

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Tuesday 26 July 2016 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Renata Hamvas (Chair)
Councillor Sunil Chopra
Councillor Lorraine Lauder MBE

OTHERS PRESENT: Bertie Watkins, designated premises supervisor, Colab theatre
Chris Neels, venue manager, Colab Theatre
Betsy Dallas, company producer, Colab Theatre
Councillor Helen Dennis, ward councillor
Graham White, Metropolitan Police Service
Paul Standing, local resident
Kevin Mahoney, local resident

OFFICER SUPPORT: Debra Allday, legal officer
Dorcas Mills, licensing officer
David Franklin, licensing officer as a responsible authority
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: BLUE FIN BUILDING, 110 SOUTHWARK STREET, LONDON SE1 0SU

The licensing officer advised the sub-committee that this item had been conciliated prior to the meeting.

6. LICENSING ACT 2003: COLAB THEATRE, BASEMENT TO FIRST FLOORS, 74 - 84 LONG LANE, LONDON SE1 4AU

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

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

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

The ward councillor objecting to the application addressed the sub-committee. Members had questions for the ward councillor.

Two local residents from the Tabard Central Tenants and Residents Association objecting to the application addressed the sub-committee. Members had questions for the local residents.

All parties were given an opportunity for summing up.

The meeting went into closed session at 11.27am.

The meeting resumed at 12.30pm. The chair did not read out the decision of the sub-committee as none of the parties were present.

RESOLVED:

That the application by Colab Theatre Ltd for a premises licence to be issued under the Licensing Act 2003 in respect of the premises known as Colab Theatre, Basement to First Floors,74-84 Long Lane, London SE1 4AU is granted as follows:

Licensable activity	Hours
Plays (indoors)	Monday and Tuesday from 18:00 to 23:00 Wednesday from 15:00 to 23:00 Thursday from 18:00 to 23:00 Friday from 18:00 to 23:00 Saturday from 18:00 to 02.00 Sunday from 15:00 to 23:00

Sale & supply of alcohol (on premises)	Monday and Tuesday from 18:00 to 23:00 Wednesday from 15:00 to 23:00 Thursday from 18:00 to 23:00 Friday from 18:00 to 23:00 Saturday from 18:00 to 02.00 Sunday from 15:00 to 23:00
Operating hours of premises	Monday and Tuesday from 18:00 to 00:00 Wednesday from 15:00 to 00:00 Thursday from 18:00 to 00:00 Friday from 18:00 to 00:00 Saturday from 18:00 to 02.30 Sunday from 15:00 to 00:00

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 the following additional conditions:

1. That the premises will install a CCTV system and maintain this system in good working order, the system will be of evidential quality in all lighting conditions and should be able to capture a clear facial image of every person that enter the venue. It should cover all public areas including the bar and smoking areas.
2. That all CCTV footage shall be kept for a period of 31 days and shall, upon request shall be made available for inspection to police and council officers.
3. That there shall be at least one member of staff on duty at all times the licence is in operation. They shall be trained and proficient in the operation of the CCTV system capable of retrieving footage and storing to a removable device.
4. That the premises will employ a minimum of two SIA registered door supervisors, one of whom shall be female and have a ratio of one per 75 customers.
5. That a personal licence holder is on the premises and on duty at all times after 21:00 when intoxicating liquor is supplied.
6. That all staff concerned in the sale of alcohol is trained in the supply of alcohol and records kept and made available upon request by council or police officers.
7. That alcohol is served only to persons attending a performance and having purchased a ticket to such an event.
8. That a sound limiting device shall be installed, set and maintained at 120 decibels and that the noise from the premises does not cause a public nuisance in the vicinity of the premises or intrude inside the nearest or most exposed noise sensitive residential premises.
9. That clearly legible signage will be prominently displayed at all patron exits, where it

can easily be seen and read, requesting that patrons leave the premises in a quiet and orderly manner that is respectful of neighbours.

10. That the premise licence holder shall display a telephone number for local residents to contact the management of the premises as and when necessary.
11. That the management of the premises shall, one week prior to the beginning of events exceeding 200 patrons, undertake a leaflet drop to households within the immediate area. The leaflet is to include a timetable and description of each performance and the contact telephone numbers.

Reasons

The reasons for the decision are as follows:

The applicant addressed the sub-committee and advised that unlike traditional theatres, the application was for an immersive theatre, where the audience would be active participants in every show rather than passive observers in traditional theatres. The applicant had been in discussion with the licensing as a responsible authority, the Metropolitan Police Service, the local ward councillor and two local residents and had conciliated a large proportion of the concerns raised.

The outstanding issues related to Saturdays operating hours and the capacity of the premises. The applicant was of the view that the Saturday operating hours were necessary part of operation and indeed, to ensure that the operation was financially viable. Because shows would be staggered during the course of the evening, meaning that there would generally be no more than 10-people entering and 10 people exiting at any one time. The applicant advised that it was unlikely that there would be a capacity of 80 at the premises on Saturdays. An open day had been arranged for 3 August at the premises, and the applicant urged that local residents attend.

During the discussion with the licensing sub-committee, the applicant agreed to conditions relating to a sound limiter, signage, management contact details and the details of "larger" (+200 patrons) events.

The sub-committee heard from the licensing officer who represented the council as a responsible authority and who also stated whilst the premises fell within the saturation area for Borough and Bankside, theatres were excluded for cumulative purposes, however, the premises is located in a residential area, and section 7 of the Southwark statement of licensing policy 2016-2020 recommends a closing time for cinemas and theatres in a residential area as 23:00. The applicant's proposed hours, exceeds every day of the week. The officer also advised that whilst the applicant had provided conditions within the operating schedule with a view to rebut the presumption to refuse the licence, it was felt that that it should be a matter for members consider whether the information provided by the applicant was sufficient in considering whether to grant this licence application.

The licensing officer also made recommendations concerning conditions relating to drinking up times and that the sale of alcohol is restricted only to audiences and participants of the theatrical performances.

The licensing sub-committee noted that the representations from both the Metropolitan Police Service and the health and safety team had been conciliated.

The sub-committee heard from other persons objecting to the application, including a ward councillor who stated that whilst they did not object in principle to the existence of a theatre and bar on this site, they were very concerned by the proposed opening hours in a heavily residential area; due to the number of very nearby flats on Pilgrimage Street and Long Lane (including Halling House), fearing that a late license would cause unnecessary public nuisance, in particular from the noise which will result from people entering and leaving the premises. Due to the consumption of alcohol late at night, there were also concerns that there was a potential for crime and disorder and/or anti social behaviour. The residents sought a reduction in operating as a result. However during the course of the discussion at the sub-committee the local residents accepted that the premises would not be operating a premises with a guise for night club; it was very much a different operation than originally envisaged. The applicant was invited to the Tabard Central Tenants and Residents Association general meeting, which was duly accepted.

The licensing sub-committee noted the representations from the six local residents and ward councillor who were not in attendance.

The licensing sub-committee were pleased that the parties were more in agreement with the licence application. Whilst the Saturday operating hours do exceed those recommend in Southwark's statement of licensing policy, the applicant had demonstrated that the premises would not impact on the licensing objectives, based on the control measures imposed. The sub-committee therefore grant the licence with the addition of conditions 8-11 (above).

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.

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.

Meeting ended at 12.30 pm

CHAIR:

DATED: