



Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Monday 25 January 2016 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

- PRESENT:** Councillor Renata Hamvas (Chair)
Councillor David Hubber
Councillor Sunny Lambe
- OTHERS PRESENT:** John Nugent, applicant
Nichola Smith, applicant's legal representative
Raj Dada, applicant's witness
Carol Kavanagh-Hall, applicant's witness
Councillor Adele Morris, ward councillor
Martin Watts, local resident
Jenny Danczak, local resident
Tom Curran, local resident
Mary Walker, local resident
- OFFICER SUPPORT:** Joanne Devlin, legal officer
Rebecca Millardship, legal officer (observing)
Richard Parkins, 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

There were none.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003: OGILVY & MATHER GROUP, SEA CONTAINERS HOUSE, UPPER GROUND, LONDON SE1 9PD

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

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

The licensing officer representing the council as a responsible authority addressed the sub-committee. Members had questions for the licensing officer.

Two local residents and the ward councillor objecting to the application addressed the sub-committee. Members had questions for the local residents and the ward councillor.

All parties were given five minutes for summing up.

The meeting went into closed session at 12.43pm.

The meeting resumed at 3.16pm and Councillor Hubber read out the decision of the sub-committee.

RESOLVED:

That the application made by Green and Fortune Associates Limited, for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Ogilvy & Mather Group, Sea Containers House, Upper Ground, London SE1 9PD is granted as follows:

- Plays (indoors): Monday to Sunday from 08.00 to 00.00
- Films (indoors): Monday to Sunday from 08.00 to 00.00
- Live Music (indoors): Monday to Sunday from 08.00 to 00.00
- Recorded Music (indoors): Monday to Sunday from 08.00 to 00.00
- Performance of dance (indoors): Monday to Sunday from 08.00 to 00.00
- Late night refreshment (indoors): Monday to Sunday from 23.00 to 00.00
- The supply of alcohol (for consumption on and off the premises):
 - Main office floors (1 to 3 and 6 to 11): Monday to Sunday from 08.00 to 23.00

- Other areas (comprising ground floor plus floors 12 to 13) Monday to Sunday from 08.00 to 00.00
- All roof terraces: Monday to Sunday from 08.00 to 22.00
- Operating hours: Monday to Sunday (24 hours)
- Non standard timings sought for licensable activities stated above are from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
- Non standard hours sought for operation of premises: As a working office the application seeks for the premises to be open to employees, officers and guests of the Ogilvy and Mather Group without any restrictions. However all café, restaurant, bar and other dining facilities will be closed no later than 01.00 on Monday to Saturday and 00.30 on Sunday.

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, the conditions conciliated with the environmental protection team and the public health authority and the following conditions agreed or amended by the licensing sub-committee:

1. Amendment of finish time for licensable activities to 00.00 daily but the supply of alcohol on the main office floors (1 to 3 and 6 to 11) to cease at 23.00 daily.
2. That the use of the terraces shall cease at 22.00 daily, including the provision of use for licensable activities. The terraces shall be cleared of all glassware, tableware and crockery by 22.00.
3. The sale and consumption of alcohol on the main office floors (floors 1 to 3 and floors 6 to 11) shall be restricted to employees and officers of the organisation in occupation and guests of the organisations or their employees/officers. Regulated entertainments shall only be provided on floors 12 and 13.
4. That the Challenge 25 condition proposed by the applicant shall be amended to read as follows: "That the premises shall operate an age check "Challenge 25" policy whereby persons 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 drivers licence, passport or a PASS approved proof of age card such as the Southwark proof of age (SPA) card".

Reasons

The reasons for the decision are, as follows:

The licensing sub-committee heard from the applicant who advised that the application was for the sale of alcohol and the provision of regulated entertainment ancillary to the business use of Ogily and Mather Group at their headquarters in respect of corporate and

staff events. The applicant informed the sub-committee that they had conciliated the representations with the environmental protection team and the public health authority. It was also noted that the police were satisfied that the application contained sufficient control measures for the promotion of the prevention of crime objective.

Ogilvy and Mather informed the sub-committee that they had made a long term commitment and investment to the premises and that they fully intended to participate in community forums and local resident meetings.

The applicant highlighted that the terraces on the 12th and 13th floors were river facing and that no regulated entertainment would take place on the terrace area. They applicant further stated that the environmental protection team were satisfied that the use of these areas in line with conditions would not cause a statutory nuisance.

The applicant advised that they had an impeccable licensing track record in operating a professional hospitality business for seven years. This was supported by Ogilvy and Mather representatives who advised that they had operated a similar licensed premises at their headquarters at Canary Wharf for 25 years and pride themselves in operating these premises in a professional manner.

The applicant considered the implementation of the dispersal policy would assist in reducing the negative cumulative impact in the area as access and egress were restricted, ensuring that those leaving the building beyond 22.00 did so by the Thames river exit. The applicant submitted that this would minimise any potential impact on the local community and thereby the saturation zone. The premises would also be controlled by a minimum of 3 SIA registered security guards 24 hours per day, who would implement the dispersal policy.

The applicant also highlighted that the dispersal policy made provision in respect of public transport options, further seeking to reduce any impact on the local community.

The applicant assured the sub-committee that the access to the premises was restricted, not permitting the members of the public to access the licensed areas without authorisation, therefore distinguishing these premises from public houses, bars and restaurants.

The licensing sub-committee heard from the licensing officer representing the council as a responsible authority who stated that the majority of his concerns had been satisfied through the conciliation process and the implementation of the dispersal policy and the inclusion of additional conditions and reduced operating hours. The licensing officer highlighted that the saturation policy applied to the ground floor café and restaurants on the upper floors. He stated that his concerns related to persons using these areas, leaving the premises particularly late at night.

The licensing sub-committee noted that the environmental protection team, public health authority and the police had conciliated with the applicant in respect of their representations.

The licensing sub-committee heard from the ward councillor who voiced concerns in respect of the application. She expressed disappointment that despite a representative from Ogilvy and Mather attending various resident meetings, the residents had not been

specifically addressed in terms of the application prior to the licensing consultation.

The ward councillor stated that she was initially reassured by the additional conditions but remained concerned about live bands and the use of the premises for external entertaining and was surprised that the environmental protection team and public health authority had withdrawn their representations.

The ward councillor asked the sub-committee to give due consideration to the cumulative impact policy.

The licensing sub-committee noted the 36 written representations from local residents objecting to the application and heard from two of them.

The first of the objectors expressed her disappointment at the lack of communication from the applicant before the official consultation. She stated that the additional conditions assisted in addressing her concerns. However she requested the installation of a noise limiter and external CCTV to assist in reducing the potential negative impact.

She stated that she was confused as to whether the applicant or Ogilvy and Mather would be responsible for implementing the licence conditions. She also requested that Ogilvy and Mather operate the licence in line with its primary purpose, ancillary to the business.

The second local resident raised specific issues with regard to the smoking policy and acknowledged that there were ongoing discussions with a view to agree a designated smoking area. He raised further issues with regard to the dispersal policy and noted that there may be cause to improve this in the future. He advised that he was reassured that the ground floor outside terrace was not part of the licensed area.

In reaching this decision the sub-committee carefully considered all representations and had regard to all the relevant considerations and the four licensing objectives and concluded that on balance this decision was appropriate and proportionate.

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 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.

Meeting ended at 3.25 pm

CHAIR:

DATED: