

## Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Monday 5 September 2016 at 10.00 am at Ground Floor Meeting Room G02B - 160 Tooley Street, London SE1 2QH

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- PRESENT:** Councillor David Hubber (in the chair)  
Councillor Lorraine Lauder MBE  
Councillor Charlie Smith
- OTHERS PRESENT:** George Nwachukwu, applicant, Unit 2, 777 Old Kent Road  
Robert Jordan, applicant's representative, Unit 2 777 Old Kent Road  
Roland Horne, applicant, The Watch House  
Steph Gregg, applicant, The Watch House  
Patrick Coxion, local resident  
R. Hannon, local resident  
M. Widdas, local resident
- OFFICER SUPPORT:** Rebecca Millardship, legal officer  
Wesley McArthur, licensing officer  
Dorcas Mills, licensing officer  
David Franklin, licensing as a responsible authority officer  
Ken Andrews, environmental health team  
Matthew Lambert, planning enforcement team  
Andrew Weir, constitutional officer

### 1. APPOINTMENT OF CHAIR

In the absence of the chair, Councillor David Hubber was nominated by Councillor Lorraine Lauder MBE. This was seconded by Councillor Charlie Smith.

### 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: UNIT 2, 777 OLD KENT ROAD, LONDON SE15 1NZ**

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

The applicant and their 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.

The environmental protection officer addressed the sub-committee. Members had questions for the environmental protection officer.

The planning officer addressed the sub-committee. Members had questions for the planning officer.

All parties were given five minutes for summing up.

The meeting went into closed session at 10.45am. 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 11.18am. The chair did not read out the decision as none of the parties were present.

**RESOLVED:**

That the application made by George Nwachukwu for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Unit 2, 777 Old Kent Road, London SE15 1NZ is granted as follows:

<b>Licensable activity</b>	<b>Hours</b>
<b>Late night refreshment</b>	Saturday – between 23:00 and 00:00 (Midnight)
<b>The supply of alcohol</b>	Sunday to Friday between 11:00 and 23:00 Saturday between 11:00 and 00:00
<b>Opening hours</b>	Sunday to Friday – between 11:00 and 23:30 Saturday between 11:00 and 00:30 the following day

## 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 agreed by the sub-committee:

1. That alcohol shall not be sold or supplied for consumption on the premises otherwise than to persons taking substantial table meals and for consumption by such persons as ancillary to their meal.
2. That a dispersal policy will be implemented and maintained to assist with patrons leaving the premises in an orderly and safe manner and all staff will be trained in the contents of this policy and made aware of any changes. A copy of the dispersal policy shall be made available to the licensing officer and the police on request.
3. That all staff involved in the sale of alcohol shall be trained in the prevention of sales of alcohol to underage persons, and the challenge 25 scheme in operation at the premises. A record of such training shall be kept / be accessible at the premises at all times and be made immediately available for inspection at the premises to council or police officers on request. The training record shall include the trainee's name (in block capitals), the trainer's name (in block capitals), the signature of the trainee, the signature of the trainer, the date(s) of training and a declaration that the training has been received and updated every four months.
4. There shall be a maximum capacity of 80 seated or waiting customers at any one time.
5. There shall be a maximum of five smokers outside the front of the premises at any one time.
6. That there shall be a designated personal supervisor or personal licence holder on the premises at all times alcohol is available for supply for the purpose of supervising such sales.
7. The rear exit shall be closed at all times with the exception of emergencies.

## Reasons

The reasons for the decision are as follows:

The licensing sub-committee heard from the applicant who advised that the application had been amended to read that the Saturday sales of alcohol would be between 11:00 and 01:30 the following day. Furthermore, the applicant no longer sought off sales or recorded music. There would also be a capacity of 80 seated covers and training would be provided every four months.

The applicant also produced a dispersal policy in addition to an acoustic report and four photographs. Contrary to Southwark's statement of licensing policy, the applicant stated that the premises was not in a residential area, but a largely commercial area. Any issues relating to parking, would be addressed by the arrangement the applicant had with Toys R Us who would provide additional parking to patrons of the premises, beyond the normal two hours.

Licensing as a responsible authority objected to the premises licence application based on the prevention of crime and disorder and the prevention of public nuisance licensing

objectives. They referred the licensing sub-committee to the council's statement of licensing policy 2015-2020 in that the operating hours applied for were not consistent with the council's licensing policy; the licence should reflect those specified in the in the licensing policy. The representative from licensing also requested that the applicant provide an accommodation limit and a dispersal policy.

The environmental protection team informed the licensing sub-committee that their representation was based on the prevention of public nuisance licensing objective and suggested an earlier closing time on Saturday and Sunday. Furthermore, they advised that more specific plans should be made to prevent noise escape from the premises to avoid the operation causing a statutory nuisance to nearby residents.

The licensing sub-committee heard from the planning service who objected to the application based on the prevention of the public nuisance licensing objective and advised that the proposed operation of the premises could have a detrimental impact on the residential properties to the rear of the site through associated noise, disturbance through parking and congregation of people in the vicinity of the premises. Furthermore, the premises had planning consent for hot food/take away between the hours of 07:00 to 23:00 Monday to Saturday and 08:00 to 22:00 on Sundays and Bank holidays. Two planning applications had previously been made to extending the hours to 05:30 and 04:30, both of which had failed. There were also proposed developments in the area that would be affected by the premises.

The licensing sub-committee noted the written representation from the public health directorate.

The licensing sub-committee considered very carefully both the oral and written representation from all the parties. The primary point in dispute was the proposed operating hours, which exceeded those specified in Southwark's Statement of Licensing Policy. The applicant was of the view that the premises was not located in a residential area and produced photographs as evidence. However, on considering the plan of the area (page 41 of the agenda), the sub-committee were satisfied that this was a residential area given that there were residential premises at Sylvan Terrace, Bowness House and Ullswater House all of whom could be affected by noise and the late night dispersal from the premises. The licensing sub-committee were not satisfied that the issue of parking and parking disturbance was sufficiently addressed, when Sylvan Terrance already have parking problems. The parking at Toys R Us was in fact public parking, offering two hours free parking. In the circumstances, the licensing sub-committee felt it could not digress from the licensing policy.

### **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.

**7. LICENSING ACT 2003: THE WATCH HOUSE, 17 CARDAMOM BUILDING, 31 SHAD THAMES, LONDON SE1 2YR**

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.

The environmental protection officer advised that they had now conciliated with the applicant. Members had no questions for the environmental protection officer.

The local residents 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 11.56am. 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 1.45pm. The chair did not read out the decision as none of the parties were present.

**RESOLVED:**

That the application made by Chapeau Tower Bridge Ltd for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as The Watch House, Unit 17 Cardamom Building, 30 Shad Thames, London SE1 2YR is granted as follows:

<b>Licensable activity</b>	<b>Hours</b>
Sale & supply of alcohol (on premises)	Monday to Saturday from 12:00 to 22:00 Sunday from 10:30 to 22:00
Operating hours	Monday to Friday from 07:00 to 22:30 Saturday and Sunday from 08:00 to 22:30

## **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 conciliatory statements and the following additional conditions submitted by the police and agreed by the sub-committee:

1. That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV System must be capable of capturing a clear facial image of every person who enters the premises. It should cover all areas within the premises including the outside area to the front in all lighting conditions.
2. That a member of staff should be on duty at all times the premises is open that is trained in the use of the CCTV and able to view and download images to a removable device.
3. That all CCTV footage shall be kept for a period of thirty one (31) days and shall, upon request, be made immediately available to officers of the police and the council
4. That all staff are trained in their responsibilities under the licensing act 2003 and training records to be kept and updated every six months and shall, upon request, be made immediately available to officers of the police and the council.

## **Reasons**

The reasons for the decision are as follows:

The licensing sub-committee heard from the applicant who advised that they had run a coffee shop business on Bermondsey Street since 2014. They stated that their current premises were extremely limited in the hours that they can operate due to a number of restrictive covenants in the lease.

They informed the sub-committee that their proposed business, which will be limited to 23 seated patrons at any one time, will serve coffee and light refreshments during the day. In the evening, they would offer a small selection of coffee based cocktails, wines and small British tapas plates.

They informed the sub-committee that they had made efforts to meet with local residents and the local ward councillor and had considered each of the 42 written representations. They acknowledged the residents' concerns about noise and had agreed to withdraw recorded music from the licence and reduce the hours for which alcohol will be supplied. They provided further reassurances as to the times of deliveries and the handling of the disposal of waste and bottles; these would be conducted by staff and would not be outsourced, in order to ensure that they maintained control.

The licensing sub-committee noted that the police had conciliated with the applicant.

The environmental protection team advised that they had withdrawn their representation on the basis that the applicant agreed to remove recorded music from the licence. This had addressed their concerns regarding noise escape and noise nuisance from the premises.

The licensing sub-committee noted the 41 written representations from local residents and the representation from the ward councillors. It was noted that 13 of these had been withdrawn following the distribution of the second conciliation statement from the applicant.

The sub-committee heard from two of the local residents who were in attendance. A third resident was in attendance but had not made a written representation during the statutory consultation period.

The local residents discussed each of the four licensing objectives, the main focus of which was on noise nuisance and the effects of smoking in the vicinity of their homes. They also raised issue with the late hours of opening, dispersal policies and how deliveries and waste would be dealt with.

The representations regarding noise disturbance were supported by submissions that the residents in attendance, their children and their neighbours' bedrooms all faced into Shad Thames, where the premises would operate.

The local residents questioned the advertising of the application. The licensing officer confirmed that the application had been advertised in accordance with the statutory requirements.

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
- a) 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 1.46 pm

**CHAIR:**

**DATED:**