



## Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Monday 9 February 2015 at 10.00 am at Ground Floor Meeting Room G01B - 160 Tooley Street, London SE1 2QH

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- PRESENT:** Councillor Renata Hamvas (Chair)  
Councillor Dora Dixon-Fyle MBE  
Councillor Sunny Lambe
- OTHER S PRESENT:** Kyle Haughton, applicant  
Jack Spiegler, applicant  
Paul Ellerby, applicant  
David Green, local resident  
Sheila Taylor, local resident  
Geoff Parr, local resident  
Philipp Lenke, local resident  
James Richardson, local resident
- OFFICER SUPPORT:** Debra Allday, legal officer  
Mark Orton, licensing officer  
Mark Prickett, environmental protection 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

There were none.

### 4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

**5. LICENSING ACT 2003: CITY DELTA, (CITY CRUISES LTD) CHERRY GARDEN PIER, LONDON SE16 4TU**

The licensing officer presented their report. Members had questions for the licensing officer.

The applicant 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 12.48pm.

The meeting resumed at 1.50pm and the chair read out the decision of the sub-committee.

**RESOLVED:**

That the application submitted by City Cruises for the grant of a premises licence issued under the Licensing Act 2003 in respect of City Delta, (City Cruises Ltd) Cherry Garden Pier, London SE16 4TU be granted as follows:

<b>Licensable Activity</b>	<b>Monday to Sunday</b>
Sale and supply of alcohol (on the premises)	10.00 to 22.00
Films, live music, recorded music, performance of dance or anything similar	10.00 to 22.00
Hours premises are open to the public	10.00 to 22.00
Non-standard timings	From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day and until 02.00 on Guy Fawkes fire works display night (to include late night refreshment).

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, conditions agreed to between the applicant and the responsible

authorities:

1. That the sale of alcohol is restricted to persons attending a pre-booked or private function or persons who have purchased a ticket to board the vessel.
2. That no unaccompanied persons under 16 years of age shall be permitted into the bar area when alcohol is being sold or supplied.
3. That customers and/or passengers shall be reminded to disembark in a quiet and orderly manner.
4. That there shall be no promoted events at the premises. A promoted event is an event involving music and dancing where the musical entertainment is provided at any time between 23.00 and 07.00 by a disc jockey or disc jockeys one or some of whom are not employees of the premises licence holder and the event is promoted to the general public.
5. That when the premises is in operation and regulated entertainment is being provided and the terminal hour for any particular event is greater than 00.00 then the premises will employ the services of security personnel registered with the Security Industry Authority (SIA). The designated premises supervisor will be responsible for recording the details of all security personnel, to include SIA badge number, employing company and time they commenced work at the premises. This will be recorded and made available for inspection by police or other authorised officers on request.
6. That the security personnel will be employed solely for the purposes of security screening, crowd management, conflict management and to facilitate the safe entry and exit from the premises. The security personnel will be employed solely for the above purposes and should not have any other or additional responsibility with regard to the operation of the vessel. They will be employed by the premises and not by any outside promoter or any other persons hiring the premises.
7. That all staff involved with the sale of alcohol shall have regular training with regard to their responsibilities under the Licensing Act 2003. A record of this training will be maintained and made available for inspection on request of the police or other authorised officers.
8. That there shall be no embarkation or disembarkation of customers and/or passengers from the vessel at any time via Cherry Garden Pier except in cases of emergency, or via Butlers Wharf or Bankside Piers between the hours of 23.00 – 07.00 on any day.
9. That the premises shall operate an age check 'Challenge 25' policy whereby customers purchasing alcohol who look or appear to be under 25 years of age will be

asked for an approved form of proof of age to verify their age. Approved forms shall include a driving licence, passport or a PASS approved proof of age card such as the Southwark Proof of Age (SPA) card.

10. That all staff involved in the sale of alcohol shall be trained in the age check 'Challenge 25' policy. A record of their training, including the dates that each member of staff is trained, shall be available for inspection at the premises on request by the council's authorised officers or the Police.
11. That age check or 'Challenge 25' signage shall be displayed at entrances to the premises, areas where alcohol is displayed for sale and at points of sale to inform customers that an age check 'Challenge 25' policy applies and proof of age may be required.
12. That a register of refused sales of alcohol and if applicable, cigarette sales which is clearly marked with details of the premises, address and name of licence holder shall be maintained in order to demonstrate effective operation of the policy. The register shall be available for inspection at the premises on request by the council's authorised officers or the police.
13. That no music/licensed entertainment of any kind played on board whether cruising or moored shall be audible in any residential premises on land in the London Borough of Southwark or in any moored residential vessel within the Southwark boundary between 23.00 and 08.00 on any day.
14. That the volume of any music/licensed entertainment on board whether cruising or moored shall be restricted at all other times to prevent 'public nuisance' from being caused to any residential area in London Borough of Southwark.
15. That supplies shall not be taken on to any vessel or waste removed from any vessel between 23.00 and 07.00 the following day Monday to Friday, 23.00 and 08.00 Saturday, and 09:00 Sunday subject to third party waste vessels operating times and tidal conditions.
16. That no amplified music, song or speech relating to licensed activity be broadcast externally at any time.
17. That amplified music, song or speech relating to licensed activity be paused/stopped/reduced to background level during the embarking and/or disembarking of passengers.
18. That clearly legible signage will be prominently displayed at the exit where it can easily be seen and read requesting to the effect that customers leave the premises in a quiet and orderly manner.

19. That all depositing of waste and glass into external waste receptacles, the movement of refuse bins, shall only take place between the hours of 07.00 – 23.00 Monday to Fridays, 08.00 - 23:00 on Saturdays and 09.00 – 23.00 on Sundays.
20. That the deliveries to and waste collections from the pier by road and by water shall take place only between 08.00 – 19.00 Monday to Fridays, 08.00 – 17.00 on Saturdays and 10.00 – 17.00 on Sundays (as per condition 5 from planning permission 06/AP/1514).
21. That no alcohol is to be served from Cherry Garden Pier to the vessel.
22. That no lit-up boat signage is permitted to be turned on when moored or parked up at Cherry Garden Pier.
23. That all doors and windows at the premises shall be kept closed when licensed entertainment is taking place at the premises except for access or egress.

### **Reasons**

This was an application submitted by City Cruises for the grant of a premises licence issued under the Licensing Act 2003 in respect of City Delta, (City Cruises Ltd) Cherry Garden Pier, London SE16 4TU.

The licensing sub-committee heard evidence from the applicant who informed the sub-committee that the City Cruises fleet would operate in precisely the same way as it had done so for many years. The licence of the sightseeing boats, have been and will continue to be for occasional sightseeing early evening cruises. The addition of alcoholic drinks to those available by the boats existing on board refreshment service is not intended to turn the boat into a floating bar, but to offer passengers a limited selection of alcoholic beverages along with existing non-alcoholic refreshments and a café menu. The licence sought is consistent with City Cruise's other sightseeing boats. None of the licensable activities would take place in vicinity of Cherry Garden Pier, all licensable activities will only take place during sightseeing tours, while the boat is cruising on the Thames, away from the pier. No embarkation or disembarkation will take place at any time via Cherry Garden Pier, except in cases of emergency. The applicant reassured the sub-committee that there would be no additional rubbish, no increase in deliveries or any change to the existing operation that would have a detrimental effect on the local residents.

The licensing sub-committee noted the written representation from the planning authority that concluded there was no objection in principle to the boat serving alcohol or providing licensable activities provided that the amenity of the neighbouring residents to the pier was not harmed.

The licensing sub-committee noted that the environmental protection team had withdrawn

their representation following conciliation with the applicant. Whilst their representation has been conciliated, it was noted in the representation that of the three previous complaints received concerning City Cruises, not one of them specifically related to the licensing activity of any of the City Cruises boats and there is no substantial evidence that demonstrated that licensing activities being undertaken on City Cruises boats caused public nuisance to Southwark residents in the vicinity of Cherry Garden Pier.

The licensing sub-committee noted the 30 representations from other persons in addition to the petition signed by 64 persons which included some individuals who had also submitted written representations.

The sub-committee heard from several other persons opposed to the application. These persons raised concerns about additional noise pollution, the creation of additional rubbish, increased number of deliveries, which could result in an increase of noise pollution, the increase of traffic noise at anti-social hours and light pollution. There were also serious concerns of intensification, contrary to alleged promises made to the council and local residents in 2007, representing an increase in activities that collectively amounted to a significant cumulative nuisance and threat to public safety.

The licensing sub-committee noted the written representation from one other person in favour of the application.

When relevant representations are received, the licensing sub-committee must have regard to them whether it is necessary to the licensing objectives to: grant the licence, grant the licence subject to conditions, to exclude licensable activities from the licence, to refuse to specify a person in the licence as the premises supervisor or reject the application. The licensing sub-committee's discretion is limited and members must consider the four licensing objectives namely: the prevention of crime and disorder, public safety, the prevention of nuisance and the protection of children from harm.

The licensing sub-committee were extremely conscious of the local residents' concerns. However, it is felt that the conditions offered by the applicant on 2 February 2015 address the residents' objections and the licensing objectives. The licensing sub-committee felt that many of the residents' objections related to planning matters which are beyond the remit of this sub-committee. Such issues should be resolved through open communication between the parties, which could, if necessary be overseen by the planning department. The residents should be reminded that if there are any breaches in the licensing objectives and/or the attached licensing conditions, they have the option to call for a review of the licence.

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 been granted or
- b) That on granting the licence, the licensing authority ought to have imposed different or additional conditions 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.

The meeting ended at 2.00pm.

**CHAIR:**

**DATED:**