



LICENSING SUB-COMMITTEE

Friday 22 November 2019 at 2.00 pm

MINUTES

PRESENT: Councillor John Kazantzis, Councillor Philip Normal and Councillor Emma Nye

APOLOGIES:

ALSO PRESENT:

1 ELECTION OF CHAIR

MOVED by Councillor Philip Normal, SECONDED by Councillor John Kazantzis,

RESOLVED: That Councillor Emma Nye be elected Chair for the meeting.

2 DECLARATION OF PECUNIARY INTERESTS

None were declared.

3 MINUTES

RESOLVED: That the minutes of the previous meeting held on 8 and 29 October 2019 be approved and signed by the Chair as a correct record of the proceedings.

4 LICENSING APPLICATIONS FOR THE GRANT / REVIEW OF A PREMISES LICENCE

With the exception of application 4d (which was withdrawn), the Sub-Committee decided to hear applications in the following order: 4b, 4c, 4a and 4e.

4a THE ADVENTURE BAR, 38 CLAPHAM HIGH STREET, LONDON, SW4 7UR (CLAPHAM TOWN)

Presentation by the Licensing Officer

The Sub-Committee was informed that this was an application to vary a premises licence. The Sub-Committee's attention was drawn to Chapters 2, 3, 8, 9 and 10 of the Statutory Guidance, and to sections 5, policy 1, 7, 8 and Appendices 1, 3, 5, 6 and 10 of the Statement of Licensing Policy, as the ones particularly relevant to this application. The options available to the Sub-Committee were set out in paragraphs 5.2 of the report on pages 29 of the agenda papers.

The Licensing Officer confirmed that:

- This was an application to vary a premises licence.
- The applicant was seeking to extend the premises operating hours on Monday to Thursday to 03:00.
- Representations had been received against the application from Licensing, Police and a councillor.
- Additional information had been provided by the applicant.

Mr James Anderson, Mr Tobias Jackson, Mr Mark Halton and Mr Tony Scott informed the Sub-Committee that:

- There was an error in the report which stated that there were 55 licensed premises in South Lambeth Road, but the premises was not located in South Lambeth Road.
- The applicant had submitted a detailed application and was making the application in an area which was subject to a cumulative impact policy in the Council's Statement of Licensing Policy.
- The application had been tailored so that the hours requested were only for the quiet nights of the week.
- There was a need in the area for a pleasant cocktail bar with entertainment for the quieter nights of the week. This was not something that was offered by the applicant's competitors.
- No application had been made for the usually busier Fridays and Saturdays.
- The applicant wanted to offer this option to local people.
- The applicant had applied for temporary event notices (TENs) and had operated without any difficulty.
- Mr Mark Halton had analysed the premises in operation and had submitted a report.
- The premises was considered to be well run, particularly its dispersal policy and this was something that the applicant would maintain.
- The application being granted with later operating hours was not at odds with the policy as later operating hours would not be detrimental if a good operator was in place. A good operator could operate late hours without undermining the licensing objectives.
- The premises did not suffer from any, noise issues, complaints or any issues near the premises.
- Residents had not made a representation.
- The applicant had offered conditions.
- The maximum occupancy of the premises was 163 persons but the applicant could agree to 80 persons.
- In practicality, much fewer than 80 people would occupy the premises during the hours applied for.

- There would be a gradual dispersal of patrons from the premises later on in the evening.
- The application was not a plan to sell more alcohol. Generally speaking, younger people drank less.
- Many patrons often drank non-alcoholic drinks.
- The premises offered non-alcoholic cocktails.
- Although there would be some patrons drinking alcohol, there would also be patrons who simply wished to have a place to go and enjoy themselves.
- The licensing policy had come into place partly due to the concerns that were raised in 2011. Many of the concerns related to busy nights where most of the problems often occurred.
- PC constable and his representation referred to the late-night economy but without reference to Monday to Sunday and the policy did not make this distinction.
- Many of the issues relating to the licensing policy was brought into force to deal with issues that occurred on Friday and Saturday nights.
- The applicant did not wish to compete with the market on Friday and Saturday.
- The Sub-Committee was entitled by law to examine why the policy was introduced in first place.
- It was important to note that the test in the policy was to examine if the application would have an adverse impact on licensing objectives.
- The applicant had put forward a strong case that the application would not adversely impact the licensing objectives.
- It was important to have a high-quality operator running the premises in the area.
- Some of the other licensed premises in the area were not operating at the same level as the applicant.
- The application was an opportunity to provide residents and the public with a nice place for mixed groups of people to go and have a pleasant and safe evening.

In response to questions from Members, Mr Anderson, Mr Jackson, Mr Halton and Mr Scott informed the Sub-Committee that:

- The premises had not had a negative impact in the area and it was up to the Sub-Committee to determine the kind of impact the premises had made in the area.
- The premises had operated 15 TENs without any issues and there was no intention from the applicant to change Thursday into the 'new Friday'.
- The premises was much quieter Mondays to Thursdays and the applicant was not looking to fill the premises to maximum capacity.
- The applicant already operated late at night and had held 15 TENs in 2019 without any issues.

- The applicant had demonstrated that the premises could be controlled and that the licensing objectives would be upheld.
- The applicant was happy to add conditions to satisfy any concerns.
- The applicant had a clean record, as had those employed at the premises in jobs such as bartending had career paths. Although bartenders did learn cocktails, they also had other responsibilities and would be adequately trained. This included drug and alcohol awareness and dispersal training.
- One of the licensed premises in the area operated until 03:00 on the same days applied for by the applicant. That premises was trading as 'Tropics'. This was a different operator to the applicant and would attract a different type of patron.
- The patrons the applicant wished to attract were relaxed city workers.
- The applicant was aware that the area suffered from issues such as excessive alcohol consumption.
- The applicant could only comment following consultation and no residents had made representations.
- Alcohol sales were not the primary purpose of the application.
- The applicant considered themselves to be good neighbours and were mindful of the location of the premises. The head doorman would sweep the outside area of the premises and this was something that would not happen on many licensed premises.
- The premises would play recorded music. On Saturday nights, the premises would have a DJ who would also play recorded music.
- The applicant would accept a condition whereby door staff would be expected to perform cleaning in the outside area.
- All 15 TENs that had been applied for by the applicant had been used.
- The applicant could not recall the last time Police were called to the premises but this would usually happen on the weekends if it did occur.
- The applicant had operated in the area for several years and could not recall if the Police had ever been called out to the premises between Monday to Thursday. They had not been called out any time a temporary event had been held in premises.
- Premises staff only called out Police officers as a last resort.

Presentation by interested parties

Ms Bina Patel, Licensing Manager, informed the Sub-Committee that:

- The premises was formerly known as the Royal Oak which had been established before 2005. The application for a licence was granted at that time.
- The licence held by the premises was in excess of the preferred hours in the Council's Statement of Licensing Policy.
- The applicant has not provided sufficient information regarding how they would meet the licensing objectives by extending the operating hours.
- The applicant had stated that 15 temporary events had taken place at the

premises, but there was no evidence that the temporary events had in fact taken place.

- The hours sought by the applicant were in excess of the hours recommended in the licensing policy.
- Granting the application could lead to more patrons resulting in greater levels of crime in disorder.
- Greater quantities of alcohol served to patrons could lead to the licensing objectives not being upheld.

PC Mike Constable informed the Sub-Committee that:

- Much of his representation would have been covered in his written representation.
- There was not enough evidence presented by the applicant to suggest that increased licensing activity would not lead to the same concerns that occurred on Friday and Saturday nights.
- He appreciated that the maximum capacity had been reduced to 80 people for the days sought by the applicant.
- As the premises had reduced hours during most weekdays, Police and security would have to deal with fewer disruptive individuals. However, if the licence was granted with an 80 person maximum capacity, then it was likely that there would be an increase in Police needing to deal with more disorderly individuals with reduced resources during Monday-Thursday.
- The cumulative impact zone needed to be updated as much had changed since 2011, including the state of Policing (which had an impact on Clapham High Street).
- At times, he had been the only Police Officer on Clapham High Street.
- On Friday and Saturday, the Police ran Operation Equinox which tried to prevent injury and vulnerability. However, this operation did not run during Monday to Thursday.
- The only Police available to police the area were the Central and South teams for Lambeth and Southwark. These teams were already overworked and they did not need to deal with more issues.
- The applicant had not made a sufficient case as to why granting the application would help uphold the licensing objectives.
- On Fridays and Saturdays, there were people committing crimes which needed Police attention.
- He had policed Clapham High Street for nearly 5 years and had good knowledge of the area.
- He had observed changes and other circumstances taking place in the area.
- He noted that the premises had held temporary events without the Police being called out often.

In response to questions from Members, PC Constable informed the Sub-Committee that:

- There was a meeting earlier in the day of the Safer Neighbourhood Panel at the Clapham Methodist Church. The briefing included crime statistics in the area. Child Sexual Exploitation training would be held next Thursday.
- Arrests had been made from last weekend, including eight new faces (six of which were for violence) and one of those was made on a Monday night.

At this point in the proceedings, Ms Patel stated that additional conditions could be proposed.

The applicant was recalled to address matters arising. In response to questions from Members, Mr Anderson, Mr Jackson, Mr Halton and Mr Scott informed the Sub-Committee that:

- There was no evidence for increased concern regarding the licensing activity applied for between Monday–Thursday.
- The applicant had been trading at the premises since 2013. The days that had been applied for would remain weekdays and therefore granting the application would not change the type of patrons that would be attending the premises.
- In relation to the lack of Police resources, the premises would operate to high standards to meet the licensing objectives.
- The premises had CCTV, search procedures and Challenge 25. These practices formed part of the excellent record at the premises.
- In relation to TENs, he noted that the temporary events had taken place for a long period between the end of July 2019 to the end of September 2019. If there had been issues, then Police would have been informed about them.
- The Licensing Policy had been written for exceptions that would be made in certain cases for a good operator.
- If the Sub-Committee felt that a terminal hour of 03:00 was too late, then the applicant would agree to a terminal hour of 02:00.

Adjournment and Decision

At 3.43pm, the Sub-Committee withdrew from the meeting together with the Legal Advisor and Clerk to deliberate in private.

The Sub-Committee had heard and considered representations from all those who spoke.

Legal advice was given to the Sub-Committee on the options open to them and the need for any decision to be proportionate. The Sub-Committee decided to grant the application with conditions and amendments.

RESOLVED: To grant the application with conditions and amendments.

Announcement of Decision

Members returned to the meeting and the Chair informed those present of the decision to grant the application with conditions and amendments. The applicant had submitted a strong application and had high standards as an operator. The Sub-Committee wished to impose conditions consistent with the operating schedule and as agreed. The Sub-Committee also determined to impose conditions requiring the applicant to clean the outside of the premises and engage with Safer Neighbourhood Panels. The applicant may choose to engage with the Panels on an intermittent basis. The applicant had invited

the Sub-Committee to consider imposing a terminal hour of 02:00 and the Sub-Committee determined to impose this amendment to the application, accordingly the condition for last entry at 02:00 would be removed. The Sub-Committee were satisfied that with the reduced hours and revised operating schedule, the applicant had met the concerns raised and that the presumption against the grant of this application under the Councils Statement of Licensing Policy had been discharged. Accordingly the Sub-Committee were satisfied that granting this application as now amended would not serve to add negatively to the cumulative impact experienced in the Clapham Impact Zone.

4b UNNAMED, 170 NORWOOD ROAD, LONDON, SE27 9AZ (THURLOW PARK)

Presentation by the Licensing Officer

The Sub-Committee was informed that this was an application for a new premises licence. The Sub-Committee's attention was drawn to Chapters 2, 3, 8, 9 and 10 of the Statutory Guidance, and to sections 5, 6 and 14 and Appendices 1-7, of the Statement of Licensing Policy, as the ones particularly relevant to this application. The options available to the Sub-Committee were set out in paragraphs 6.2 of the report on pages 70 of the agenda papers.

The Licensing Officer confirmed:

- The applicant wished to operate the premises as a takeaway.
- Representations had been made by Licensing and Public Protection.
- Following an agreement with the Licensing team, the applicant had agreed to amend the hours so as to align this aspect of the application with the 'preferred hours' outlined in the Council's Statement of Licensing Policy. Accordingly, the applicant was now seeking a terminal hour for licensable activity until 00:00 Sunday to Thursday and until 01:00 Friday and Saturday.
- Licensing had since withdrawn their representation against the application.
- The representation made by Public Protection was the only remaining representation.
- The application could be found on pages 73 – 93 of the agenda papers.
- The representation made by Public Protection could be found on pages 93-99 of the agenda papers.
- Proposed conditions could be found on page 101.

Presentation by the applicant

Mr Keith Magenda and Mr Varnham informed the Sub-Committee that:

- The premises had started operating on 5 August 2019 after expensive work had been carried out at the premises.
- The premises was managed by Mr Ghandi who had 13 years' experience, including working at KFC for five years.
- In view of the cost of running the business and running it in the local area, the applicant had applied for a licence for late night refreshment.
- The applicant was only requesting a short extension to its hours.
- An establishment near the premises had a licence until 01:00 Sunday to

Saturday. There was also an off-licence which had a licence to sell alcohol until 02:00.

- The applicant was simply attempting to meet the demands of the community.
- The premises staff would comply with all conditions on the licence, particularly with regard to CCTV.
- CCTV was displayed in the premises, notices would be displayed to customers and staff would be briefed on how to handle serving intoxicated individuals.
- Children under the age of 18 must be accompanied by an adult whilst licensable activity was taking place (after 23:00).
- Staff would be told to inform the duty manager in case of any irregularities.
- No cooking fumes would affect the community.
- The premises was a small unit which had been running since 5 August 2019.
- The application had received no complaints from any residents or members of the public in the area.
- A meeting had taken place yesterday with the applicant and Public Protection.
- The applicants were upstanding citizens.
- If there were any problems, then the applicant was open to maintaining a positive dialogue with the responsible authorities.

In response to questions from Members, Mr Magenda and Mr Varnham informed the Sub-Committee that:

- All deliveries would take place during working hours and there would be no deliveries in the evening.
- There was no scooter service at the premises. If any delivery service was to occur, such vehicles would be asked to park away from the premises.
- With regard to the licensable activity witnessed on 3 October 2019, premises staff were cleaning the premises after closing and a patron had knocked on the door. In future, lights would be turned off after the premises was closed and the public would be kept away.

Presentation by interested parties

Mr Michael Anderson, Public Protection Officer, informed the Sub-Committee that:

- The representation was based on public nuisance.
- Currently, the premises did not have a licence to carry on late night refreshment.
- Public Protection had witnessed notable infringements on the licence on 3, 4 and 5 October 2019. Officers had witnessed hot meals such as chicken burgers being sold after 11pm without a licence.
- Public Protection had no confidence in the applicant's ability to uphold the licensing objectives.
- The applicant had informed that they would not be part of a delivery service. However, there appeared to be some information online stating that the

premises offered such services until 23:59.

- The premises had been observed to be open until 00:30 without a licence.

In response to questions from Members, Mr Anderson informed the Sub-Committee that:

- The applicant had stated that they already had a licence when questioned about why they were carrying out licensable activity without one. Upon being asked why they were applying for a licence, the applicants could not provide a reasonable answer.
- The applicant did not appear to be aware of what was going on at the premises.

The applicant was recalled to address matters arising. In response to questions from Members, Mr Magenda and Mr Varnam informed the Sub-Committee that:

- The applicant had discussed matters with the Licensing Officer on 10 November 2019.
- The applicant's husband, who was the manager, had not been allowed to attend the meeting with Public Protection.
- Since the applicant had been informed of the breach of the licensing act, there had not been a repetition of such an incidents at the premises.
- The previous occupiers of the premises made deliveries to homes and that was why there was some delivery information online that could be found regarding the premises. The information on the websites needed to be amended.
- The applicant had felt intimidated by the meeting with Public Protection.
- Only deliveries to the premises would be made. There would not be any deliveries made from the premises to another location.

At this point in the proceedings, Mr Anderson informed the Sub-Committee that deliveries made from the premises were advertised online and extended to later hours than that specified in the application.

In response to further questions from Members, Mr Magenda and Mr Varnam informed the Sub-Committee that:

- The applicant would operate within the confines of the licence.
- Any discrepancies shown on websites would be amended.
- The applicant would comply with the conditions set by the Sub-Committee.

Adjournment and Decision

At 2.25pm, the Sub-Committee withdrew from the meeting together with the Legal Advisor and Clerk to deliberate in private.

The Sub-Committee had heard and considered representations from all those who spoke.

Legal advice was given to the Sub-Committee on the options open to them and the need for any decision to be proportionate. The Sub-Committee decided to refuse the application.

RESOLVED: To refuse the application.

Announcement of Decision

Members returned to the meeting and the Chair informed those present of the decision to refuse the application. The Sub-Committee considered that the evidence showed repeated breaches of the Licensing Act 2003. To the applicant's credit, efforts were made to try and put things right but the Sub-Committee could not be satisfied that the applicant would uphold the licensing objectives and considered that granting the application would likely result in the crime and disorder licensing objective being undermined. Full written reasons for this decision would follow in due course.

4c GREEN ACHARAIKE, T/A XPRESS WORLD, 248 BRIXTON ROAD, LONDON, SW9 6AQ (VASSALL)

Presentation by the Licensing Officer

The Sub-Committee was informed that this was an application to vary a premises licence. The Sub-Committee's attention was drawn to Chapters 2, 3, 8, 9 and 10 of the Statutory Guidance, and to sections 5, 6 and 14 and Appendices 1-7, of the Statement of Licensing Policy, as the ones particularly relevant to this application. The options available to the Sub-Committee were set out in paragraphs 6.2 of the report on pages 106 of the agenda papers.

The Licensing Officer informed the Sub-Committee that:

- This was an application to vary the premises licence.
- The applicant was seeking to extend its operating hours on Friday and Saturday until 02:00.
- Representations had been submitted by Licensing.
- The application could be found on page 109 to 134 of the agenda papers.
- The representations could be found on pages 115 to 119.

Presentation by the applicant

The applicant, Mr Acharaike, informed the Sub-Committee that:

- He had held the licence since 2016 but had been struggling financially.
- Some of the financial struggles included loans he had to take and the general upkeep of the business.
- He also had two children and a family.
- As the business had been struggling, he decided to apply for an extension of the terminal hour (until 02:00).
- There had not been any issues regarding the operation of the premises.
- He upheld all the licensing objectives and would be happy with any additional conditions the Sub-Committee wished to apply.

In response to questions from Members, Mr Acharaike informed the Sub-Committee that:

- Intoxicated customers would not be served alcohol.
- Some patrons to the premises worked late hours and simply came into the

premises to buy food and alcohol.

- He knew some of the patrons personally.
- Security would be present to stop any suspicious individuals coming into the premises.
- The business was working well.
- He would ensure that all the conditions on the licence would be upheld accordingly.
- He agreed with the conditions put forward on page 117 of the agenda papers.

Presentation by interested parties

Ms Bina Patel, Licensing Manager, informed the Sub-Committee that:

- She was concerned with the hours proposed by the applicant.
- The premises was licensed until 23:00.
- There was street drinking in the area and the applicant had not offered solutions as to how these issues would be addressed.
- Her written representation was clear.
- The application should be refused, but she had proposed conditions if the Sub-Committee was minded to grant the application.

In response to questions from Members, Ms Patel informed the Sub-Committee that:

- She had no correspondence with the applicant since the application had been submitted.
- If the Sub-Committee was minded to grant the application then condition 26 could be removed.

The applicant was recalled to address matters arising. In response to questions from Members, Mr Acharaike informed the Sub-Committee that:

- He would not promote street drinking by selling single cans or beers.
- He would not serve to intoxicated individuals.
- The business could not be found on any delivery-based app.
- The business did not do off sales or make any deliveries.

Adjournment and Decision

At 2.47pm, the Sub-Committee withdrew from the meeting together with the Legal Advisor and Clerk to deliberate in private.

The Sub-Committee had heard and considered representations from all those who spoke.

Legal advice was given to the Sub-Committee on the options open to them and the need for any decision to be proportionate. The Sub-Committee decided to refuse the

application.

RESOLVED: To refuse the application.

Announcement of Decision

Members returned to the meeting and the Chair informed those present of the decision to refuse the application. The applicant had asked for hours outside the Council's recommended policy hours and there was not enough evidence that the applicant would uphold the licensing objectives especially regarding public nuisance and crime and disorder. The applicant had a right to appeal where the applicant could show how he would address concerns. The applicant was also welcome to speak to the responsible authorities on how to address the issues and to submit a fresh application on the back of those discussions. Full written reasons for this decision would be provided in due course.

4d TRADERS, 29 NORTH STREET, LONDON SW4 0HJ (CLAPHAM TOWN)

This item was withdrawn from the agenda.

4e HURLINGHAM (PASSENGER VESSEL), LAMBETH PIER, ALBERT EMBANKMENT, LONDON, SE1 7SG (BISHOP'S)

Presentation by the Licensing Officer

The Sub-Committee was informed that this was an application to review a premises licence following a summary review. The Sub-Committee's attention was drawn to Chapters 2 and 12 of the Statutory Guidance, as the ones particularly relevant to this application. The options available to the Sub-Committee were set out in paragraphs 6.2 of the report on pages 172 of the agenda papers.

The Licensing Officer confirmed:

- This was an application for a full review of a premises following a summary review.
- 22 representations had been received in support of the review application.
- CCTV video and Police body worn footage was available for the Sub-Committee to examine.

Presentation by the applicant

Ms Woods, representing the Police, informed the Sub-Committee that:

- The premises was a vessel, often referred to as a 'party boat'.
- The premises was often based in a residential area.
- The premises was considered to be a nightclub. This was supported by promotional material relating to the premises which had been described as 'a floating nightclub'. It also acted as a football fans travel and transfer vessel.
- The premises also sold alcohol.
- The review application had been instituted as a result of an incident of serious violence occurring at the premises.
- There was a long history of complaints regarding the premises and this was not

something that the applicant was at the meeting to address.

- The concern related to the crime and disorder objective.
- There had been a series of incidents at the premises in the past year.
- Conditions that had been suggested to the licence holder had been mostly agreed.
- The applicant's position was that unless the conditions were agreed in full by the licence holder, then revocation of the licence would be sought.
- The first relevant incident that could be listed was from 25 May 2019.
- The captain called Police to the premises as a fight had broken out.
- The individual involved in the fight was drunk. When the vessel docked, Police searched the premises and arrested an individual for ABH. Only 1 security staff member was on board at the time.
- There was an incident in July 2019 when the Police were called due to a noise nuisance issue. The DJ on the microphone was using profanity and encouraging patrons to repeat his words.
- Another incident in July 2019 occurred at a 130 people event. This event was cancelled due to safety issues which had been identified.
- On 3 August 2019, a fight had occurred at the premises. The licence holder lost control of patrons and had to contact the Marine Service Unit to manage the disorder.
- On 29 September 2019, the premises carried Leeds United football fans who were engaging in anti-social behaviour. One individual ran in to market nearby and started burning Turkish flags. Police identified mismanagement of alcohol service and inappropriate levels of security at the premises.
- In three of the incidents outlined, patrons were drunk.
- On 16 October 2019, a meeting was held between Police and the licence holder.
- There had been ongoing problems with Class A drugs as patrons had been found carrying them.
- On the 19 October 2019 and 25 October 2019, two additional violent incidents were recorded.
- On 19 October 2019, a passenger set off a fire extinguisher in the wheelhouse and was abusive to the captain. This had damaged the equipment on-board and put everyone on board at risk. No security staff were present to handle the situation. The patron admitted to being drunk and taking ketamine.
- Officers contacted the DPS regarding the incident but received no response.
- There was a large-scale incident of disorder the following weekend, which was caught on CCTV. As a number of passengers disembarked from the boat, they entered into an altercation and physical assaults were committed.
- Officers who happened to be in attendance at the time (who were present to make a standard Licensing check) had to become involved in the situation and were told that staff were unable to operate the CCTV.

- Some passengers could be seen carrying drinks off the premises.
- The incident showed a pattern of behaviour (the service of alcohol, the security on the premises and use of the premises for criminal activity) occurring at the premises.
- Police had met with the licence holder on 18 November 2019 and had a list of 14 conditions. Almost all the conditions had been agreed but there were some minor disagreements. This included the condition regarding the use of an ID scanner.
- The licence holder did not wish to use the ID scanner for all events and Police had suggested that this could be addressed so that it would be used for all events serving alcohol after 20:00 and any football-related events. Police felt that the condition could be imposed as originally suggested.
- Police wanted 6 members of SIA staff to be on duty and these were not to be dual-role staff members. A dedicated security staff was required.
- The dynamic of the premises was unusual, as it floated from place to place and unlike most nightclubs, whilst it was afloat, people were not simply able to leave the premises. This made it harder for Police to attend the premises along with additional risks such as people falling into the water or the vessel crashing.
- The applicant would only agree to 4 members of SIA security staff.

In response to questions from Members, Ms Woods, informed the Sub-Committee that:

- The premises licence holder had said that they did not have sufficient staff to stop people opening windows on board.
- There was only one set of security staff for two bars.
- Had the Police not attended the premises by coincidence, then the incident on 25 October 2019 would have escalated.
- The website for the premises had stated that the premises had 2 dancefloors and 2 bars.

At this point in the proceedings, representatives of the premises licence holder stated that there was only one bar and a galley. The website being referred to by Ms Woods was out of date. Further, the premises could occupy a maximum 150 passengers.

Ms Woods stated that the promotional video for the premises stated that the premises had two bars.

Presentation from interested parties

Ms Bina Patel, Licensing Manager, informed the Sub-Committee that:

- A meeting was arranged on 28 November 2018 with the licence holder.
- The licence holder stated that they wished to vary the licence to add conditions as residents had raised concerns regarding the use of the premises and how it was managed. However, this application was never submitted.
- There were breaches of conditions such as controlling the music via noise

limiting equipment and patrons not leaving in a quiet and orderly fashion.

- There may be other breaches of which she was not aware.
- As the DPS and the premises licence holder could not maintain the licensing objectives, she asked that the licence be revoked.
- She was happy with the conditions that had been suggested by the Police.

The Sub-Committee was then addressed by residents. Ms Cecil Young informed the Sub-Committee that:

- The premises had been described by its operators as an open-air floating nightclub.
- The premises did not have adequate soundproofing as the DJ could be heard shouting on the vessel.
- Patrons had been observed as being rowdy, twerking and making obscene gestures.
- There had been loutish behaviour observed on Saturday afternoon by patrons associated with football events. This had happened over the last year.
- Patrons could often be heard screaming and shouting like they were on a football terrace.
- The noise was unacceptable and if the premises was a nightclub, it would have been closed down. The business was only getting away with this behaviour because the premises was always moving.
- Windows on the vessel would often be opened.
- Her neighbour had three young children. The bedrooms in the home were in front of river and her children had heard profanity from the premises. The children were young and had to go to bed at 20:00. They were not able to sleep.
- Loud noise was a health hazard and her health was being affected. She was suffering from insomnia.
- Residents' lives had become very difficult due to the behaviour of the patrons.
- The licence should be revoked.

Mr Amir Eden informed the Sub-Committee that:

- He concurred with the other residents' concerns.
- The form of management and the thematic tone of the premises enabled the patrons occupying the environment to be disorderly.

Southwark Councillor, Councillor Adele Morris, informed the Sub-Committee that:

- Speaking on behalf of the residents in Southwark, complaints regarding the premises went back to 2016, although these had increased.
- A meeting had been held between the licence holder and residents a year ago. This was an amicable meeting. Suggestions were provided for the licence holder to make changes, in particular, the installation of double-glazing windows

and soundproofing, but these were never implemented.

- Better sound insulation was expected from the premises licence holder.
- Safety was important for the patrons and should be a primary concern.
- Patrons drinking alcohol and being able to open the windows or hang out of the windows was not safe.

Presentation by the premises licence holder

Mr Wayne Eldridge, Mr Ben Wilson, Mr Trevor Bailey and Mr Simon Perhar addressed the Sub-Committee as representatives of the licence holder.

Mr Simon Perhar, representing the licence holder, informed the Sub-Committee that:

- Page 239 of the agenda papers showed the decision made at the interim stage by the Sub-Committee.
- The Sub-Committee had found at the previous meeting that other incidents listed were not as severe as the incident that occurred on 25 October 2019.
- He would suggest that the Sub-Committee consider the representations made by the licence holder.

Mr Ben Wilson informed the Sub-Committee that:

- He was a licensed waterman and licenced captain by trade. He was the sixth generation of his family to have a close association with the River Thames.
- He was also a designated warden and had ventured into the pleasure boating business five years ago.
- He had a team around him who he had worked in other industries such as nightclubs and pubs.
- Over the last five years, the vessel had over 600 trips and had 90,000 passengers.
- The business was a long-term business and he had a view to expand it. The business owners only wished to do this at the right time.
- From all the trips that the vessel had made, only a handful of incidents had occurred at the premises.
- Since the incident on 25 October 2019, there had been three positive meetings held including with the Marine Unit and Licensing.
- Only a few suggestions by the Police had not been accepted as some of them did not work within the business model they had such as the use of scanning equipment on patrons for every event.
- He wished to move the premises away from being a floating nightclub. The business was introducing other types of entertainment such as a Michael Buble sing along event and a contract had been secured with Time Out magazine.
- Corporate events would also take place on the premises.
- The applicant was willing to work with Police and was willing to notify Police

regarding every event and to assess events in a collaborative manner.

- Residents' concerns were important.
- Most of the conditions on the licence had been met.
- The replacement of the windows would cost £40,000.
- There were seven families who were dependent on the business for their livelihoods.
- During the time of the incident on 25 October 2019, there had been no altercation on the premises. The altercation had occurred as the patrons were disembarking from the vessel.
- CCTV was sent over the Licensing team which confirmed that there had been no problems on the premises itself.
- The business was open to any suggestions that could be made by the Sub-Committee.
- He was confident that all parties could work together.

In response to questions from Members, representatives of the premises licence holder informed the Sub-Committee that:

- The plans outlined in the agenda papers were drawn in the early 2000s.
- The galley could be used as second bar but it was never used that way.

At this point in the proceedings, Ms Woods stated that the website for the premises advertised two bars on the vessel. A virtual tour was available on the website which stated in writing that there were two bars.

In response to further questions from Members, representatives of the premises licence holder informed the Sub-Committee that:

- The estimated number of trips made by the vessel were simply estimates.
- The premises had a capacity of 150 passengers. This did not include the crew.
- Patrons when boarding the premises would go through a clicker system which would monitor the number of patrons on the premises.
- For the ID scanners to work properly, internet connection was required and sometimes this was not available on the vessel. The use of the ID scanner would also take a long time and this would slow the process of boarding patrons onto the vessel. The general allotted time for boarding passengers was 15 minutes and there were other vessels that needed to take passengers on board.
- The Operations Manager at TFL had stated that only the promoted events could use the ID scanners.
- Use of the ID scanner did not seem reasonable for events such as birthday parties and weddings.
- There had not been many club events since the meeting that had been held with the Licensing team.
- The premises had changed and had stepped away from club events and had held events such as Pokémon Fishing for children and an ABBA event.

- The business had agreed for Licensing to check the sound limiters at the premises to ensure that they were set at 85 dB.
- DJs had been told that the sound would cut off after a particular volume. This had been observed in action by the Licensing team and the Port of Health Authority.
- The next 40 events to be held at the premises would be Christmas sing along events.
- It was very difficult to ask patrons to bring ID particularly if they were children or elderly individuals.
- It was difficult for ID scanners to receive Internet connection on the vessel.
- The applicant that could only agree to additional conditions for certain events.
- The premises always had at least two SIA staff members. The general rule was to have two SIA staff members for a 150 person event.
- All patrons were searched before boarding, no liquids were allowed on board and all women's bags would be checked.
- The applicant would agree to having four members of SIA staff for a 150 person event.
- The business was simply trying to be reasonable from a business perspective.
- People were refused alcohol if they were intoxicated.

At this point in the proceedings, Ms Patel informed the Sub-Committee that a meeting had taken place previously between all relevant parties. The licence holder was present at the meeting where issues had been discussed. It was the responsibility of the licence holder to meet the arrangements that they had agreed to or communicate any difficulties in meeting those arrangements, however there had been no communication from the licence holder since the meeting.

The Legal Officer referred the hearing to page 250-1 of the agenda papers which showed a set of agreed actions arising from the aforementioned meeting stating that double glazed windows would be installed by the end of 2019.

In response to questions from Members, representatives of the premises licence holder informed the Sub-Committee that:

- Of the nine actions that had been agreed in the meeting, the licence holder had completed eight of them.
- New windows could be installed, but this would not stop patrons opening them.
- There were other vessels on the Thames River undertaking the same activities as the premises.
- There was no substantial evidence to suggest that the noise was actually emanating from the premises.
- The business had a dispersal policy. Thirty minutes before the terminal hour for the sale of alcohol, last orders would be called over the PA system and the DJ would reduce the volume of the sound, Twenty minutes before the terminal hour, staff would take their exit positions, Fifteen minutes before the terminal hour, staff would stop serving, Five minutes before the terminal hour, the DJ would announce the last record. At the terminal hour, staff would take positions

on the front gate whilst the vessel docked. Staff would depart the bar to clean the premises of glasses and drinks with one member of staff left behind at the bar. DJ would thank patrons and ask them to leave quietly. Five minutes after the vessel docked on the pier, security staff would inform patrons to finish their drinks and leave. Ten minutes after the vessel had docked, there would be a second announcement for patrons to leave and they would be asked to remain quiet. After the pier would be cleared of patrons, the vessel would leave the pier.

In response to questions from Members, Ms Woods informed the Sub-Committee that:

- The ID scanner only needed to be connected to the internet in order to transmit information. It did not need Internet connection in order to operate or input information.
- If more time was required for the premises staff to load the vessel with patrons then an additional fifteen minute period would only entail an additional £35 charge for the licence holder.
- The premises had not been trading since the previous incident had occurred so compliance with the licensing conditions could not be tested.
- Page 185 of the agenda papers stated that there had been a fight on the premises.
- If the licence holder's representatives were correct in their estimation of the amount of passengers that the premises had carried, then the premises would have to have been at full capacity on every occasion at every event held on the premises.
- There did not appear to be any information on the business' website stating that the premises would hold family-oriented events.

In response to questions from Members, representatives of the premises licence holder informed the Sub-Committee that:

- There were over 40 'party boats' on the River Thames which also carried patrons attending football matches. The premises held only six such events a year.
- Tactical Football Police preferred those attending football matches to be on boats, away from the general public.
- It was not clear where the noise experienced by the residents was coming from.
- Sound limiters had been fitted onto the premises since the premises was in operation.
- A new sound system had been brought three years ago.
- The sound limiters were set at the appropriate level.

In response to questions from Members, Mr Ian Spooner, Marine Support Unit informed the Sub-Committee that:

- Cooperation was expected from vessels such as the Hurlingham.

- With the numbers of patrons occupying the vessels, he would expect more calls for assistance from the vessels.
- The Marine Support Unit found that it was only contacted when a licensing issue had been brought up.
- It was often the case that when there had been an incident that occurred on a vessel, the Marine Support Unit were not being informed.
- The Marine Support Unit was aware of noise concerns but had not been contacted regularly to deal with this. The Marine Support Unit wished to help deal with issues such as this.
- There was a concern that if a patron leaving a vessel became fatally injured on the way home, it could not be identified from which vessel the patron had exited.

In response to questions from Members, representatives of the premises licence holder informed the Sub-Committee that:

- There were issues with many vessels in the River Thames.
- 12 out of 14 of the proposed conditions had been agreed.
- It was up to the Sub-Committee to determine a fair and proportionate decision.
- Noise limiters had been put in to the premises to deal with noise issues.
- The Sub-Committee should consider the evidence for what had been said at this meeting.
- The review application had been submitted as a result of a one-off incident.

Adjournment and Decision

At 5:29pm, the Sub-Committee withdrew from the meeting together with the Legal Advisor and Clerk to deliberate in private.

The Sub-Committee had heard and considered representations from all those who spoke.

Legal advice was given to the Sub-Committee on the options open to them and the need for any decision to be proportionate. The Sub-Committee decided to grant the review application and impose additional conditions.

RESOLVED: To grant the review application and impose additional conditions.

Announcement of Decision

Members returned to the meeting and the Chair informed those present of the decision to grant the review application and impose additional conditions. The Sub-Committee was very close to making a decision to revoke the licence but decided instead to impose the conditions proposed by the Police and detailed in the report, these being additions to, and variations of, the set of conditions imposed at the interim steps hearing. The ID scanner system would be implemented to any event after 20:00 and to any football related event. There would be 6 SIA staff on duty at all times. The Sub-Committee also determined that a noise limiter should be set to the satisfaction of the local authority and would impose the Council's model sound conditions which regulated that the sound limiter be set by the council and maintained at that set level at all times. The Sub-Committee wanted the licence holder to engage with the Marine Support Unit to help the business become a better operator. The licence holder also needed to be a better neighbour to local residents. There should be no outside speakers whatsoever other than the captain using the

emergency speaker. The licence holder would also be required to install double glazing windows before it resumed licensable activity. Full written reasons for this decision would follow in due course.

The meeting ended at 6:05pm

CHAIR
LICENSING SUB-COMMITTEE

Date of Despatch: Monday 2 December 2019

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