

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Friday 8 August 2014 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

PRESENT:	Councillor Renata Hamvas (Chair) Councillor Sunny Lambe Councillor Sandra Rhule
OTHERS PRESENT:	Kazi Abdul, applicant from Thomas A Beckett Kashim Abdul, applicant from Thomas A Beckett Victoria Mawson, applicant from Jacks P.C. Ian Clements, Metropolitan Police Service
OFFICER SUPPORT:	Cynthia Barrientos, legal officer David Franklin, licensing officer David Swaby, licensing officer Fabien Simms, licensing officer (observing) Mark Prickett, environmental protection officer Sarah Newman, environmental protection team 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.

The chair advised that the order of business would be varied to hear item 6 first.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003: THOMAS A BECKETT, 320-322 OLD KENT ROAD, LONDON SE1 5UE

The licensing officer presented their report and circulated additional documents from the applicant. Members had no 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 representative.

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 licensing sub-committee went into closed session at 12.25pm.

The licensing sub-committee resumed at 1.30pm and the chair read out the decision of the sub-committee.

RESOLVED:

That the application by Thomas Becket Leisure Investment Limited for a variation of a premises licence issued under the Licensing Act 2003 in respect of Thomas A Beckett 320 - 322 Old Kent Road, London SE1 5UE be granted in part as follows:

	Sunday to Thursday	Friday	Saturday
Live music	12.00 to 05.00	12.00 to 05.00	07.00 to 05.30
Recorded music	12.00 to 05.00	12.00 to 05.00	07.00 to 05.30
Dancing	12.00 to 05.00	12.00 to 05.00	07.00 to 05.30
Latenight refreshment (Sunday only)	23.00 to 05.00	23.00 to 05.00	23.00 to 05.30
Supply of alcohol on and off the premises	10.00 to 05.00	10.00 to 05.00	07.00 to 05.30
Opening Hours of premises	10.00 to 05.30	10.00 to 05.30	07.00 to 06.00

Non-standard timings	To have all public holidays and Bank holidays treated as weekend licensable activities and operating hours permitted.
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Conditions

1. That before the premises license can take effect a sound limiting device shall be installed and using a qualified sound engineer shall set maximum volume and bass levels to ensure that any music, speech or song from licensed entertainment is not audible in the residential premises above or will cause a public nuisance in the vicinity of the premises.
2. That the sound limiting device be maintained at the set level there-after.
3. That should there be any change to the equipment involved in the broadcast or limiting of sound from licensed entertainment that the sound limiters be re-set, using a qualified sound engineer, to ensure that any music, speech or song from licensed entertainment is not audible in nearby residential premises or will cause a public nuisance in the vicinity of the premises.
4. That all speakers for the broadcast of sound shall be isolated from the structure of the premises by anti-vibration mountings or mats.
5. That any additional amplification equipment imported on to the premises by third parties be connected to and use the sound limited circuit wherever possible.
6. That no additional front-of-house amplification shall be imported onto the premises by third parties.
7. Live music performers may bring backline amplification onto the premises subject to the following limitations:
 - Guitar amplifiers: no more than one speaker cabinet per performer, containing no more than two speakers of up to 12" diameter.
 - Bass and keyboard amplifiers: no more than one speaker cabinet per performer, containing no more than one speaker of diameter 15", or no more than two speakers of diameter 12", or no more than 4 speakers of diameter up to 10".
8. That loud acoustic instruments (for example brass, drums, pipes, etc.) shall be muted or muffled.
9. That there shall be no more than 6 persons permitted on the frontage to smoke between 07.00 and 22.00. Smokers shall use the rear smoking area at all other times.
10. That external waste handling, collections, deliveries (including performer's equipment) and the cleaning of external areas shall only occur between the hours of 07.00 and 22.00.
11. That all exit doors for patrons will be fitted with clearly legible, noticeable signs requesting that patrons leave quietly.

12. That the premises will operate a cab ordering service for patrons and permit them to wait inside the premises until they are picked up.
13. That when licensed entertainment is taking place all doors, lobby doors and windows shall remain closed (except for access or egress).
14. That before the premises license can take effect the applicant shall submit details of the noise insulation and containment proposed for the premises, for approval by the licensing authority, and shall have undertaken all the approved works.
15. That before the premises license can take effect all entrance doors and acoustic lobby doors shall be fitted with self-closers (in accordance with BS 6459 Pt. 1 1984), flexible seals and brushes.
16. That condition 308 be varied to read that there shall be no new entry or re-entry to the premises after 03.30 where the terminal hour is 5.30 and no new entry or re-entry after 04.00 when the terminal hour is 06.00.

Reasons

This was an application by Thomas Becket Leisure Investment Limited for a variation of a Premises Licence issued under the Licensing Act 2003 in respect of Thomas A Beckett 320 - 322 Old Kent Road, London SE1 5UE.

The licensing sub-committee heard evidence from the applicant who advised that the intention of the variation application was to ensure that they were a competitive business and also to ensure greater safety of their patrons.

The applicant had advised that the last entry at 02.00 had caused problems as some people who were refused entry after this time congregated outside the premises and had caused nuisance.

The applicant further stated that the terminal hour of 05.30 had caused difficulties for the patrons leaving the area, particularly on Sunday mornings when public transport was limited. With a later terminal hour, the applicant claimed that patrons would be able to leave in a staggered and more managed way as public transport would be more frequent.

The Metropolitan Police Service representative addressed the sub-committee. They advised that they had concerns that an extension to the terminal hour would increase alcohol related crime. They referred to several incidents which had taken place between 9 February 2013 and 20 July 2014, which had taken place in the early hours of the morning in and around the premises.

The police representative advised that the variation would only contribute to the sale of alcohol to already intoxicated persons and would allow intoxicated patrons from other venues to continue drinking at the premises.

The police representative also advised that they were open-minded in relation to varying condition 308, regarding last entry time.

The environmental protection officer addressed the sub-committee and advised that she

had met the applicant at the premises to discuss concerns relating to noise nuisance. She made reference to a night time economy visit to the premises, which highlighted issues relating to noise nuisance.

The environmental protection officer informed the committee that the applicant had provided a noise impact assessment report which she had considered prior to the meeting. In their view, the recommendations made in the report would be sufficient to satisfy her concerns, if implemented by the applicant.

She advised that the applicant had been cooperative and had agreed to the environmental protection team conditions above.

The sub-committee noted the health and safety officer's written representations. The sub-committee, having considered all the evidence, believed that the extension of the hours would not assist the premises with the dispersal of their patrons. However, the sub-committee took on board the applicant's representation regarding extending opening hours on Sunday mornings due to later initiation of full transport services on Sunday mornings and therefore agreed to extend the terminal hour by 30 minutes. The sub-committee felt that the existing late entry time could be prohibitive for the business and therefore extended this by way of variation of condition 308, as described above.

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 necessary and proportionate.

Appeal rights

The applicant may appeal against any decision to modify the conditions of the licence.

Any person who made relevant representations in relation to the application who desire to contend that:

- a) That 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 petty sessions 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.

6. LICENSING ACT 2003: JACKS, ARCH 96 JOAN STREET, SE1 - TEMPORARY EVENT NOTICE

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

The licensing sub-committee went into closed session at 10.45am.

The licensing sub-committee resumed at 11.15am and the chair read out the decision of the sub-committee.

RESOLVED:

That a counter notice be issued under Section 105 of the Licensing Act 2003 in respect of the Temporary Event Notice given by Mr John Francis McElhinney in respect of the premises known as Jack's, Arch 96, Joan Street, London SE1 8DA on Sunday 10 August 2014 from 00.00 to 03.00.

Reasons

This was an application by Mr John Francis McElhinney in respect of the premises known as Jack's, Arch 96, Joan Street, London SE1 8DA.

The licensing sub-committee heard evidence from the applicant who advised that they had been responsive to the complaints received to date. They advised that they would hire extra security to patrol the street and usher away patrons from the area. They also advised that they would prevent drinking outside and limit the number of smokers to three or four people at a time.

In terms of limiting the noise from within the premises they had employed the services of an acoustic engineer and had spent a considerable amount of money on new acoustic speakers and had installed a noise limiter. They confirmed that the noise limiter had not been calibrated by the environmental protection team.

They advised that they'd had no direct contact with local residents but were aware that there would be a residents' meeting in September and wished to attend this to address the concerns of residents.

The licensing sub-committee heard evidence from the council's environmental protection team (EPT) officer who advised that there had been ongoing complaints regarding noise and public nuisance. However, the number of complaints had escalated since the beginning of July as more people drank outside during the summer months.

The officer made reference to several visits made by the night time economy team where public nuisance, in particular noise, was witnessed from within the premises and from patrons outside the premises also.

The officer informed the sub-committee that the EPT had made recommendations to the premises regarding limiting the number of patrons smoking outside and the time for using the outside area. Despite this, it appeared that these recommendations had not been taken on board as complaints were still received.

He also advised that he had not been informed by the premises that a noise limiter had been installed and as such there had been no opportunity to inspect the noise limiter.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives. The sub-committee were not satisfied that the necessary measures were in place to fulfil the four licensing objectives in this instance.

The licensing sub-committee considered that this decision was appropriate and proportionate in order to address the licensing objectives.

Appeal rights

Where the relevant counter notice under Section 105(3) is given the premises user may appeal against the decision. Where counter notice is not given, the chief officer of the environmental protection team may appeal against that decision. The appeal must be made to the Magistrates' Court within a period of 21 days beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against. No appeal may be brought later than five working days before the day on which the event begins.

The meeting closed at 1.35pm.

CHAIR:

DATED: