



Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 31 October 2024 at 10.00 am at Online/Virtual

PRESENT: Councillor Renata Hamvas (Chair)
Councillor Ian Wingfield
Councillor Margy Newens

OFFICER SUPPORT: Debra Allday, legal officer
Andrew Heron, licensing officer
Andrew Weir, constitutional officer

1. APOLOGIES

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

Everyone then introduced themselves.

There were apologies for absence from Councillor Maria Linforth-Hall. Councillor Margy Newens was in attendance as the reserve member.

2. CONFIRMATION OF VOTING MEMBERS

The voting members were confirmed verbally.

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: BUBBLE BUBBLE AND BAR, 194 OLD KENT ROAD, LONDON SE1 5TY

The licensing officer presented their report. They advised that the licensing responsible authority officer was unable to attend the meeting but they had provided a written statement to be read out.

The licensing officer read out the statement of the licensing responsible authority officer.

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

The representative for the applicant was given up to five minutes for summing up.

The meeting adjourned at 10.50am for the sub-committee to consider its decision.

The meeting reconvened at 11.14am and the chair advised the attendees of the decision.

RESOLVED:

That the application made by Bubblekaraoke Ltd. for a premises licence to be varied under Section 34 of the Licensing Act 2003 in respect of the premises known as Bubble Bubble and Bar – 194 Old Kent Road, London SE1 5TY

Hours

The sale by retail of alcohol (on sales only):	Monday to Sunday from 10:00 to 04:00
The provision of regulated entertainment in the form of live and recorded music (indoors):	Monday to Sunday from 23:00 to 06:00
Opening hours:	Monday to Sunday from 10:00 to 06:00

Conditions

1. That the details of public transport in the vicinity will be included in all literature and publicity in addition to the premises website.

Recommendations

1. That the premises shall not use single use plastics, where possible.

Reasons

This was an application for the variation of a premises licence in respect of Bubble Bubble and Bar, 194 Old Kent Road, London SE1 5TY.

The licensing sub-committee heard from the licensing officer who outlined the nature of the application that was simply to extend the operating hours. He confirmed that the current operating hours already exceeded those recommended in Southwark's statement of licencing policy (SoLP), being 23:00 for all types of premises in the area. The officer also advised that he premises also did not fall within one of the council's cumulative impact areas (CIA).

The officer explained that due to staffing issues no one was able to attend for licensing as a responsible authority. However, the licensing responsible authority officer had submitted a statement, which was read to the sub-committee.

A summary of the statement is set out below:

- i. The premises already had the benefit of a premises licence with operating hours beyond those recommended in the Southwark's statement of licensing policy.
- ii. The licensing sub-committee should determine the application, given that the variation application was to extend hours already significantly outside the statement of licensing policy.
- iii. Sound escape and the noise of intoxicated customers could affect local residents, with patrons dispersing from premises and the locale. An extension of operating hours meant a higher likelihood of intoxicated patrons dispersing the area and interacting with residents, or patrons from other local licensed premises.
- iv. Although no substantiated complaints had been made of the premises, it was for the premises to prevent any of the licensing objectives being undermined. An extension of the operating hours would increase the likelihood of the licensing objectives being undermined.
- v. Other licensed premises in the locale also had late operating hours and there was no reason to extend this premises licence further. Other licensed premises may seek to compete with the extended hours of Bubble Bubble Bar which in turn, could open the floodgates to applications seeking even later hours, which would result a high concentration of licensed premises in a residential area where all had very late operating hours.

The licensing sub-committee heard from representative for the applicant who pointed out that the representation from the licensing responsible authority officer was entirely policy based.

They advised that representations should relate to one of the four licensing objectives and referred to the Home Office Revised Guidance issued under Section 182 of the Licensing Act 2004 (December 2023) paragraph 9.11:

“...it is the responsibility of each responsible authority to determine when they have appropriate grounds to do so”

They also referred to paragraph 9.12

“Each responsible authority will be an expert in their respective field, and in some cases it is likely that a particular responsible authority will be the licensing authority’s main source of advice in relation to a particular licensing objective”.

In their view, the licensing responsible authority representation fell foul of this. Neither the police, being the main source of advice on crime and disorder nor the environmental protection team, whose expertise concerned noise pollution had submitted representations.

The only representation was from the licensing responsible authority that was received on the last day of the consultation period, and they were not present at the hearing.

Concerning the application, the Bubble Bubble Bar was a karaoke bar. The conditions attached to the premises licence were bespoke to the premises. It would not be possible for another operator to take over the premises and transform it into a nightclub or a bar.

As a karaoke bar, the premises was entertainment led, not alcohol based. The applicant was focused very much on the East Asian community, who the applicant stated were culturally not big alcohol drinkers. The premises was not geared towards a western client base.

The primary competitor to the premises was a karaoke bar in London was at Elephants and Castle and the reason for the applicant sought later hours was to be able to offer the karaoke experience should the Elephant Castle premises be unable to accommodate customers.

Although within Southwark’s statement of licensing policy the local area is classed as residential, the planning department had identified the area as mixed-use in nature with a strong commercial element.

There was no provision for customers to walk in off the street for a late night karaoke as condition 355 provided that:

“No admission to the karaoke rooms other than to pre-booked groups which must be booked before 17:00 hours on the date for which the booking’s due for bookings due or for bookings due to take place between midnight and

03:30 hours on the day before the date for which the booking is due”.

There were two karaoke rooms within the premises, both of which were soundproofed so not to disturb customers in the other karaoke room. The premises was therefore entirely soundproofed. There was a maximum capacity of 100, although each karaoke room could accommodate 50 standing customers, it was more comfortable to have a maximum of approximately 20 customers. Bookings were typically three or four hours each. The last booking would be at approximately 03:00, to achieve the 06:00 closing.

The premises had already operated for two and a half years, and no adverse compliance issues had been raised. Two complaints were referred to in the agenda, but neither complaint had been substantiated.

A compromise was offered to members, should they still had concerns of late night/early morning intoxication as suggested by the licensing responsible authority. The applicant would be agreeable to the sale of alcohol until 02:00 on Sunday to Thursday and 04:00 on Friday and Saturday, with regulated entertainment until 04:00 on Sunday to Thursday and 06:00 on Friday and Saturday. This would effectively provide a two hour drinking up time and would allow the premises to focus on its primary use of regulated entertainments.

Although there was a kitchen in the premises, the applicant’s representative was unable to provide any detail, although it was noted no late night refreshment was provided for in the licence.

There was some discussion of other licensed premises in the immediate vicinity because reviews for the Eurotraveller Hotel mentioned nightclub music and heavy bass from a premises. Through discussion it was accepted that since Bubble Bubble Bar was entirely soundproofed, the noise would have emanated from one of the other licensed premises.

The plans to the premises were also discussed. It was established that the fire exit (marked on the plan) was the main entrance to the premises. There also appeared to be a doorway between the hotel and the premises on the right-hand side of the plan. As the plan appeared to be out of date, the licensing officer stated that a minor variation to update the plans of the premises was required.

Although members initially had concerns in extending the operating hours, they were conscious of the growing East Asian community in Southwark and its equality duties to this regard. It was accepted that the premises was entertainment led and catered specifically for its customer base. The premises also had a comprehensive suite of conditions, bespoke to the premises and its client base and a condition was already in place to prevent walk-in bookings. The representative for the applicant added that the applicant would endeavour not to use single use plastics.

The Licensing Act 2003 is a permissive regime, meaning that a licence must be granted if made in accordance with statutory requirements and in the absence relevant or in this case, compelling representations.

In reaching this decision the licensing 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 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. The variation ought not to be been granted; 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.

The meeting ended at 11.17am.

CHAIR:

DATED:

[CABINET ONLY]

DEADLINE FOR NOTIFICATION OF CALL-IN UNDER SECTION 17 OF THE OVERVIEW AND SCRUTINY PROCEDURE RULES IS MIDNIGHT, [DATE].

THE ABOVE DECISIONS WILL NOT BE IMPLEMENTABLE UNTIL AFTER THAT DATE. SHOULD A DECISION OF THE CABINET BE CALLED-IN FOR SCRUTINY, THEN THE RELEVANT DECISION WILL BE HELD IN ABEYANCE PENDING THE OUTCOME OF SCRUTINY CONSIDERATION.