

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Monday 17 December 2018 at 10.00 am at Ground Floor Meeting Room G03 - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Sunny Lambe (in the chair)
Councillor Sirajul Islam
Councillor Margie Newens

OTHER MEMBERS PRESENT: Councillor Adele Morris (ward councillor)

OFFICER SUPPORT: Rebecca Millardship, legal officer
Dorcas Mills, licensing officer
Mark Prickett, environmental protection officer
Jayne tear, licensing responsible authority officer
Andrew Weir, constitutional officer

1. ELECTION OF CHAIR

Councillor Sunny Lambe was nominated by Councillor Sirajul Islam to chair the sub-committee. This was seconded by Councillor Margie Newens.

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: MARLBOROUGH SPORTS GARDEN, 27 UNION STREET, LONDON SE1 1SD

It was noted that this item had been deferred to 16 January 2019 at the request of the applicant.

7. LICENSING ACT 2003: THE HOXTON SOUTHWARK, 32-40 BLACKFRIARS ROAD, LONDON SE1 8PB

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 legal representative.

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

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

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

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

All parties were given five minutes for summing up.

The meeting adjourned at 12.36am for the members to consider their decision.

The meeting resumed at 1.27pm and the chair advised all parties of the decision.

RESOLVED:

That the application made by the Hoxton (Southwark) Ltd for a premises licence to be granted under Section 17 of the Licensing Act 2003 in respect of the premises known as The Hoxton Southwark is granted as follows:

Opening Hours	Sunday to Thursday 07:00 – 00:00 Friday to Saturday 07:00 – 01:00 24hours for residents of the hotel and their guests
Supply of alcohol (on and off the premises)	Sunday to Thursday 07:00 – 23:30 Friday to Saturday 07:00 – 00:30

	24hours for residents of the hotel and their guests
Films (indoors only)	Sunday to Thursday 07:00 – 23:30 Friday to Saturday 07:00 – 00:30 24hours for residents of the hotel and their guests
Live music (indoors only)	Sunday to Thursday 07:00 – 23:30 Friday to Saturday 07:00 – 00:30 24hours for residents of the hotel and their guests
Recorded music (indoors only)	Sunday to Thursday 07:00 – 23:30 Friday to Saturday 07:00 – 00:30 24hours for residents of the hotel and their guests
Late night refreshment (indoors & outdoors)	Sunday to Thursday 07:00 – 23:30 Friday to Saturday 07:00 – 00:30 24hours for residents of the hotel and their guests

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 schedule of conditions proposed by the applicant and the following additional conditions agreed by the sub-committee:

1. That no rubbish including bottles shall be moved, removed or placed in outside area between 22:00 and 07.00.
2. That no collections including refuse and recyclable food waste shall take place between 22:00 and 07.00.
3. That no deliveries shall take place between 22.00hrs and 07.00.
4. That all external areas must be closed by 22:00, with the exception of the shaded area on attached plans for the ground floor, mezzanine level and sky bar, which must be closed by 23:00.
5. That the management plan and dispersal policy will be maintained and made available to police on reasonable request.

Reasons

The reasons for the decision are as follows:

The licensing sub-committee heard from the representative for the applicant who explained that conciliation had been achieved with responsible authorities in respect of some issues, most pertinently that they were not seeking to play any music outside and that licensable activities were limited to the external areas on the ground floor, mezzanine level and the sky bar. It was also explained that it had been agreed that the ground floor exit onto Colombo Street would be closed and only used in case of emergency after 22:00 daily. Finally it was confirmed that sound limiting devices would be installed.

The representative was able to explain that the company had heavily invested in building the premises and that they had previous experience running similar premises in Hoxton, Shoreditch and Holburn in London. The management team were also described as being extremely experienced. The primary focus of the premises is plainly the hotel residents and their guests, but it was made clear that a number of floors are dedicated to co-working office space, with some of these facilities being made available for community workshops, events and training.

The applicant was also able to highlight, that whilst there were some residential buildings in the locality that this is by no means a 'residential area'. They finally noted that the police as a responsible authority had not made a representation.

The representative for environmental protection team explained that they were primarily concerned with the hours of use for the external areas and the fact that they exceeded both the licensing policy hours, but also the hours agreed in the planning permission. It was also explained that they did not agree with the hours proposed for licensable activities for members of the public.

The representative for licensing as a responsible authority was able to set out that, as the premises is being run as a hotel, in effect the residents and their guests would benefit from 24 hours licensable activities. The restrictions would therefore be focused on the members of the public who attended the premises. The sub-committee were invited to consider the licensing policy and the effect of the premises being within a cumulative impact area when considering the hours that they were granting in respect of this application. It was noted that a number of the public areas had been provided maximum 'safe' capacity figures, with the ground floor having a maximum capacity of 412, the mezzanine level 575 and the top level, comprising of the sky bar 230.

The representative for licensing as a responsible authority was able to set out that, as the premises is being run as a hotel, in effect the residents and their guests would benefit from 24 hours licensable activities. The restrictions would therefore be focused on the members of the public who attended the premises. The sub-committee were invited to consider the licensing policy and the effect of the premises being within a cumulative impact area when considering the hours that they were granting in respect of this application. It was noted that a number of the public areas had been provided maximum 'safe' capacity figures, with the ground floor having a maximum capacity of 412, the mezzanine level 575 and the top level, comprising of the sky bar 230.

The representative had also received confirmation from the applicant that there would be a maximum of one guest per resident. Finally the representative stated that the focus of their representation was the cumulative effect on the local residents.

The representative for public health was not able to attend, but the contents of both their representation in the report and the statement submitted by email were considered by the sub-committee.

There was a representation submitted by Ward Councillor, Adele Morris, who attended the hearing and made representations concerning the fact that the premises are located within the cumulative impact area and therefore there is a presumption against granting a licence, except where the authority can be satisfied that the grant of the application will not impact further on the relevant licensing objectives. Furthermore, Councillor Morris stated that the hours were outside the suggested closing times of premises, found within the licensing policy. Finally Councillor Morris raised the question as to whether the private functions should be included within the parameters of the 24 hours licensing and the applicant was able to confirm that they were not.

In addressing the licensing objectives, heavy emphasis was placed on the training of staff and the control that they will have on the

to the local area and as such a number of floors have been , allowing community events to take place within the premises.

The sub-committee considered each of the representations and assessed these in line with the licensing objectives. They sought clarification on the noise-control measures that were in place for the external areas and were satisfied that due regard had been taken. They also fully considered the operative management plan and requested that the document become part of the suite of conditions that apply to the licence.

In reviewing these conditions, along with the details that were conciliated before the hearing, the sub-committee were satisfied that there had been sufficient regard to the licensing objectives to allay any concerns they had. As such they agreed hours that they felt were justified in the circumstances of this particular application.

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.

The meeting ended at 1.30 pm.

CHAIR:

DATED: