



Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Monday 8 September 2014 at 10.00 am at Ground Floor Meeting Room G02B - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Renata Hamvas (Chair)
Councillor David Hubber
Councillor Charlie Smith

OTHERS PRESENT: Enri Julius, applicant
Steve Renn, applicant's representative
Patrick Burke, local resident

OFFICER SUPPORT: Cynthia Barrientos, legal officer
Sarah Newman, environmental protection officer
Dorcas Mills, licensing officer
Virginia Wynn-Jones, constitutional officer

1. APOLOGIES

There were none.

2. CONFIRMATION OF VOTING MEMBERS

The members present were confirmed as the voting members.

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

The chair agreed to accept as late and urgent a list of conditions suggested by the environmental protection team in regard to item 5.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003: SOUTHBANK NIGHTCLUB, BASEMENT, 57-59 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 environmental protection officer addressed the sub-committee. Members had questions for the environmental protection officer.

The local resident addressed the sub-committee. Members had questions for the local resident.

All parties were given five minutes for summing up.

The licensing sub-committee went into closed session at 11.50am.

The licensing sub-committee resumed at 1.05pm and the chair read out the decision of the sub-committee.

RESOLVED:

That the application by Enri Julius for a grant of a premises licence issued under the Licensing Act 2003 in respect of Southbank Night Club, 57-59 Camberwell Road, London, SE5 is granted as follows:

Licensable Activity	
Films (indoors)	Sunday to Wednesday from 10.00 to 00.00 Thursday from 10.00 to 02.30 Friday, Saturday and New Year's Eve from 10.00 to 04.30
Live music (indoors)	Sunday to Wednesday from 10.00 to 00.00 Thursday from 10.00 to 02.30 Friday, Saturday and New Year's Eve from 10.00 to 04.30
Recorded Music (indoors)	Sunday to Wednesday from 10.00 to 00.00 Thursday from 10.00 to 02.30 Friday, Saturday and New Year's Eve from 10.00 to 04.30
Performance of dance (indoors)	Sunday to Wednesday from 10.00 to 00.00 Thursday from 10.00 to 02.30 Friday, Saturday and New Year's Eve from 10.00 to 04.30

Licensable Activity	
Late night refreshment	Sunday to Wednesday from 23.00 to 00.00 Thursday from 23.00 to 02.30 Friday, Saturday and New Year's Eve from 23.00 to 04.30
Sale and supply of alcohol on the premises	Sunday to Wednesday from 10.00 to 00.00 Thursday from 10.00 to 02.30 Friday, Saturday and New Year's Eve from 10.00 to 04.30
Opening hours	Sunday to Wednesday from 10.00 to 00.30 Thursday from 10.00 to 03.00 Friday, Saturday and New Year's Eve from 10.00 to 05.00

Conditions

In addition to the decision as above, the following conditions, as determined by the sub-committee, will apply:

1. That three (3) SIA registered door staff be employed from 22.00 on Thursday, Friday, Saturday and New Year's Eve until the terminal hour.
2. That the rear fire exit shall not be used as an entrance or exit except in emergencies.
3. That the rear fire exit be alarmed.
4. That the rear fire exit have a sign posted stating 'No entrance or exit except in emergencies' inside and out.

That the following conditions, as conciliated with the environmental protection team, will apply:

5. That before the premises license can take effect install self-closers, acoustic seals and brushes to the doors/fire doors to the external, to the ground floor and at the top and bottom of the entrance stairs (self closers shall be in accordance with BS 6459 Pt. 1 1984).
6. That all doors shall open in the direction of escape.
7. That before the premises license can take effect sound insulation shall be installed to baffle the ventilation and air extraction inlets and outlets to prevent sound escape from the premises.
8. That before the premises license can take effect the licensee shall install noise insulation of an adequate specification to party walls, floors and ceilings.

9. That before the premises license can take effect install noise insulation to any air handling plant/condensers/etc. to ensure sound output is 10 dB(A) below the lowest L90 15 min relevant in the period the plant will be operational.
10. That before the premises license can take effect the applicant shall submit details of the noise insulation and containment proposed for the premises, for approval by the environmental protection team and shall undertake the approved works. (Note – specification – 100mm Polystyrene, 150mm Acoustic Rockwool & Marine Plywood.)
11. That the applicant shall have an appropriate sound limiting device fitted to the basement.
12. That the sound limiting device/s shall be set to ensure that the maximum levels of volume and bass permitted by the system ensure any music, speech or song from licensed entertainment is not audible in nearby residential premises or causes a public nuisance in the vicinity of the premises.
13. That should there be any change to the equipment involved in the broadcast or limiting of sound from licensed entertainment the sound limiter shall be re-set, in conjunction with a qualified sound engineer, to ensure that any music, speech or song from licensed entertainment is not audible in nearby residential premises nor will cause a public nuisance in the vicinity of the premises.
14. That the sound limiting device shall be maintained at the set level there-after.
15. That all audio and musical equipment used in the premises shall be played through the installed sound limiting device.
16. That any additional amplification equipment imported on to the premises by third parties shall be connected to and use the installed sound limited circuit.
17. That all doors, including fire doors, shall be kept closed during licensed entertainment except when allowing access and egress.
18. That all speakers for the broadcast of sound within the premises shall be isolated from the structure of the premises by anti-vibration mountings or mats.
19. That all live music performances shall be acoustic, other than an electric keyboard with volume control to be used for accompaniment of an artist, with no loud instruments e.g. brass, drums or pipes permitted.
20. That there shall be no drinks permitted outside on the frontage.
21. That there shall be no more than five persons permitted outside on the frontage, to smoke only.
22. That external waste handling, collections, deliveries and the cleaning of external areas shall only occur between the hours of 08.00 and 20.00.

23. That there shall be no movement of musical equipment from the premises between the hours of 00.00 and 08.00.
24. That suitably qualified or experienced persons shall be employed at all times whilst the entertainment is being provided and shall take all reasonable steps to ensure that patrons will not cause a nuisance to the neighbourhood.
25. That announcements shall be made and notices provided to request that patrons leave in a quiet and orderly manner that is respectful to neighbours.

Reasons

The reasons for the decision are as follows:

The licensing sub-committee heard evidence from the applicant's representative, the council's environmental protection team and a local resident.

The applicant's representative advised that he had taken over the premises in October 2013. It was his intention to separate the ground floor and the basement, and to surrender the current licence (no. 844738). The new application was in respect of the basement only, which they intend to operate as a nightclub.

The applicant advised that licensing officers inspected the premises shortly after his arrival in November 2013, and found a number of breaches to the licensing conditions. The applicant advised that the premises is now fully compliant with the conditions of the current licence. In response to the written objections from local residents, the applicant advised that the majority of complaints related to incidents which took place prior to his taking over management of the premises. He had operated six temporary event notices which terminated as late as 05.00 and there has been no complaints. The applicant advised that as only the basement will be operating, this will reduce the maximum number of patrons from 440 to 220, and further protect local residents from noise nuisance. In response to complaints regarding patrons congregating outside the venue and on Boundary Lane, the applicant advised the rear fire exit would only be used in case of emergency.

The applicant advised that they had further discussions with the environmental protection team and had agreed to their suggested conditions. The representative of the environmental protection team noted that the team do not have any problems with the new management, and there had been no complaints received from the TENs run by the applicant. The environmental protection team offered 21 conditions which had been agreed by the applicant, and were sufficient to satisfy their concerns.

The local resident advised that there had been issues relating to noise nuisance and patrons congregating outside the premises. He noted that the historical issues were with noise from the basement, which he hoped would be mitigated by the conditions suggested by the environmental protection team. He advised that he had no complaints in relation to the new management of these premises. The sub-committee noted the written representations of the other six local residents.

The sub-committee noted that the applicant intended to surrender the current licence (no. 844738) as soon as this licence comes into effect.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives.

The licensing sub-committee considered that the conditions determined by the sub-committee above are necessary and proportionate for the prevention of public nuisance and crime and disorder.

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:

- That the licence ought not to be been granted; or
- 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 in 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 closed at 1.15pm.

CHAIR:

DATED: