



Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Friday 17 October 2014 at 10.00 am at Ground Floor Meeting Room G01A - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Renata Hamvas (Chair)
Councillor Tom Flynn
Councillor Sandra Rhule

OTHERS PRESENT: Sammy Forway, applicant for Underdog Art Company
J Payne, legal representative
Mark Bacon, local resident
Nealon Soanes, local resident
Ray Smith, local resident
Sean Palmer, local resident
Philip Richmonds, local resident
Noelline Bacon, local resident
Ian Clements, Metropolitan Police Service
Eustace Haye, representative from Club Favour
Emeka Osisioma, representative from Club Favour

OFFICER SUPPORT: Debra Allday, legal officer
Joanne Devlin, legal officer
Wesley McArthur, licensing officer
David Franklin, licensing officer
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

The chair advised that there was one late item in respect of the expedited review under 53A of the Licensing Act 2003 in respect of the premises known as Club Favour, Ground

Floor, 516 Old Kent Road, London SE1 5BA.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003: ARCH 6, CRUCIFIX LANE, LONDON, SE1 3JW

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

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

The local residents objecting to the application addressed the sub-committee. Members had questions for the local residents.

All parties were given five minutes for summing up.

The meeting went into closed session at 11.30am.

The meeting resumed at 12.30pm and the chair read out the decision of the sub-committee.

RESOLVED:

That the application submitted by Underdog Art Company Ltd for the grant of a premises licence issued under the Licensing Act 2003 in respect of Arch 6, Crucifix Lane, London SE1 3JW be granted as follows:

Licensable Activity	Monday to Thursday	Friday and Saturday	Sunday
Sale and supply of alcohol (on the premises)	11.00 to 23.00	11.00 to 00.30	11.00 to 22.30
Films, live music and recorded music	09.00 to 23.00	09.00 to 00.30	09.00 to 22.30
Late night refreshment		23.00 to 00.30	
Hours premises are open to the public	09.00 to 23.30	09.00 to 01.00	09.00 to 23.00

Conditions

The operation of the premises under the licence shall be subject to relevant mandatory conditions, conditions derived from the operation schedule highlighted in Section M of the application form and conditions agreed to between the applicant and the responsible authorities:

Subject to the following additional condition agreed by the sub-committee:

1. That the applicant shall provide a written dispersal policy to be available to officers on request and to be kept at the premises at all times.
2. That all staff shall be trained in accordance with the dispersal policy.
3. That a contact telephone number will be displayed at the premises in such a manner that it can be identified as a contact number and can easily be seen and read from outside the premises to allow residents and members of the public to contact an on duty responsible member of staff in respect of any issues regarding the premises.
4. That live music shall only take place at the rear of the premises.
5. That any litter, waste or refuse or similar arising from the operation of the premises shall be cleared away by the premises staff, from the vicinity of the premises immediately after the premises closes on each day.
6. That the premises shall not operate as a nightclub.

Reasons

This was an application submitted by Underdog Art Company Ltd for the grant of a premises licence issued under the Licensing Act 2003 in respect of Arch 6, Crucifix Lane, London SE1 3JW.

The licensing sub-committee heard evidence from the applicant and their representative who informed the sub-committee that they had sought to reduce the operation hours in respect of the original application and considered the new proposed hours to be reasonable. They advised that the premises operated as an art gallery and the licensable activities are required to compliment the current operation.

The applicant stated that he had been trading as an art gallery since 2006 and had been in operation at the premises since 2011.

The applicant sought to reassure the sub-committee that the premises would not operate as a nightclub and highlighted that they had conciliated and accepted all of the conditions proposed by the environmental protection team and the police. As further reassurance, the applicant stated that they would be happy for a condition stating that the premises would not operate as a nightclub to be imposed on the licence.

The applicant also highlighted that the conditions proposed and accepted would serve as

further control in respect of the operation of the premises and stated their willingness to ensure that all conditions are adhered to.

The licensing sub-committee heard from two other persons, one of whom was speaking on behalf of four other residents. The residents stated that they considered the premises to operate as a nightclub and had concerns with regards to the noise nuisance emanating from the premises. They also raised issues with the proposed licensable hours. The residents referred to previous temporary event notices that had occurred at the premises and expressed their dissatisfaction with the operation of these events.

The residents also stated that they had concerns regarding patrons smoking outside the premises and questioned the need for the sale of alcohol to commence at 9.00am. The residents further stated that they would be satisfied if a condition was imposed on the licence which prohibited the use of the premises as a nightclub. The residents also stated that a reduction in hours would assist in alleviating their concerns.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives.

The licensing sub-committee considered that it was appropriate and proportionate to attach these conditions in order to address the licensing objectives.

Appeal rights

The applicant may appeal against any decision

- a) To impose conditions on the licence
- b) To exclude a licensable activity or refuse to specify a person as premises supervisor.

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

- a) That the licence ought not to be granted or
- b) That on granting the licence, the licensing authority ought to have imposed different or additional conditions to 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.

7. LICENSING ACT 2003: SECTION 53A: CLUB FAVOUR, GROUND FLOOR, 516 OLD KENT ROAD, LONDON SE1 5BA

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

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

The representatives from the premises addressed the sub-committee. Members had questions for the representatives from the premises.

All parties were given five minutes for summing up.

The meeting went into closed session at 12.55pm.

The meeting resumed at 1.20pm and the chair read out the decision of the sub-committee.

RESOLVED:

That the following conditions be placed on the premises licence as interim steps to promote the licensing objectives pending the determination of the review application at the full hearing:

1. That CCTV shall be installed and used during the opening hours of the premises. It shall be capable of capturing the search procedure of all persons entering the premises. The camera should be capable of providing detailed coverage of each search that takes place prior to entry
2. That all incidents involving violence that result in an injury or accidents that result in an injury shall be reported as soon as practicable to the emergency services.
3. That the premises will not open to the public on Sunday nights into Monday morning until the determination of the review application.
4. That there will be a minimum of eight SIA door supervisors on Friday and Saturday nights until the determination of the review application.
5. That an incident log will be kept and maintained at the premises. All incidents will be logged as soon as practicable. The log will be made available on request from the police or other authorised officers.
6. That condition 290 be amended to read "That SIA door supervisors, at least one of whom shall be a female, shall be employed at all times after 22.00 and the terminal hour that the premises are in use under this licence and provided with hand held metal detection units, and all persons entering are searched using the wands to include a full body scan in order to ensure that searches are carried out in respect of all the admissions to the premises, whether members of the public or performers and their assistants and mechanical counting devices shall be used to ensure that the maximum accommodation of the premises is not exceeded."
7. That condition 308 be amended to read "That there shall be no new entry or re-entry to the premises after 02.00 on the days following Wednesday, Thursday, Friday, Saturday and Sunday. Other than those who leave the premises for the purposes of smoking a cigarette, those persons shall be subject to a further search on re-entry to the premises to include a wand full body scan."

Reasons

This was a hearing to consider if it is appropriate to take interim steps to promote the licensing objectives upon receipt of an application by the Metropolitan Police for an expedited summary review of the premises.

The sub-committee have considered the application made by the Metropolitan Police and supplementary evidence from the police presented at this hearing.

The sub-committee have also considered the oral evidence of the premises licence holder in relation to the application.

The sub-committee were satisfied that the conditions agreed between the police and the premises licence holder would satisfy the licensing objectives.

Appeal rights

There is no right of appeal to a magistrates' court against the licensing authority's decision at this stage.

The premises licence holder may make representation against any interim steps imposed and a hearing to consider the representation will be held within 48 hours of receipt of the representation.

Any representation should be in writing and cannot be received outside of normal office hours.

The meeting ended at 1.30pm.

CHAIR:

DATED: