

NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 7 AUGUST 2015

LICENSING ACT 2003: THE ROXY, 128-132 BOROUGH HIGH STREET, LONDON SE1 1LB

1. Decision

That the application submitted by Red Cinema Ltd for the grant of a premises licence issued under the Licensing Act 2003 in respect of The Roxy, 128-132 Borough High Street, London SE1 1LB (“the premises”) be granted, subject to the completed transfer of the leasehold interest in the premises to the applicant, as follows:

Licensable Activity	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Films	12.00 to 23.00	12.00 to 23.00	12.00 to 23.00	12.00 to 23.00	12.00 to 00.30	12.00 to 00.30	12.00 to 23.00
Live music					23.00 to 00.30	23.00 to 00.30	
Recorded music					23.00 to 00.30	23.00 to 00.30	
Late night refreshment					23.00 to 00.30	23.00 to 00.30	
Sale and supply of alcohol (on the premises)	08.30 to 23.00	08.30 to 23.00	08.30 to 23.00	08.30 to 23.00	08.30 to 00.30	08.30 to 00.30	08.30 to 23.00
Hours premises are open to the public	08.30 to 23.30	08.30 to 23.30	08.30 to 23.30	08.30 to 23.30	08.30 to 01.00	08.30 to 01.00	08.30 to 23.30

2. 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 between the responsible authorities and the applicant during the conciliation process::

1. That at least two SIA registered door supervisors shall be employed on Fridays and Saturdays from 21.00 until the premises are vacated of patrons at closing time. The premises licence holder shall use his best endeavours to ensure that at least one of the door supervisors is female. Mechanical counting devices shall be used to ensure that the maximum accommodation limit of the premises is not exceeded and that at any given time, the occupancy level of the premises is known and can be supplied to the responsible authorities upon request.

2. That there shall be at least one member of staff on duty at all times the premises are in operation under its licence trained and proficient in the operation of the CCTV system capable of operating and retrieving footage on request of the Police or other authorised officer.
3. That a personal licence holder is on the premises and on duty at **all** times that intoxicating liquor is supplied on Friday and Saturday nights after 19.00.
4. That the premises capacity shall be 220.
5. That there shall be no new entry or re-entry to the premises after midnight, other than those who leave the premises for the purpose of smoking a cigarette.
6. That those that do leave the premises shall not be allowed to consume any beverages whilst outside.
7. That all staff concerned in the sale or supply of intoxicating liquor undergoes a recognised training scheme for such duties. Records of such training should be kept and made available for inspection, on request by police or other authorised officer.
8. That alcohol shall only be supplied to patrons ancillary to a substantial table meal and when that patron is attending:
 - A film show
 - A private pre-booked function involving cinema promotion
 - A sporting event
 - Any pre booked function for quiz nights, comedy performance, or live cabaret.
9. That the premises will not be used for any promotional events, a promotional event is one that is:
 - Promoted / advertised to the public at any time before the event
 - Predominantly features DJs or MCs performing to a recorded backing track, and
 - Runs anytime between the hours of 10pm and 4am, and
 - Is in a nightclub or a large public house.
10. That a sound limiting device shall be installed, set and maintained, to ensure the maximum levels of volume and bass of music, song or speech from licensed entertainment permitted by the amplification system, does not cause a public nuisance in the vicinity of the premises or intrude inside the nearest or most exposed noise sensitive premises.
11. That waiting staff will continually exercise supervision throughout the premises.
12. That a maximum of 10 smokers shall be permitted at the frontage of the premises at any one time.
13. That the emergency door at the rear shall remain closed allowing for emergency egress only, whilst entertainment is provided.
14. That clearly legible signage shall be prominently displayed at all exits where it can easily be seen and read, requesting that customers leave the premises in a quiet and orderly manner that is respectful to neighbours.
15. That external waste handling, collections, deliveries and the cleaning of external areas shall only occur between the hours of 08.00 to 20.00 Monday to Sunday.

16. That the premises shall be adequately ventilated to allow doors and windows to remain closed during licensed entertainment.
17. That all speakers for the broadcast of sound within the premises shall be isolated from the structure of the premises by anti-vibration mountings or mats.
The following additional condition agreed by the sub-committee shall also apply:
18. That the premises licence holder shall display a dedicated telephone number for local residents to contact management of the premises as and when necessary.

3. Reasons

The licensing sub-committee heard from the applicant and their representative who advised that the applicant had held a personal licence for a number of years and currently operates a restaurant in Luton and a bar and restaurant in Hemel Hempstead. The applicant, being aware of the recent events at the premises, indicated that his intention is to revert the premises back to its original use as a food based, coffee house cinema for pre-arranged events only.

The applicant acknowledged the cooperative nature of the responsible authorities and confirmed that they had fully engaged with the authorities during the conciliation process in order that the premises could remain operative. The applicant acknowledged the concerns of the residents and asserted his intention to engage with the residents, suggesting that he would arrange an open day, during which he could introduce the residents to the business set up. He offered an undertaking to provide his mobile telephone number to residents in order to facilitate communication. Additionally the applicant confirmed that they would be agreeable for the hours for servicing being reduced to between 08.00 and 20.00 daily in order to alleviate residents' concerns.

The applicant's representative confirmed that should this application be granted, the current premises licence holder would immediately withdraw the appeal lodged before the Magistrates' Court.

The licensing sub-committee heard from the Metropolitan Police Service representative who confirmed that they had conciliated with the applicant, subject to the lease being transferred.

The licensing sub-committee noted that the four other responsible authorities had conciliated with the applicant.

The licensing sub-committee heard from the ward councillor who spoke on behalf of the local residents. It was confirmed that the residents were aware of the concessions and agreements between the applicant and the responsible authorities. Despite these agreements, the residents remained concerned about the proposed operational hours and the potential for noise and disturbance. These concerns were based upon the close proximity of the residential flats being located directly above the premises and the fact that the premises had not been originally designed as a bar. She also expressed some concern about the business model and its viability.

The ward councillor proposed the following amendments to the proposed application to alleviate the residents' concerns:

- That the opening hours commence at 10.00
- That the number of persons outside of the premises be reduced to five persons at any one time
- That the servicing hours be reduced to between 08.00 and 20.00.

The ward councillor agreed that the applicant's offer to engage with the local residents would be welcomed. It was conceded that Borough High Street is a busy commercial area and that some noise from local businesses is to be expected although in light of recent events, unrelated to this applicant, residents remained fearful of further anti-social behaviour.

The licensing sub-committee welcomed the applicant's willingness to engage with the responsible authorities and the residents. The sub-committee were sympathetic to the residents' concerns but were of the opinion that the additional conditions and the reduced operating hours listed above along with the provision of a designated telephone number would address these concerns and facilitate communication.

The sub-committee would remind the applicant that this licence may be subject to review at any time should the need arise.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives and considered this decision to be appropriate and proportionate in order to address the licensing objectives.

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) 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.

Issued by the Constitutional Team on behalf of the Director of Legal Services

Date: 7 August 2015