

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Monday 8 August 2016 at 10.00 am at Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor David Hubber
Councillor Lorraine Lauder MBE
Councillor Eliza Mann

OTHERS PRESENT: Emma Thomas, Mitchells and Butlers, licensing, Old Thameside Inn
Sarah Taylor, legal representative, Old Thameside Inn
Mark Stone, Mitchells and Butlers, operations, Old Thameside Inn
Robert Morris, General Manager, Old Thameside Inn
Kuku, Leadbeater, Golden Hinde
Ray Palmer, local resident
John Phillips, local resident
Susan Young, local resident
Jack Spiegler, legal representative, Sama
Kitty St Aubyn, legal representative, Sama
Steve Prashad, director, Sama
Omar Ali, director, Sama

OFFICER SUPPORT: Debra Allday, legal officer
Rebecca Millardship, legal officer
Dorcas Mills, licensing officer
Jayne Tear, licensing responsible authority
Andrew Weir, constitutional officer

1. ELECTION OF CHAIR

In the absence of the chair, Councillor David Hubber was nominated by Councillor Lorraine Lauder MBE to chair the meeting. This was seconded by Councillor Eliza Mann.

2. APOLOGIES

There were none.

3. CONFIRMATION OF VOTING MEMBERS

The members present were confirmed as the voting members.

4. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

There were none.

5. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

6. LICENSING ACT 2003: STAY, 56 GOLDSMITH ROAD, LONDON SE15 5TF

The chair advised that this item had been conciliated prior to the meeting.

7. LICENSING ACT 2003: OLD THAMESIDE INN, PICKFORD WHARF, CLINK STREET, LONDON SE1 9DG

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

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

The local residents addressed the sub-committee. Members had questions for the local residents.

The representative from The Golden Hinde addressed the sub-committee. Members had questions for the representative from the Golden Hinde.

All parties were given an opportunity for summing up.

The meeting went into closed session at 11.40am. Prior to going into closed session the chair informed the parties that they would be informed of the full decision in writing.

The meeting resumed at 12.27pm. The chair did not read out the decision as none of the parties were present.

RESOLVED:

That the application by Mitchells & Butlers Leisure Retail Limited for a variation of a premises licence issued under the Licensing Act 2003 in respect of the premises known as Old Thameside Inn, Pickfords Wharf, Clink Street, London SE1 9DG is granted.

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 for and the additional conditions conciliated by the responsible authorities before the licensing sub-committee meeting.

Reasons

The licensing sub-committee heard from the applicant who advised that in approximately June 2016 the applicant became aware that the premises licence application made in 2007 (by the applicant's previous solicitors) had erroneously not included off-sales. Their application was therefore to regularise what was originally granted in 2005 and that they thought still subsisted, in a more restricted form. Concerns that the premises had been operating in breach of the licence were addressed by correspondence from the licensing unit, stating that following inspections, which confirmed that the premises was complying with the licence conditions.

Since 2007, the only complaints received related to the extractor fan, which the applicant gave an undertaking to address in consultation with the local residents and regardless, was not a relevant consideration for the purposes of this variation application.

The licensing sub-committee noted that the responsible authorities for licensing, environmental protection and public health had all conciliated their objections.

The licensing sub-committee heard representations from three local residents who were in attendance and who raised concerns regarding the personal impact that the premises extractor fan had on their health. It was generally accepted that the relationship between the premises and the local residents was good. The representations submitted were not an outright objection as they did not appreciate that the application was to regularise the existing operation at the premises. Their main concerns related to the 07:00 start of the operating hours, which was already in operation and the noise created by the fans and external cleaning. If anything, the inclusion to the external area of the small platform, would mean the capacity of the external area would cover a larger area, and therefore would reduce the noise directly below where the residents lived.

The licensing sub-committee also heard from the Golden Hinde, a business in the local area who advised that their greatest concern was in relation to the prevention of children from harm licensing objective. The Golden Hinde offer educational activities to children both during the day and at night. They stated that the Old Thameside Inn was noisy, rowdy and their patrons regularly displayed drunken behaviour which was unsuitable for the visiting children. Glasses were allegedly thrown at the ship and complaints had been received from schools about this, which resulted in the schools not making further excursions. They also advised that there was a health and safety risk to licensing the wooden decking area. Granting the variation application would be legitimising what they believed to be illegal activity going on. The platform area was installed and paid for the public and should not be licensed.

The licensing sub-committee noted the representations submitted by four other persons (three local residents and a local ward councillor) who were not in attendance at the meeting.

The licensing sub-committee considered all of the oral and written representations before it and were pleased that the representations had, in large, been conciliated and that the local residents were happier in the knowledge that the application was not to extend their existing licensable activities and /or area.

Much thought was given to the representation from the Golden Hinde, which was disputed by both applicant and the local residents. The oral representation appeared to exaggerate the written representation and was not supported by independent evidence made to the police, licensing unit or environmental protection team. Concerns of fire risks and capacity levels were also not supported by the health and safety team or other responsible authorities. If anything, the Golden Hinde representation appeared to be made on the back of a property dispute (detailed on page 66 of the applicant's evidence bundle), which is not a consideration for the licensing sub-committee.

During the course of conciliation, in the interests of working in partnership, the applicant did offer (in a letter dated 4 August 2016) to submit a minor variation in order to amend the opening times of the premises to 09:00, if this variation application were granted. This licensing sub-committee strongly recommend to the applicant that this minor variation application is submitted as soon as possible. The applicant also offered an assurance that the extractor fans would not be used before 09:30 and after 22:30 on any day of the week; in addition the cleaning of the external areas will not take place after 23:30 and before 08:00 on week days (and 09:00 on Saturdays and Sundays). This licensing sub-committee acknowledged that the applicant had provided this assurance for the benefit of the residents.

The residents did stress their concern that should Mitchell's and Butler sell the operation, they would like the liberty to return to the licensing sub-committee to add conditions. All parties were advised that if there were a sale of the premises, then the new owners would need to submit an application for a variation of the licence, which they could submit representations. Furthermore, if there were concerns about the overall operation of the premises, the local residents and businesses had the option to apply to have the premises licence reviewed.

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 to modify the conditions of the licence; and

Any person who made relevant representations in relation to the application who desire to contend that:

- a) That variation ought not to have been made; or
- b) That, when varying the licence, the licensing authority ought not to have modified 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.

8. LICENSING ACT 2003: SAMA, UNIT C, 242 BLACKFRIARS ROAD, LONDON SE1 9UF

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

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

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

Both parties were given an opportunity for summing up.

The meeting went into closed session at 12.54pm. Prior to going into closed session the chair informed the parties that they would be informed of the full decision in writing.

The meeting resumed at 2.30pm. The chair did not read out the decision as none of the parties were present.

RESOLVED:

That the application made by Sama Group Ltd for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Sama, Unit C, 242 Blackfriars Road, London SE1 9UF is granted as follows:

Licensable activity	Hours
Sale of Alcohol	Sunday to Thursday: 11:00 to 23:30 Friday and Saturday: 11:00 to 01:00
Late Night Refreshment:	Sunday to Thursday: 23:00 to 00:00 Friday and Saturday: 23:00 to 01:30
Regulated Entertainment:	Sunday to Thursday: 10:00 to 00:00 Friday and Saturday: 10:00 to 01:30
Opening Hours:	Sunday to Thursday: 07:00 to 00:00 Friday and Saturday: 07:00 to 01:30
Non-standard Timings:	From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. Sunday's before Bank Holidays extended until 01:30 (Sale of Alcohol 01:00). An additional hour when British Summertime commences.

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 conditions conciliated with the responsible authorities during the

conciliation process and the following additional conditions agreed by the sub-committee:

1. That a minimum of two SIA registered door supervisors will be employed at the entrance of the premises to monitor admissions to and departures from the premises from 22:00 on Fridays and Saturdays until close. At least one SIA door supervisor shall be female. At all other times the requirement for SIA supervisors shall be risk assessed by the premises licence holder. SIA registered door supervisors will be employed at other key internal management control points as necessary for the purposes of security, protection, screening and dealing with conflict.
2. There shall be no more than 300 persons, excluding staff, on the premises at any one time.
3. The dispersal policy as set out in the Operational Management Schedule shall be available / be accessible at the premises at all times that the premises are in use in accordance with this licence and shall be made available to officers of the council, police or fire brigade on request.

Reasons

The reasons for the decision are as follows:

The licensing sub-committee heard from the applicant's representative who was able to explain the extensive and comprehensive suite of conditions which had been conciliated with the responsible authorities before the meeting. In addressing the cumulative impact policy, they provided a number of reasons why these premises were deemed to be exceptional. These included the fact that the premises was situated on a self contained private road, a considerable distance from the closest residential properties. It was noted that no local residents had objected to the application.

Some considerable time was spent in explaining the operational management statement and using it to address the licensing objectives and the council's own licensing policy.

The licensing sub-committee noted that the Metropolitan Police Service, the environmental protection team and the public health authority had all conciliated with the applicant prior to the meeting.

The sub-committee heard from the licensing officer representing the council as a responsible authority who advised that the premises were in a saturation zone but was of the opinion that the conditions agreed with the other responsible authorities went some way in addressing the cumulative impact policy. She proposed three further conditions (listed above) that were agreed by the applicant, which she felt would assist the premises in meeting the necessary exceptional criteria for such a premises in the saturation zone.

The licensing sub-committee noted the written representation from the local ward councillor, objecting to the application

The licensing sub-committee considered all of the oral and written representations before it and were satisfied that this particular application was exceptional and therefore could be granted. The sub-committee were reassured by the extensive suite of conditions put forward by the applicant and felt that the concerns of the local ward councillor had been adequately addressed.

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 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 2.30 pm

CHAIR:

DATED: