



Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Wednesday 17 September 2014 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Renata Hamvas (Chair)
Councillor Jon Hartley
Councillor Sunny Lambe

OTHERS PRESENT: Elizabeth Southorn, applicant's representative
Paloma Lisboa, applicant
Paul Rogan, applicant
John West, applicant
Simon Hughes, local resident
Andrea Miller, local resident
M. McCormack, local resident
Petros Lafazanidis, local resident
Reta Turner, applicant's representative

OFFICER SUPPORT: Joanne Devlin, legal officer
Jayne Tear, licensing officer
Sarah Newman, environmental protection officer
Paula Thornton, constitutional officer (observing)
Andrew Weir, 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 item 8: Licensing Act 2003: Black Elderly Group Southwark, 86 Bellenden Road, London SE15 4RQ – Temporary event notice as late and urgent.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003: UNIT 3 & 4, 12-16 BLENHEIM GROVE, LONDON SE15 4QL

This item had been conciliated prior to the meeting.

6. LICENSING ACT 2003: CHAMPION HILL RESIDENCE, KINGS COLLEGE LONDON, DENMARK HILL, LONDON SE5 8AN

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

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

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

All parties were given five minutes for summing up.

The licensing sub-committee went into closed session at 12.30pm.

The licensing sub-committee resumed at 2.05pm and the chair read out the sub-committee's decision.

RESOLVED:

That the application by King's College London for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Champion Hill Residence, Kings College London, Denmark Hill, London SE5 8AN be granted as follows:

Licensable Activity	
Films Indoors	Monday to Sunday from 12.00 to 23.00
Sale and supply of alcohol (on and off the premises)	Monday to Sunday from 12.00 to 22.30
Operating hours	Monday to Sunday from 12.00 to 23.00

Conditions

The operation of the premises under the licence shall be subject to relevant mandatory conditions and conditions derived from the operation schedule in Section M of the

application form and shall be subject to the following additional conditions as agreed by the applicant, the police and the environmental protection team:

1. That a CCTV system be installed at the premises and be maintained in good working order to the satisfaction of the Metropolitan Police Service and be continually recording at all times that the premises are in use under the licence. The CCTV system must be capable of capturing a clear facial image of every person who enters the premises.
2. That all CCTV footage shall be kept for a period of 31 days and shall, upon request, be made immediately available to officers of the police and the council.
3. That all staff are trained in their responsibilities under the Licensing Act 2003.
4. That patrons shall not be permitted to consume drinks purchased in the premises, on the terrace after 21.45.
5. That external waste handling, collections, deliveries and the cleaning of external areas shall only take place between the hours of 07.00 and 21.00 Monday to Friday and 09.00 to 20.00 on Saturday and Sunday.

The applicant is also subject to the conditions, as set out in the applicant's letter dated 10 September 2014 addressed to the Southwark safeguarding children board as amendments to the original licence application and agreed on 16 September 2014.

The following additional conditions as agreed by the licensing sub-committee shall also apply:

6. That a dedicated telephone number will be on display at all times and clearly advertised at the reception of the premises for residents and members of the public to call a responsible person, on duty, with any concerns.
7. That suitable notices shall be displayed, requesting people to leave the premises in a quiet and orderly manner, so as not to disturb the residents.
8. That the premises shall operate an age check Challenge 25 policy whereby customers purchasing alcohol who look or appear to be under 25 years of age shall be asked for an approved form of proof of age. Approved forms shall include a driving licence, passport or a PASS card such as the Southwark proof of age card.
9. That Age check or Challenge 25 signage will be displayed at the entrances to the premises, areas where alcohol is displayed for sale and at points of sale to inform customers that an age check Challenge 25 policy applies and that proof of age may be required.

Reasons

The licensing sub-committee heard evidence from the applicant's representative who confirmed that the applicant had removed the application in respect of recorded music. The applicant's representative highlighted to the committee that Kings College was a well regarded institution and had recently conciliated in respect of the representations from the

police, the environmental protection team and the Southwark safeguarding children board. The representative also highlighted that following a site visit from the environmental protection team they were satisfied that any previous concerns had been addressed.

With respect to security, the representative sought to assure the sub-committee that the college adhered to a robust security policy with 24 hour coverage and CCTV in accordance with the police requirements.

The representative also stated that off sales would be restricted to one bottle of wine or three bottles of beer per customer. They went on to highlight that the premises had a strong management team who were committed to working with local residents in order to ensure good working relations. Following a local conciliation meeting with local residents, the representative agreed to circulate a dedicated telephone number and also agreed to reduce the licensable activity hours from 23.00 to 22.30.

Further more in a bid to address concerns raised by residents, the representative also confirmed that the estate was not open to the general public and that students would be limited to two guests at any one time.

The licensing sub-committee noted that the Metropolitan Police Service had conciliated with the applicant.

The sub-committee noted that the environmental protection team had conciliated with the applicant.

The sub-committee noted that the Southwark safeguarding children board had also conciliated with the applicant subject to conditions referred to in the letter dated 10 September 2014.

The sub-committee heard from an other person who spoke on behalf the residents in attendance who were also opposed to the application. Their concerns were in relation to nuisance in the local area and included the following: They did not have faith in the management of the premises. They referred to disruption caused by students during the period of 2009-2013. However, it was clarified that such disruption was on and off site and the applicant confirmed that the premises was now operated by a new management company who are seeking to work with the local residents in order to address any concerns.

The local resident stated that they wanted to reduce the drinking area, wanted music removed from the licence application, did not want the premises to encourage the consumption of alcohol, did not perceive the security to be sufficient and requested that the licensable activity hours be reduced to 22.30. He also asked for a dedicated telephone number to contact in the event of any disruption. The resident also felt that regular monthly meetings with the applicant would assist in maintaining good working relations with the local residents.

The sub-committee noted all of the representations from local residents, including the representation from the other person in favour of the application. The sub-committee found that there were no reasonable grounds to refuse the application. The sub-committee suggested that the applicant liaised with the local residents directly in order to address any issues that may arise in the future.

In reaching this decision the sub committee had regard to all the relevant considerations and the four licensing objectives and considered that its 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:

- 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.

8. LICENSING ACT 2003: BLACK ELDERLY GROUP SOUTHWARK, 86 BELLENDEN ROAD, LONDON, SE15 4RQ - TEMPORARY EVENT NOTICE

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

The applicant was unable to attend the licensing meeting but sent a representative. The applicant's representative addressed the sub-committee. Members had questions for the applicant's representative.

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

All parties were given five minutes for summing up.

The licensing sub-committee went into closed session at 3.10pm.

The licensing sub-committee resumed at 3.46pm and the chair read out the decision of the sub-committee.

RESOLVED:

That a counter notice not be issued under Section 105 of the Licensing Act 2003 in

respect of the Temporary Event Notice given by Mr Desmond Sealy in respect of the premises known as Black Elderly Group Southwark, 86 Bellenden Road, London SE15 4RQ.

Reasons

This was a temporary event notice submitted by Mr Desmond Sealy in respect of the premises known as Black Elderly Group Southwark, 86 Bellenden Road, London SE15 4RQ.

The licensing sub-committee heard evidence from the council's environmental protection team officer who advised that there had been seven noise related complaints this year in relation to the premises. The complaints were from different households and whilst the environmental protection team had attempted to work with the premises by providing preventative advice, noise issues remained in relation to the premises.

However, it was confirmed that none of the complaints were related in any way to the applicant in respect of the previous TENS as the complaints were in relation to completely separate dates. Furthermore, whilst the officer considered there to be noise issues with the premises, they confirmed that to date the complaints had not amounted to a statutory nuisance.

The licensing sub-committee heard evidence from the premises user Mr Desmond Sealy's representative who informed the sub-committee that the TEN was for the purpose of a dominos club whereby three TENS have been issued this year without any complaints.

The representative advised that the club always ensured that windows and doors were closed to ensure that noise levels were kept to a minimum. The representative for the applicant also advised that she understood that the noise limiter at the premises was working and that the club would use this to limit the sound level of the music.

The representative highlighted that herself and other club members were careful to ensure that the events did not fall foul of the licensing objectives.

The licensing sub-committee felt that a counter notice should not be issued on this occasion.

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 in order to address the licensing objectives.

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 closed at 3.50pm.

CHAIR:

DATED: