

NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 1 JUNE 2017

LICENSING ACT 2003: ROCK ISLAND (THOMAS A BECKET) 320-322 OLD KENT ROAD, LONDON SE1 5UE

1. Decision

That the application made by Mr Paul Anthony Scarborough, for a variation of the premises licence under the Licensing Act 2003 in respect of the premises known as Rock Island (Thomas A Becket), 320-322 Old Kent Road, London SE1 5UE is granted as follows:

| Licensable activity | Hours |
|---|---|
| The supply of alcohol (for consumption on premises) | Sunday to Thursday from 11:00 to 23:30 (the following day) Friday and Saturday from 11:00 to 00:30 (the following day) |
| The provision of late night refreshment (indoors): | Sunday to Thursday from 23:00 to 23:30 (the following day) Friday and Saturday from 23:00 to 00:30 (the following day) |
| Operating hours | Sunday to Thursday from 07:00 to 00:00 (the following day) Friday and Saturday from 07:00 to 01:00 (the following day) |

2. Conditions

1. That the doors and windows to the premises will be shut after 22:30.

3. Reasons

The reasons for the decision are as follows:

The applicant and their representative addressed the sub-committee. They advised that the variation application was being made, to give more flexibility to the business. They advised that there was no intention to change the operation of the premises and that it would remain a restaurant, bar and grill. An independent licensing consultant conducted a compliance check on 22 May 2017. They found no issues at the premises, with the exception of CCTV and the dispersal policy (a copy of which was submitted that morning). They informed the sub-committee that since the grant of the premises licence, there had been no incidents of crime and disorder.

The Metropolitan Police Service representative addressed the sub-committee and stated that the applicant's current licence had only been granted on 30 January 2017 and that the variation application was received only 35 days after. The variation sought the removal of two conditions (842 and 847) that were placed on the licence after considerable conciliation between the applicant and the responsible authorities. They informed the sub-committee that these conditions were explained to the applicant and their representative and they had agreed to them. The applicant also applied to extend the hours to later than applied for and not granted by the sub-committee in the original application.

The premises is situated in a designated residential area, as set out in the Southwark statement of licensing policy and the current hours are later than those recommended in the policy for restaurants or public houses. Insufficient time had passed to establish the current licence holder's ability to manage the premises and the historical associated problems. The removal of the conditions requested in the application would change the permitted operation from that of a restaurant to a bar, which the police feel would require more stringent conditions, none of which have been offered by the applicant.

The officer representing the council as a responsible authority addressed the sub-committee and echoed the concerns raised by the Metropolitan Police Service. They advised that the premises had previously operated as a nightclub, at the time that the licence was revoked by the licensing sub-committee on 10 March 2015, following an expedited review. There were further representations regarding persistent breaches of the premises licence and anti-social behaviour associated with the premises. The application sought a further increase in hours of all licensable activities and operation and also sought to remove/replace conditions, which could change the nature of the premises as originally described in the original application to that of a night club as before. This could have a negative impact upon the licensing objectives.

Since the grant of the current premises licence, the night time economy team visited the premises on 11 March 2017 where conditions 288 (CCTV training), 289 (maintenance of CCTV), 293 (training records), 4AB (challenge 25), 4AC (agecheck/challenge 25 signage), 305 (signs requesting patrons to respect neighbours), 345 (dispersal policy), 346 (Incident book) and 353 (refusals book) were found to be breached. On 17 March 2017 the premises remained in breach of conditions, in that CCTV and staff training records could not be shown. They further added that the premises had been in breach of conditions, in failing to produce a dispersal policy up until 1 June 2017.

The environmental protection officer addressed the sub-committee and raised similar concerns to those raised by the Metropolitan Police Service and licensing officer representing the council as a responsible authority. The officer highlighted that the premises was very close to residential premises, in particular, the residential accommodation that occupies the floors above the venue. Previous assessments carried out by environmental health officers have indicated that the building has problems with flanking transmission of noise between the commercial and residential premises. The address has a long history of causing public nuisance both from the music/noise transmission, and people noise from patrons congregating outside and having loud music blasting out of cars etc. The environmental protection team officer recommended that the application be refused in its entirety.

The licensing sub-committee noted the representations from public health.

The licensing sub-committee heard from party G, who advised that she spoke on behalf of the residents of Riddle Court. The licence conditions imposed when this licence was granted played a key role in preventing and controlling alcohol related crime and anti-social behaviour, ensuring that alcohol consumption was well managed. The removal of condition 847 would allow non-dining patrons to consume alcohol only. The resident stated that she had not experienced any problems with the premises since the grant of the licence in January 2017, but there was a prevailing fear that the problems experienced in 2015 would return. Having heard from the responsible authorities, the resident did not have confidence in the management of the premises. They added that the Thomas A Beckett building was an asset of community value and the hours sought appeared to contradict this.

The licensing sub-committee noted the written representations from the other persons.

The licensing sub-committee considered all of the oral and written representations before it and concluded that in the short time the premises has operated under its current licence, they have been in breach of licence conditions. Given the very serious history of crime and disorder related to the premises, there has been insufficient time to demonstrate that the premises is well managed. This licensing sub-committee does however note that there have been no complaints made by local residents. It is for this reason, the sub-committee refuse the removal of conditions 842 and 847, but allow a 1 hour increase in the Friday and Saturday operating hours and licensable activities.

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 appropriate and proportionate.

4. 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) 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 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.

Issued by the Constitutional Team on behalf of the Director of Law and Democracy.

Date: 1 June 2017