

## **LICENSING SUB-COMMITTEE MINUTES**

**Friday 20 August 2021 at 2.00 pm  
Microsoft Teams**

**Present:** Councillor Fred Cowell, Councillor Linda Bray and Councillor Jennifer Brathwaite

**Apologies:** None

**Also present  
online:** None

### **1 Election of Chair**

MOVED by Councillor Linda Bray, SECONDED by Councillor Jennifer Brathwaite

**RESOLVED:** That Councillor Fred Cowell be elected Chair for the meeting.

Councillor Jennifer Braithwaite had been appointed by the Chief Whip as a Substitute Member of the Committee ahead of the Licensing Sub-Committee and was eligible to sit as a committee member for this meeting.

### **2 Declaration of Pecuniary Interests**

Councillor Jennifer Brathwaite declared that in relation to Theatro, (item 4c), she was a Gipsy Hill ward councillor. However, she had no involvement with the application.

### **3 Minutes**

**RESOLVED:** That the minutes of the previous meetings held on 9 June, 12 July and 20 July 2021 be approved and signed by the Chair as correct records of the proceedings.

## **4 Licensing Applications for the Grant / Review of a Premises Licence**

### **4a Passyunk Avenue Unit 5, 22 Leake Street, London SE1 7NN (Bishop's ward)**

#### **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, 10 and 16 of the Statutory Guidance, and to Section 5, Policies 1 and 8, Appendices 1, 2, 3, 5, 6, 7 and 9 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 5.10 and 5.11 of the report on page 38 of the agenda papers.

The Licensing Officer confirmed:

- This was an application for a new premises licence submitted by Liberty Cheesesteak LS Ltd., at Unit 5, 22 Leake Street.
- The application was seeking permission for the provision of films, indoor sporting events, live music, recorded music and sale by retail of alcohol from Sunday to Thursday 10:00-00:00 and Friday to Saturday 10:00-01:00.
- The application also sought late night refreshment Sunday to Thursday 23:00 to 00:00 and Friday and Saturday 23:00 to 01:00
- The premises proposed to open from 10:00 to 00:30 Sunday to Thursday and 10:00-01:30 Friday and Saturday.
- The applicant had requested non-standard hours to 02:00 on New Year's Eve.
- Three representations had been received against the application from residents, based on the prevention of public nuisance and crime and disorder. The representations could be found from pages 65 to 70 of the agenda papers.
- Following publication of the papers, the applicant submitted additional information which had been circulated to all parties and Members ahead of the meeting. The papers included an overview of the business, a dispersal policy, amended application form with amended hours and conditions, photographs of Leake Street, and a response to those who had made representations.
- The applicant, their licensing agent and two residents who made representations were in attendance.

A map and photographs of the premises was circulated to Members.

#### **Presentation by the Applicant**

In response to questions raised by the Chair in relation to the hours proposed and how issues raised by way of objections had been responded to, Mr Tom Bushnell, the applicant's solicitor informed the Sub-Committee that:

- Passyunk was a restaurant and bar celebrating the culture of Philadelphia - the City of Brotherly Love - by providing traditional food for a range of guests.
- The venue had attracted restaurant critics and was valued by its customers.
- The applicant took his premises licence very seriously and had established positive relationships with residents and housing associations, noting the dispersal policy and conditions that had been provided.
- The proposed terminal hours had been reduced by one hour, which was earlier than the suggested terminal hours proposed in Lambeth's Licensing Policy being 02:00 on Saturday. The proposed hours were also in line with the preferred hour policy times of 00:00 on Sunday.

- He suggested that some applicants would have insisted on keeping the original times proposed, especially as no objections from the responsible authorities had been received to the application.
- The applicant wished to work with residents regarding noise issues and the decision had been made by the applicant to reduce the hours originally proposed.
- The main guest entrance was located within the Leake Street Tunnel that consisted of a small dining area and faced outwards towards York Road, which was in close proximity to residential properties. Therefore, a detailed dispersal policy and a raft of suitable conditions had been produced.

Mr J P Teti, applicant, informed the Sub-Committee that:

- The idea behind the business was to fill a gap identified in the hospitality field by creating an American concept.
- The aim was to create an environment for customers to acquire a very intense regional experience of their interpretation of Philadelphia Americana.
- The venue produced good authentic American cuisine and had received good feedback from customers regarding his other two venues.
- A large venue existed in Stratford that attracted a wide range of consumers.
- He wished to set up an establishment in Lambeth to make a difference to consumers.

