

LICENSING SUB-COMMITTEE

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 13 June 2024 at 10.00 am at Online/Virtual

PRESENT: Councillor Renata Hamvas
Councillor Suzanne Abachor
Councillor Sunny Lambe

**OTHER
AUTHORITIES
PRESENT:** None

**OFFICER
SUPPORT:** Debra Allday, legal officer
Toyin Calfos, legal officer
Jayne Tear, licensing officer
Bina Patel, licensing officer
Ken Andrews, environmental protection officer
Tim Murtagh, constitutional officer

1. APOLOGIES

The chair explained to the participants and observers how the meeting would run.

Everyone then introduced themselves.

There were no apologies for absence.

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

There were none.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003: THE QUBE, COMMERCIAL UNIT 4 RODNEY PLACE, 22 ASH AVENUE, LONDON SE17 1HE

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

The representative for the applicant addressed the sub-committee. Members had questions for the applicant's legal representative.

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

The meeting adjourned at 10.30am for the sub-committee to consider its decision.

The meeting reconvened at 11.07pm and the chair advised everyone of the decision.

RESOLVED:

That the application made by Qube (South) Limited for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as The Qube – Commercial Unit 4 Rodney Place, 22 Ash Avenue, London, SE17 1HE be granted.

Conditions

The operation of the premises under the licence shall be subject to relevant mandatory conditions, conditions derived from the operating schedule highlighted in Parts A, B, E, F, G, H, J, K, L, and M of the application form and the conditions agreed with the Licensing Unit during the conciliation process.

Supply of Alcohol (on and off Sales)	Sunday to Thursday from 08:00 to 00:00 Friday and Saturday from 08:00 to 01:00
Late night refreshment (indoors)	Sunday to Thursday from 23:00 to 00:00 Friday and Saturday from 23:00 to 01:00

The provision of regulated entertainment in the form of films, live and recorded music (indoors):	Sunday to Thursday from 08:00 to 00:00 Friday and Saturday from 08:00 to 01:00
Opening hours	Sunday to Thursday from 08:00 to 00:00 Friday and Saturday from 08:00 to 01:00

The Licensing Sub-Committee Conditions adopted the proposed conditions put forward by the applicant in their application form.

Conciliated Conditions from the Licensing Authority:

A. General – all four licensing objectives:

1. That all relevant staff shall be trained in their responsibilities under the Licensing Act 2003, the promotion of the licensing objectives and the terms and conditions of this licence. Records pertaining to such training ('the staff training logs') shall be kept at the premises, shall be updated every 6 months and shall be made immediately available to responsible authority officers on request. The training logs shall include the trainee's name (in block capitals), the trainer's name (in block capitals), the date(s) of training and a declaration that the training has been received and understood by the trainee. If the staff training logs are a paper hard copy then the signature of the trainee and the signature of the trainer shall be included.

B. the prevention of crime and disorder

2. That the requirement for the deployment of SIA registered door supervisors at the premises shall be risk assessed on an ongoing basis. Risk assessments shall be undertaken regarding any 'special events' at the premises such as parties, receptions, wakes, discos, major sporting events, any events where a large number of customers are expected at the premises and other any other events that the licensee deems necessary to risk assess. Such risk assessments shall be in written format. Copies of such risk assessments shall be kept at the premises for a minimum of 6 months and shall be provided to responsible authority officers immediately on request.
3. When SIA registered door supervisors are deployed at the premises, the door supervisors will be employed to control entry to the premises, to deal with the searching / scanning of customers, to deal with any anti-social or disorderly behaviour at the premises, to de-escalate confrontations, to assist with emergency escape from the premises, to deal with the ejection of people from

the premises, to assist management in liaising with the police regarding instances of crime at the premises and to assist with ensuring that the premises' dispersal policy is adhered to. When deployed, they shall remain at the premises until all patrons have vacated the premises and until at least 30 minutes after the premises close. The door supervisors shall be easily identifiable.

C. Public Safety

4. That the maximum number of people permitted on the premises at any one time (the 'accommodation limit') is 180 people (excluding staff). The accommodation limit shall be known by all staff and shall not be exceeded at any time.
5. That clearly legible signage shall be displayed where it can easily be seen and read by customers and staff identifying all emergency escape routes and emergency exits at the premises. Such signage shall be kept free from obstructions at all times.
6. That all emergency exits, emergency escape routes and entry / exit doors at the premises shall be kept free from obstructions at all times that the premises are in use.
7. That any spills of liquid onto the floor at the premises' shall be cleared away as soon as possible on a continuous basis whilst the premises are in use. Any wet floors will be clearly demarcated as such to prevent slips being caused by the wet floors. Relevant staff shall be trained in this, and details of such training including the printed name(s) of the trainee(s), and the date(s) that the training was given, shall be recorded in the staff training logs at the premises.
8. That broken or waste glass / earthenware shall be cleared away as soon as possible on a continuous basis whilst the premises are in use to minimise risk of injury. Relevant staff shall be trained in this, and details of such training including the printed name(s) of the trainee(s), and the date(s) that the training was given, shall be recorded in the staff training logs at the premises.
9. That appropriate first aid equipment / materials shall be kept at the premises in a dedicated first aid box / boxes. The first aid box(es) shall be kept easily accessible and unobstructed at all times. All staff shall be made aware of where the first aid boxes are located.
10. That an accident book / recording system shall be maintained at the premises and be available and in use at all times that the premises are in operation. The accident book / recording system shall meet all current legislative requirements. Details of any accidents will be recorded in the accident book / recording system contemporaneously. The accident book / recording system shall be made immediately available to responsible authority officers on request. Relevant staff shall be trained in this, and details of such training including the printed name(s) of the trainee(s), and the date(s) that the training was given, shall be recorded in the staff training logs at the premises.

11. That all public areas of the premises (including any public toilets) shall be kept in a sanitary, clean and tidy state at all times that the premises are in operation so that there is no risk to public health or safety regarding the sanitarianess of the premises.
12. That all areas of the premises and all fittings and equipment, door fastenings, notices, lighting, heating, electrical, toilet, washing and other installations, will be maintained in good order and in a safe condition at all times.
13. That 'Ask for Angela' posters (or posters relating to whatever similar scheme may be recommended at any time) shall be displayed in the female toilet facilities and kept free from obstructions at all times. All staff shall be trained in the 'Ask for Angela' scheme (or similar scheme) and shall perform the appropriate course of action in the event of a customer requesting assistance. Details of such training, including the printed name(s) of the trainee(s), and the date(s) that the training was given, shall be recorded in the staff training logs at the premises.

D. The prevention of public nuisance

14. That a dispersal policy to assist with patrons leaving the premises in an orderly and safe manner shall be devised and maintained regarding the premises. A copy of the dispersal policy shall be accessible at the premises at all times that the premises are in operation. The policy should include (but not necessarily be limited to) the following:
 - I. Details as to how customer / staff egress at the premises shall be managed to minimise causing nuisance.
 - II. Details of public transport in the vicinity and how customers will be advised in respect of it.
 - III. Details of the management of taxis to and from the premises.
 - IV. Details of the management of any 'winding down' period at the premises.
 - V. Details of the use of security and stewarding in respect of managing customer dispersal from the premises.
 - VI. Details of any cloakroom facility at the premises and how it is managed.
 - VII. Details of road safety in respect of customers leaving the premises.
 - VIII. Details of the management of ejections from the premises.
 - IX. Details of how refuse / waste in the local vicinity arising through the operation of the premises will be cleared up (e.g. flyer clean up, post event clean up).

All relevant staff employed at the premises shall be trained in the latest version of the dispersal policy. Details of such training, including the printed name(s) of the trainee(s) and the date(s) that the training was given, shall be recorded in the staff training logs at the premises. The dispersal policy shall be made immediately available to responsible authority officers on request.

15. That customers shall not be permitted to leave the premises with open drinks containers of any kind.
16. That only the person in charge of the premises on each day shall set the sound level of the in-house amplification equipment at the premises. Other staff shall only alter any settings of the amplification equipment with the person in charge's consent.
17. That any litter caused by the operation of the premises shall be cleared away from the immediate vicinity of the premises periodically throughout operating hours, and at the end of trade, on each day that the premises are in operation. Relevant staff shall be trained in this, and details of such training including the printed name(s) of the trainee(s), and the date(s) that the training was given, shall be recorded in the staff training logs at the premises.
18. That suitable external containers for customer's cigarette butts shall be provided at all times that the premises are in use. Such containers shall be emptied regularly to ensure that they can be used at all times that the premises are in use, and so that they do not overflow and cause cigarette butt litter in the vicinity.
19. That external doors at the premises shall be kept closed except for immediate, and emergency, access and egress to and from the premises *when regulated entertainment is being provided at the premises*.
20. That any openable windows at the premises shall be kept closed at all times that licensable activities are taking place at the premises *when regulated entertainment is being provided at the premises*.
21. That external waste handling, collections of goods from the premises, deliveries of goods to the premises and the cleaning of external areas shall only occur between the 07:00 hours and 22:00 hours.
22. That, if and when required, staff shall interact with customers to ensure that customers behave at the premises in a quiet and orderly manner and also leave the premises and locale in a quiet and orderly manner. Customers deemed by staff to be engaging in anti-social behaviour shall be asked to leave the premises. All relevant staff shall be trained in this, and details of such training including the printed name(s) of the trainee(s), and the date(s) that the training was given, shall be recorded in the staff training logs at the premises.
23. That any external areas of the premises will be closed to customers between 22:00 hours and 08:00 hours the following day except for up to a maximum of 10 people at any one time using the external areas after 22:00 hours to smoke only. All outdoor furniture must be packed away or rendered unusable by 22:00 hours each day.

Reasons

The licensing sub-committee convened to consider an application for a new premises licence in respect of the premises known as The Qube – Commercial Unit 4 Rodney Place, 22 Ash Avenue, London, SE17 1HE.

The licensing sub-committee heard from the licensing officer who outlined the nature of the application and the remaining objection from a resident who was concerned about potential noise nuisance. She confirmed the applicant had conciliated with the licensing unit after the applicant agreed to a number of conditions put forward by it. No other responsible authority objected. She went on to say the premises was not situated in a community impact area “CIA”.

The licensing sub-committee heard from the applicant’s representative. He explained that Qube has three other sites across London and this would be his fourth. He stated that the premises is a work and community space for content creators.

The applicant stated that his business would support grassroots music producers, songwriters and content creators by providing flexible and affordable studio time to all ages and demographics. He said, the business would provide mentoring and professional development to its members, with a view to supporting them to make money from their art, which in turn would enable members be self-sustaining professionals in industry. He confirmed that he had three other sites across London with over 700 hundred members who paid a monthly subscription for the services provided. He stated that members were able to get studio time, do podcasting and meet with other like-minded individuals. He went on to say that members go through a vetting process prior to membership to ensure they have the right temperament and talent and; ensure they have an engaging community of creators.

The applicant’s representative stated that a letter was sent to the remaining objector setting out the steps taken to mitigate to outbreak of noise. He also confirmed that a full acoustic report had been carried out and the recommended works were untaken. The applicant went on to say that due to the nature of the business, it relied on sound not escaping otherwise the recording studios could not be used to record music. He confirmed the business could not operate unless there was very good soundproofing throughout the building.

The applicant’s representative went on to point out that the hours applied for were consistent with Southwark’s Statement of Licensing Policy 2021-2026 and the premises is located in a major town centre, strategic cultural area. He noted, the business concerned cultural activities. He went on to affirm, the main thrust of this application related to regulated entertainment and the sale of alcohol was secondary to that.

In answer to the licensing sub-committee’s questions he confirmed that members were over 18 years, however, on occasions minors under their mentorship scheme attended but are supervised at all times.

In relation to single use plastics, the applicant explained that plastics were not used in the service provided and members predominately used public transport.

After hearing all the parties, the licensing sub-committee retired to deliberate and consider the application, representations and all the conditions put forward.

The licensing sub-committee were impressed with the application, works undertaken to prevent noise nuisance and the overall presentation of the applicant and his representative.

Upon considering the objection and conditions agreed; the licensing sub-committee were persuaded that the objections raised could be allayed by the sound proofing work undertaken by the applicant.

In reaching its decision, the licensing sub-committee had regard to all the relevant considerations, the four licensing objectives and; considered that its decision was appropriate and proportionate in all the circumstances.

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 desires 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

Issued by the Constitutional Team on behalf of the Assistant Chief Executive - Governance and Assurance.

6. LICENSING ACT 2003: ANL PRIVATE HALL, 73-75 CAMBERWELL ROAD, LONDON SE5 0EZ

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 meeting adjourned at 11.45am.

The meeting reconvened at 11.57am.

The meeting adjourned at 12.07pm.

The meeting reconvened at 12.14pm.

The meeting adjourned at 12.23pm.

The meeting reconvened at 12.37pm.

The licensing responsible authority officer (environmental protection team) addressed the sub-committee. Members had questions for the licensing responsible authority officer.

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

The meeting adjourned at 1.10pm.

The meeting reconvened at 1.23pm and the chair advised everyone of the decision.

RESOLVED:

That the application made by Lisseth Magda Aguilera Rojas for a premises licence to be granted under Section 17 of the Licensing Act 2003 in respect of the premises known as ANL Private Hall, 73-75 Camberwell Road, London SE5 0EZ be refused.

Reasons

This was an application for a premises licence made by Lisseth Magda Aguilera Rojas for a premises licence in respect of ANL Private Hall, 73-75 Camberwell Road, London SE5 0EZ.

The licensing sub-committee heard from the applicant and her representative who advised that the premises would be restaurant and she wanted to be able to serve alcohol with and after meals. The premises would not be alcohol led and would not be a nightclub. Currently the premises were closed. Attempts had been made to open in April 2024, but because there was no alcohol licence in place, the business couldn't operate. The Applicant was originally from Bolivia and the premises would cater for the South American community, which was large in South London. Latinos tended to eat after 20:00/21:00 hours. The premises would be a community space for people to enjoy the South American culture and have fun. The applicant stated that she had lived in the UK for many years and understood her obligations under the Licensing

Act 2003

There would be late night events once a month, under the temporary event notice (TENs) regime. It was added that the premises would also be a place that could be hired for private parties, but only for the hours as specified on the licence.

The applicant recognised the local residents' concerns regarding noise and wished to assure the committee members that they would respond to all complaints and respect neighbours.

Concerns were raised of the change of premises type, from a space for party events with dancing and then to a restaurant. It was clarified that the initial application was for a private hall for hire, but this was changed to a restaurant where people could hire the premises for private events. The applicant's 15-year-old son suggested the business operate as a restaurant and he would work there.

The applicant stated that there would be a maximum capacity of 80-85 people or 60 covers. When considering the capacity, members raised concerns that the premises looked more like a studio flat as the plans showed a single bathroom, with a shower and a single toilet. There was also no indication of tables and chairs, no bar, no dance floor; just a kitchen, a bathroom and an open space (which could be used as a dance floor). The applicant stated that the plans were incorrect as there was no longer a shower cubicle and two toilets had been installed.

A further hand drawn plan was subsequently provided by the applicant's representative, who stated that the plans were now up to date plans. Unfortunately, no bar or dance floor area was on the plan. The applicant also stated that there was now a hallway / passage to the two toilets, so the plans were still incorrect and did not reflect the applicant's description (in the application), nor did they reflect the significantly altered application and they were not fit for purpose.

When asked about the upstairs residential properties, the applicant stated that the flat was empty. It was unclear whether there was any residential accommodation above the premises, but members were informed that they were currently empty but being used for storage, akin to an attic. There was both single and double glazed windows. The front had single glazing, with the double glazing on the side. Camberwell Road was extremely busy and noisy, so any noise from the premises would be drowned out by the external noise and would not be heard. The applicant said that noise insulation had already been installed.

The applicant said there was some noise insulation, but highlighted that the premises was located in a very noisy area. There were double thick curtains on the doors/windows, in the event they had a party. Music did not escape; the music could not be heard outside because the area was so loud and busy with traffic. The applicant had asked a company to carry out a noise assessment, but no professional assessment had been carried out. The volume had been set on a sound limiter, but she reiterated that the premises would not operate as a nightclub, so it wouldn't be loud. It then transpired that the sound had been measured on a phone application,

which were known to be inaccurate.

The licensing sub-committee heard from the officer from the Environmental Protection Team (EPT), who similarly stated that the application was for a premises for hire and this had changed during the course of conciliation and now would be a restaurant. EPT's representation had been submitted on the pretext of the premises being a community space for private hire. Even as a restaurant EPT still required an acoustic assessment for the premises since the previous use of the premises was as a shop. The assessment would need to be carried out by a competent person to do an assessment of the premises to show its suitability for the use of hire halls, for weddings and for music. As far as EPT were concerned, residents lived above the premises and although the applicant stated that the accommodation was empty, it was possible that this could change. EPT were aware of an event that took place in September 2023, with approximately 70 patrons. Complaints of the event had been received from local residents, including from residents above.

Concerning the ventilation generated from the food preparation, so one would not cause a nuisance to the nearby premises, the applicant stated that they had provided the information to EPT. However, the officer stated that none had been received. On the available information to the officer, the application should be refused.

The licensing sub-committee noted the written representations of two other persons who were unable to attend the hearing due to technical issues. It also noted the representations from the five other persons who were not in attendance.

This was an application for a premises licence which was originally for community space for dancing, parties and events. During the course of conciliation with the Metropolitan Police and Trading Standards, the nature of the application was changed significantly. The application was for a restaurant and the hours were amended so they aligned with Southwark's Statement of Licencing Policy 2021-2026.

The applicant was experienced and was previously licensee, albeit she had not had involvement in the day-to-day running of other premises for some time. The application before the members of the sub-committee was confusing. The plan submitted was incorrect and was not a true reflection of the premises that was being considered. A further plan was provided during the course of the hearing. This version was not fit for purpose and was also incorrect. The applicant had not engaged with EPT, nor had she obtained an acoustic assessment, so members did not have a clear picture of the sound attenuation and how it could affect local residents and/or neighbouring properties.

There were also inconsistencies whether there was any residential accommodation above the premises. EPT and local residents stated that there were. In response, the applicant stated that her son's father lived above the premises (who was unable to hear any noise from the premises), but the applicant later refuted that there was any residential accommodation, stating that the flat above was used for storage, which later changed to the area being an attic. It was not made clear whether there was any other residential accommodation adjoining this area.

Information requested by EPT concerning an acoustic assessment and ventilation had also not been provided. The applicant should also note that the setting of a limit for music volume would need to be via a sound limiter device and not a mobile phone application.

The applicant mentioned on two occasions that that only 12 TENs were permitted each year. Although this is a different regime to the premises licence application, it was the view of the sub-committee that the applicant (and proposed designated premises supervisor), should have known that a maximum of 15 TENs were now permitted under the Licensing Act 2003 (LA2003). The sub-committee recommended that before the applicant submits any further LA2003 application she attends refresher training.

Finally, the sub-committee were troubled with the applicant's assertion that her 15-year-old son decided that that the premises licence application be changed from a space for party and events to a restaurant and that he would be working in the premises. The sub-committee did not explore this further, but in light of the other issues highlighted in these reasons for decision, there is potential that this would undermine the protection of children from harm licensing objective.

Once the applicant addressed these issues, she is at liberty to submit further application that may have a more positive result. In the meantime, this application is refused.

In reaching this decision the sub-committee had regard to all the relevant considerations, its equality duties and the four licensing objectives and considered that this decision was appropriate and proportionate.

Appeal rights

The applicant may appeal against any decision:

- c. To impose conditions on the licence
- d. 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.

Issued by the Constitutional Team on behalf of the Assistant Chief Executive - Governance and Assurance.

The meeting ended at 1.30pm

CHAIR:

DATED: