

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 2 March 2023 at 10.00 am at Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Charlie Smith (in the chair)
Councillor Sabina Emmanuel
Councillor Kath Whittam

**OTHER
AUTHORITIES
PRESENT** P.C. Ian Clements, Metropolitan Police Service
P.C. Mark Lynch, Metropolitan Police Service

**OFFICER
SUPPORT:** Debra Allday, legal officer
Toyin Calfos, legal officer
Andrew Heron, licensing officer
Wesley McArthur, licensing officer
Jamie Stubbs, licensing officer
Mark Prickett, environmental protection officer
Andrew Weir, constitutional officer

1. APOLOGIES

In the absence of the chair, Councillor Charlie Smith was nominated by Councillor Kath Whittam to chair the meeting. This was seconded by Councillor Sabina Emmanuel.

This was a virtual licensing sub-committee meeting.

The chair explained to the participants and observers how the virtual meeting would run. Everyone then introduced themselves.

Apologies for absence were received from Councillor Jane Salmon. Councillor Charlie Smith was in attendance as the reserve member.

2. CONFIRMATION OF VOTING MEMBERS

The voting members were confirmed verbally, one at a time.

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

The following item was accepted as an urgent item:

- Studio 68 London – Railway Arch 68, Ewer Street, London SE1 0NR (Temporary event notice).

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. ELECTION OF CHAIR

Please see item 1.

6. LICENSING ACT 2003: SOUTHBANK NIGHTCLUB (T/A LA ESTACION), 57-59 CAMBERWELL ROAD, LONDON SE5 0EZ

The legal representative for the premises requested an adjournment to a future date.

The meeting adjourned at 10.29am for the sub-committee to consider the request.

The meeting reconvened at 10.39am and the chair advised all parties of the decision.

RESOLVED:

That the meeting be adjourned to 10am on 11 May 2023.

7. LICENSING ACT 2003: PECKHAM FOOD AND WINE, 176 PECKHAM HIGH STREET SE15 5EG

It was noted that this item had been postponed to the meeting on 11 May 2023.

8. LICENSING ACT 2003: STUDIO 68 LONDON - RAILWAY ARCH 68, EWER STREET, LONDON SE1 0NR

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

The applicant (the premises user) addressed the sub-committee. Members had questions for the applicant.

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

Both parties were given up to five minutes for summing up.

The meeting adjourned at 11.38am for the sub-committee to consider its decision.

The meeting reconvened at 12.03pm and the chair advised everyone of the decision.

RESOLVED:

That a counter notice not be issued under Section 105 of the Licensing Act 2003 in respect of the temporary event notice (879622) served by Miss Tamara Kramer in relation to an event to be held at Studio 68 London – Railway Arch 68, Ewer Street, London, SE1 0NR on 4-5 March 2023 from 01:00 to 04:00.

Reasons

This matter relates to a temporary event notice (879622) served by Miss Tamara Kramer in relation to an event to be held at Studio 68 London – Railway Arch 68, Ewer Street, London, SE1 0NR on 4-5 March 2023 from 01:00 to 04:00.

The licensing subcommittee heard from the licensing officer who outlined details of the notice. He then confirmed that there was no new information to put before the subcommittee and the objection raised by the environmental protection team remained.

The subcommittee heard evidence from premises user who clarified that the temporary event notice was sought to cover the period 4-5 March 2023 from 01:00 – 04:00 only. She stated that she had founded Studio 68 London in 2010 to try to make a difference to the community. She said that Studio 68 is a dance studio and rehearsal space which brings the community together. She explained that the studio was closed for 2 years during the pandemic but had receive limited funding which helped it to stay afloat. She stated that in 2021, she began studying before applying for a personal licence, which she obtained in 2022.

She stated that she had a temporary event notice allowed in 2022 for the office Christmas party with 200 guests.

In respect of this notice, she stated that she was asked to provide a noise impact report by the environmental protection team, which she provided as requested. The premises user was aware that the environmental protection officer had raised issues with the report. The premises user responded to those issues by stating that the report author was not on the list of Associate Members of the Institute of Acoustics as at the time of checking, as his membership had lapse. She stated that the author had since made contact with the environmental team officer to

confirm his membership had been re-instated. She went on to say that she had consulted with other professionals who had helped her compile a dispersal policy which was also sent to the environmental team officer prior to this hearing. In relation to the dispersal of patrons, she stated that they could be dispersed on to a road where there are no residential buildings and said that the closest residential homes were approximately 20 metres away.

In response to the subcommittee's questions, she stated that she had a business partner in the venture as she could not afford to fund the event on her own.

She stated that the event would concern a dance off show provided by members who would invite friends, family and other dancers. She said the dance show would start around 23:30 where after, the doors to the premises would close to all persons that had not arrived by that time, as she did not want the dancers distracted by persons coming in whilst they were performing. Following the performance, a DJ will play music and there would be an opportunity to dance and purchase drinks. She stated that there would be security personnel who would man the doors and help disperse patrons at the end of the event. She confirmed she is a trained first aider.

The premises user went on to state that her event was not a night club and noted that there was previously a night club that ran for many years in the vicinity. She also stated that the premises had 2 men's and 2 women's toilets which had disability access.

The premises user went on to confirm that she did not use single use plastics and would investigate other bio-degradable products going forward.

The subcommittee heard from environmental team officer.

He stated that the environmental protection team had concerns over planning permission and the restrictions on the hours of use at the premises. He stated that planning permission was sought to extend the hours of use in September 2022 and that application was refused.

He had concerns regarding the Noise Impact Assessment Report submitted with the temporary event notice by the applicant. Whilst he went on to accept that he had been contacted by the author of the report who confirmed his membership with the Institute of Acoustics, concerns remained in relation to the low frequency noise, from the proposed use which would not meet Southwark's noise standards for entertainment venues. He stated that noise nuisance would likely occur from the proposed use of the arch as a nightclub.

The officer went on to highlight the discrepancies between the previously withdrawn application for temporary event notice and the current application with regards to number of persons attending and which studios would be in use. He stated that possible overcrowding could therefore occur in the main studio as well as the potential for public nuisance issues by guests using Ewer Street alleyway as

a toilet if the arch provisions are overrun.

He also stated that noise nuisance could occur if the alleyway was used for smoking / drinking during the event and that noise could escape from the premises through the door/entrance being in use for ingress and egress.

Whilst he confirmed that residential homes were not in the immediate vicinity of the premises, he remained concerned that noise nuisance would likely occur when patrons left the premises to make their way home or when patrons gathered outside the premises to smoke.

In response to questions put by the subcommittee, the officer confirmed that there had been no complaints regarding the previous temporary event notice, but noted that the previous temporary event notice finished 2 hours earlier than the current notice proposed.

The subcommittee did not issue a counter notice as it was satisfied with the premises user's answers to member's questions finding her to be candid. It did not form the view that the venue was going to be used as a nightclub and noted that there had been no previous complaints from residents when the previous temporary event notice had been allowed. The subcommittee also noted that the premises user had a sound dispersal policy in place and noted that the nearest residential buildings were some distance away.

In reaching this decision the subcommittee considered all of the oral and written representations put by the event user and the environmental protection team, having had regard to all the relevant considerations and the four licensing objectives and considered that this decision was appropriate and proportionate.

Appeal rights

Where the relevant counter notice under Section 105(3) is given the premises user may appeal against the decision. Where counter notice is not given, the chief officer of the environmental protection team may appeal against that decision. The appeal must be made to the Magistrates' Court within a period of 21 days beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against. No appeal may be brought later than five working days before the day on which the event begins.

The meeting ended at 12.05pm.

CHAIR:

DATED: