an abatement notice served on the premises, he is currently appealing this to the magistrates' court. He submitted that he did not consider that the breaches of the conditions happened.

The licensing sub-committee considered the evidence and concluded that the licence holder is not taking responsibility to fulfill his obligations under his licence, this was in view of the 16 representations received from local residents and ward councillors supporting the application, and various complaints about the premises to the night time economy team, and evidence provided demonstrating a wilful disregard of the licensing objective as matters had been going on for a significant time.

### **Appeal rights**

This decision is open to appeal by either:

- a) The applicant for the review;
- b) The premises licence holder; or
- 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' chief executive 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 closed at 2.40pm.

**CHAIR:**

**DATED:**