In response to other questions from Members, Mr Teti and Mr Bushnell confirmed:

- Mr Teti was very experienced and managed venues in far more dense residential neighbourhoods in London.
- Mr Teti had established good relationships with Neighbourhood Associations and Councils.
- In the applicant's other venues patrons were asked to remain inside the premises whilst waiting for their taxis to prevent noise disturbance to residents. This would also be implemented in similar policies for this venue.
- All customers would be required to exit through Leake Street Tunnel. Staff would advise customers of the nearest public transport or taxi options before they dispersed into the neighbourhood.
- The dispersal policy could be amended if the police or responsible authorities raised concerns.
- The clientele that attended the venue would not attract noise.
- The applicant was willing to speak to residents who had any issues.
- The applicant would not be willing to reduce the hours further as the hours were less than that proposed in Lambeth's Licensing Policy.
- The terminal hour on a Sunday should be 00:00 and not 23:00 as outlined on page 41 of the main agenda papers, which was confirmed by the Licensing Officer.
- The condition that customers should remain inside until their taxis arrived was not reflected in the premises licence for the other venues but outlined in their dispersal policies.
- The applicant did not wish to propose a condition that patrons should only be served alcohol with food. Although the establishment was food led, some customers would like to purchase drinks without buying food.
- The other venues had a revenue split 70% food v 30% alcohol sales, which would be expected at this venue.
- The applicant did not expect any major deviation in terms of its customer base since the business commenced three years ago. Therefore, it was felt that a similar customer base that attended the other establishments would mirror this venue.

## Presentation by Interested Parties

Ms Henrietta Voake, resident, informed the Sub-Committee that:

- She resided in County Hall, situated a short distance from the venue.
- Between 01:00 to 02:00 York Road was very quiet.
- Patrons of the venue would be leaving the premises during the early hours with some intoxicated by the alcohol they had consumed.
- She queried why the venue wished to remain open until 02:00 considering that other venues in the area closed at 23:00.
- Whilst she appreciated that other venues existed in the area, most of the noise would result from patrons leaving Passyunk.
- Residents who lived nearby were already disturbed by other noise activities in Leake Street.
- She was familiar with the concept of the venue as she previously lived in America but, was concerned that residents would be faced with noise issues which would have a negative impact in the area.

Mr Stephen McGinley, resident, informed the Sub-Committee that:

- York Road would be the primary access to and from the venue.
- Although the main entrance would be based in Leake Street Tunnel, the applicant would be unaware of the amount of people congregating outside the County Hall Block.
- Since Government restrictions had been lifted, residents were awoken by taxi doors slamming, loud music and urination, as a result of intoxicated patrons.
- Security now patrolled with dogs to protect them until 03:00, as a result of anti-social behaviour.
- Multiple venues already existed on the South Bank that served alcohol into the early hours of the morning.
- The venue would be situated in a primary residential building and noise issues already existed in the area.
- He had witnessed staff clearing tables at Banh Bao Brothers at 05:00.

In response to questions from Members, Ms Voakes and Mr McGinlay confirmed that:

- They wished for the premises to close at 23:00.
- Mr McGinlay objected to the noise nuisance that would be caused as a result of alcohol being served after 23:00, which he considered inappropriate, as his window faced directly onto York Road which was the main exit from Leake Street.

The Chair explained that he would be contacting the Licensing team to arrange for the matter regarding the other venue to be investigated, with an update provided to Mr McGinlay. However, the Sub-Committee could not take that matter into consideration when making its decision.

The applicants were recalled to address matters arising. In response to questions from Members, Mr Bushnell and Mr Teti informed the Sub-Committee that:

- Mr Bushnell sympathised with the experiences described by residents but the applicant wished to keep the hours proposed as the venue would not be situated in a rural area. No noise would be caused to residents until 05:00 as described by Mr McGinlay.
- It was doubted that the venue would empty at the same time as other venues in that location, as patrons tended to leave at different times.

- No noise issues had been raised with the Noise team by Camden Council pertaining to the other venue at Cleveland Street. Noise issues had arisen as a result of mechanical equipment at the back of the premises but this had been rectified.
- The applicant wished to operate his business for as many hours during the day as possible but would be willing to close at 23:00. However, Mr Bushnell reminded the Sub-Committee that the hours should only be reduced if there was a need to promote the licensing objectives, which he felt was not relevant in this case.

At this point, the Chair suggested a new condition regarding the terminal hour for admission into the venue to minimise bar hopping and to prevent the egress of a large amount of people when the venue closed at 00:00 by a having no re-entry condition from 23:00 Sunday to Thursday and 00:00 Friday and Saturday. The condition suggested was popular, aimed at crowd control. Also, the condition was suggested as a result of concerns raised by residents.

Mr Teti responded that the venue was food-led and not a nightclub and patrons would not be consuming large amounts of alcohol. Therefore, he felt that an additional condition regarding entry was not required, as less customers would attend the venue when the kitchen closed. Patrons that attended his other venues were considered to be well-behaved.

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

- He would be willing to have condition 17 amended to state that the dispersal policy should be revised annually.
- The majority of customers would leave the venue following their meal but some customers would like to remain and have a vertical drink. Therefore, he felt that a condition that alcohol should be ancillary with food was unnecessary.

### **Adjournment and Decision**

At 3.50 pm, 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 Mr Bushnell, Mr Teti, Ms Voakes and Mr McGinlay.

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 a revision to condition 17 on page 22 of the additional agenda papers that the dispersal policy be revised and refreshed annually.

The Sub-Committee were concerned about what residents told them in writing and addressing the Sub-Committee about the general area in which this business would be operating. However, the Sub-Committee came to the decision for the for the following two reasons:

1. The applicant had brought forward a series of measures to directly address and mitigate some of those challenges.
2. The behaviours of other venues in the area, whilst concerning to the Sub-Committee, did not directly relate to or impact upon the running of this particular premises.

The Sub-Committee referred the matters raised by residents today to the appropriate authorities to be investigated further. Nevertheless, on the basis of this application presented, the Sub-Committee were satisfied that granting this licence would not add to those problems.

The Sub-Committee did consider the proportionality of the hours suggested. The responses to the suggestion of imposing a terminal hour of 23:00 indicated that this would be disproportionate. Nor could the Sub-Committee find a basis for applying such hours outside of the Lambeth preferred hours policy given the classification in planning terms of Waterloo as a Major Town Centre. Therefore, the hours were felt to be a proportionate reflection of that. However, the applicant must bear in mind the need to maintain the robust dispersal policy and all the other measures in the licence contained from condition 10 onwards and to deal with the crime and disorder objective of the licencing objectives for that proportionality assessment to hold true, which the Sub-Committee hoped they would do.

The Sub-Committee hoped that the applicant would be able to run the business in a way that did not add to residents' existing problems.

**RESOLVED:** To grant the application with a revision to condition 17 on page 22 of the additional agenda papers that the dispersal policy be revised and refreshed annually.

### **Announcement of Decision**

Members returned to the meeting and the Chair informed those present of the decision to grant the application and provided reasons for the decision as outlined above. The Sub-Committee had considered all the options available to them and ultimately felt that the applicant met the concerns which had been raised. The Chair confirmed that written notification of the decision would be sent in due course.

## **4b Charcoal Kebab, 266 Wandsworth Road, London SW8 2JR (Larkhall ward)**

### **Presentation by the Licensing Officer**

The Sub-Committee was informed that this was an application for a variation of the premises licence. The Sub-Committee's attention was drawn to Chapters 2, 3, 8, 9, and 10 of the Statutory Guidance, and to Chapter 5, Policies 1, 3, 4, 8 and 16, Appendices 1, 2, 3, 4, 5, 6, 7 and 8 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 5.7, 5.8 and 5.9 of the report on pages 37-38 of the agenda papers.

The Licensing Officer confirmed:

- This was an application to vary the premises licence for Charcoal Express, 266 Wandsworth Road.
- The premises currently operated as a restaurant and take-away until 00:00 and as a delivery service from 00:00 to 01:00 Monday to Thursday and 02:00 Friday and Saturday.
- The application was seeking to provide late night refreshment until 04:00 allowing both deliveries and for customers to order take-aways at the premises.
- The application was also seeking to extend the opening hours of the premises until 04:00 Monday to Sunday.
- Representations had been received from the Licensing Authority, Public Protection Team, one resident and one local councillor based on all four licensing objectives (prevention of crime and disorder, public safety, prevention of public nuisance and

protection of children from harm). Copies of the representations could be found on pages 103-109 of the main agenda papers.

- The Licensing Authority conducted a visit to the premises on 12 June 2021 and identified four conditions that had not been adhered to by the applicant. Details of the breaches were listed on page 80 of the main agenda papers.
- Mr Iqbal Rana, applicant, Ms Bina Patel, Mr Oladayo Bello and Mr Chilton, resident, were in attendance.
- A copy of the current premises licence could be found on pages 111-118 of the main agenda papers.
- No issues had been received since the previous enforcement which identified breaches on 12 June 2021.

A map and photographs of the premises was circulated to Members.

### **Presentation by the Applicant**

Mr Iqbal Rana, applicant, informed the Sub-Committee that:

- He did not understand the original terms of his licence that had been granted, in relation to the opening hours.
- He commenced his business in February 2021 but could not open properly as a result of the pandemic. However, Government restrictions had now provided him with an opportunity to work with residents.
- He had previously applied for a terminal hour of 02:00 to provide good customer service to the community and was willing to review how his new business operated. However, he had been granted a terminal hour until 00:00 and after that time believed he could open the shop for delivery only but not take-away.
- On being questioned further regarding his licence, the applicant clarified that he believed his business could only operate as a take-away service but did not realise he must operate as a delivery service after 00:00.
- As a new business, he did not have a delivery driver at the premises to undertake deliveries.
- After being advised by the Licensing Officer, that the business must operate as a take-away service followed by a delivery service after 00:00, he had applied for an extension to his licence until 04:00.

In response to questions from Members, Mr Rana confirmed:

- The business would only operate as a take-away service.
- There was a 24-hour licenced premises plus another take-away shop in the area that opened until 02:00.
- Although residential properties were situated on top of the shop, many people purchased food from his venue and were happy with the service he provided. However, an altercation had ensued with one resident regarding building works emanating from the premises but a Lambeth officer investigated and found no fault.
- He was willing to close the premises at 00:00 and then undertake deliveries to attract more customers but wished customers could collect their food from the premises and order food after 00:00.
- Only one person would be in the shop.
- Despite only one person being in the shop, he did not believe any noise issues would result, as customers would be collecting their food from a window outside the shop and then go home.

- No delivery drivers had presently been employed at the premises.
- The area was very peaceful, despite having a 24-hour licenced premises in the area.

In response to a further question regarding the extractor fan, the Licensing Officer confirmed that he believed a visit by an officer from the Noise Team might had been carried out.

### **Presentation by Interested Parties**

Mr John Chilton, resident, informed the Sub-Committee that:

- He resided above the premises and the area consisted of eight maisonettes and shops
- He had an altercation with the applicant regarding building work being done outside of the specified hours. However, Mr Rana became very rude and called the police.
- He contacted the Licensing team and spoke to Miss Patel and informed her about the premises. However, a few months later, he contacted Licensing by telephone but was advised that an application for a licence was in progress.
- The applicant had an extractor fan that was switched on from 11:00 until 02:00 which made a lot of noise.
- His main bedroom was situated directly above the fan which affected his sleep.
- A Public Protection Officer had visited his property but he was advised that because of the pandemic, he could not go inside his premises.

Miss Bina Patel, Licensing Manger, informed the Sub-Committee that:

- During the consultation process, emails that correlated with the application in relation to the hours and conditions had been sent to Mr Rana, who replied that he fully understood them. Therefore, she was confused why he did not understand the hours applied for on this licence.
- Since the licence had been granted on 4 June 2021, the applicant breached four conditions of his licence, that had been agreed by the Licensing Authority.
- Mr Chilton made contact with the Licensing service regarding a noisy extractor fan that was currently being investigated by Public Protection.
- The hours applied for was in excess of the Licensing Policy hours.
- There was no window at the premises that could offer the service described by Mr Rana. As there was only a plain window and door at the premises, planning permission would be required.
- The applicant would have to keep the doors open, which would result in people congregating on the street.
- The applicant had not said anything to alleviate her concerns and therefore, she requested that the application should be refused.

Mr Oladayo Bello, Public Protection Officer, informed the Sub-Committee that:

- Extending the opening hours for customers to buy food until 04:00 would lead to additional noise nuisance and anti-social behaviour, as a result of late-night revellers from nightclubs wanting food.
- Public Protection had been involved in the investigation pertaining to the noisy extractor fan and he was not aware that the issue had been rectified. However, he endeavoured to make enquiries.
- If the hours were extended this would have a negative impact on residents.
- An extension of the hours would also stretch the resources on Public Protection and Police as a result of anti-social behaviour issues.

In response to questions from Members, Mr Chilton confirmed that:

- When motorcycle drivers made deliveries to Costcutter that held a 24-hour licence, they revved their engines which caused a nuisance.
- If the licence was granted until 04:00, this would cause more people to congregate outside Costcutter to drink.
- His sleep pattern had already been affected as a result of noise in the area

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

- He just wanted to run a successful business and would be willing to open until 02:00.
- He did not have enough money to hire a delivery driver at the moment.

### **Adjournment and Decision**

At 4.55 pm, 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 Mr Rana, Miss Patel and Mr Bello.

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

- The Sub-Committee were not satisfied that the operating schedule and conditions contained in the operating schedule were sufficient to address the increased risk of public nuisance that would stem from the operation of this premises in line with the variation application.
- The Sub-Committee as a consequence, had no option but to refuse this 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 and provided reasons for the decision as outlined above. The Chair confirmed that written notification of the decision would be sent in due course.

#### **4c Theatro, 69-71 Westow Hill, London SE19 1TX (Gipsy Hill ward)**

Councillor Fred Cowell, Chair, confirmed that he was a resident in Gipsy Hill ward but lived quite away from the premises and did not consider himself conflicted in relation to his consideration of this matter.

#### **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, 10 and 16 of the Statutory Guidance, and to Section 5, Policies 1, 3, 4, 8 and 16, Appendices 1, 2, 3, 4, 5, 6 and 8 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 5.10 and 11 of the report on page 38 of the agenda papers.

The Licensing Officer confirmed:

- This was an application for a new premises licence for Theatro, 69-71 Westow Hill.
- The application was seeking authorisation for live music, recorded music, performance of dance, anything similar to music or dance and the sale of alcohol for consumption on and off the premises from Sunday to Wednesday 11:00-00:00 and Thursday to Saturday 11:00 to 01:00.
- The application also sought authorisation for the provision of late-night refreshment Sunday to Wednesday 23:00 to 00:00, and Thursday to Saturday 23:00 to 01:00.
- In addition to those hours, the applicant seeks non-standard timings until 03:00 for Sunday over a bank holiday weekend and from the start of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
- 19 representations had been received in respect of the application. Of this number, 14 objections were received from the Licensing Authority; Police; Helen Hayes, MP and 11 members of the public, with the balance supporting representations coming from members of the public. The representations made were based on all four licensing objectives, the prevention of public nuisance, prevention of crime and disorder, public safety and the protection of children from harm. The representations could be found from pages 141 to 176 of the agenda papers.
- Since the report had been published, the following documents had been received from the applicant which had been circulated to all parties ahead of the meeting:
  - An overview of the business;
  - Illustrations of how the premises would look;
  - A revised operating schedule, including amended hours;
  - A sound engineer report;
  - Letters of support; and
  - Conditional Building Regulation Report and the Fire Authority's response.
- Sally, Stapleford, Rosemary Porter and Michelle Jarman also provided additional statements to their representations. These had been circulated to the applicant and Members ahead of the meeting.
- Arron Curtis, who had been called as a witness by the applicant, submitted a representation in support of the premises.
- All additional documents received in respect of the application had been circulated to all parties and Members.
- The applicant and their licensing agent, four residents who made representations, Miss Patel and PC Dave Watson were in attendance.

### **Presentation by the Applicant**

In response to questions from the Chair, Mr, Ewen Macgregor, Solicitor for the applicant, informed the Sub-Committee that:

- The hours had now been amended to align with the preferred hours policy in Lambeth's Licensing Policy for a District Town Centre.
- The new proposed hours for late night refreshment were 23:00-00:00 Sunday to Wednesday, 23:00-01:00 Thursday to Saturday, with 01:30 being the terminal hour. Sunday prior to a Bank Holiday 11:00 to 01:00. The application in relation to 03:00 was no longer being pursued.

At this point, the Chair asked residents if they had been notified of the revised hours pertaining to the premises. He clarified that the premises would now close at 12:30 instead of 01:30, regarding music and other forms of regulated entertainment, Sunday to Thursday.

In response, Mr Ed Gramolt, resident, advised that he had not been aware of the revisions to the operating hours made by the applicant.

Mr, Ewen Macgregor, Solicitor for the applicant, and Ms Roya Harris, applicant, then continued that:

- Other licensed premises existed in the area that had a later terminal hour, hence the rationale for the original hours applied for. However, the applicant had offered a no entry condition from 23:00.
- In order to increase turnover at the premises the decision had been made to apply for an additional two hours until 01:00, especially on Thursday to Saturday when more customers were expected to attend the premises.
- The courtyard had been excluded from the application following conversations with the applicant and residents. However, the applicant wished to have vertical drinking within the premises, as the seating capacity was 50%.
- Condition 23, page 66 of the additional agenda pack, had been proposed by Miss Patel. The condition was designed to stop egress of noise at ground floor level.
- All staff would receive appropriate training to ensure that they were familiar with all the conditions attached to the premises licence.
- The premises was air-conditioned and windows and doors will be kept closed at all times except for access and egress.

The Chair suggested that condition 23 should be amended to reflect what had been discussed above. The amendment would provide considerable freedom to the operators of regulated entertainment which was a large part of the business. Also, residents would be reassured that their interests had been protected by not having noise emanating from the premises when regulated entertainment was taking place.

In response, Mr Macgregor advised that the words “after 21:00” could be deleted from condition 23, to demonstrate that the windows and doors were kept closed at all times except for access and egress.

In response to further questions from Members, Mr Macgregor and Ms Harris informed the Sub-Committee that:

- The applicants had created a separate fire escape from the basement to prevent anyone going through the courtyard, which did not form part of the application.
- The proposed hours accorded with Lambeth’s Licensing Policy. The premises would not be able to operate effectively if the premises was required to close at 23:00 as proposed by the police.
- 45 conditions had been imposed to address the licensing objectives and it was felt that the policy hours were more appropriate as opposed to the hours suggested by the police. The conditions upheld the licensing objectives and were consistent with the Council’s Licensing Policy.
- The courtyard could be accessed by climbing the stairs to the lower ground floor. The courtyard was surrounded by buildings so if anyone smoked this would create a chimney effect.
- Residents had raised concern that the former business had used the courtyard for smoking. Therefore a decision had been taken that no licensing activities would take

place in the courtyard.

- Two grand pianos existed in the premises, one each on the lower and ground floors.

### **Presentation by Interested Parties**

Mr Ed Gramolt, resident, informed the Sub-Committee that:-

- The hours proposed was considered too late for the area.
- Anti-social issues had occurred during lock-down.
- He expressed concerned pertaining to the sound that would be generated from the premises and queried how this issue was to be mitigated.
- Patrons would congregate in the street to smoke and the premises which would be difficult for the premises to manage.

Ms Rosemary Porter, resident, informed the Sub-Committee that:

- She had resided in Crystal Place for 36 years and welcomed change. However, she was concerned regarding intoxicated patrons drinking alcohol until the early hours and causing noise nuisance.
- Management would not be able to monitor patrons when they exited the premises, especially when patrons were in the side streets.
- Residents had already experienced anti-social behaviour from patrons, such as urination and loud shouting.
- If the licence was granted more anti-social behaviour issues would result.
- She did not wish to see another late-night establishment open in Crystal Palace to exacerbate issues.

Mr John Stefanov, resident, informed the Sub-Committee that:

- He welcomed the prospect of a new venue for the area but had concerns regarding the operating hours.
- He disputed the statement made that venues operated later, as some venues closed at either 22:00 or 11:00.
- A pub that previously played loud music was very disruptive to residents. At weekends, residents regularly heard loud music, shouting and disruptive behaviour, even with the windows closed. Whilst he appreciated that the windows and doors would remain closed, he believed that this appreciable made no difference.

Ms Sally Stapleford, OBE, resident, informed the Sub-Committee that:

- She had concerns for many years as a result of anti-social behaviour in the area.
- There was insufficient parking on adjacent streets and resident's spaces would be used instead, which would lead to anti-social behaviour.
- She believed that 23:00 would be a more suitable time for the premises to close.

In response to questions from Members, Ms Stapleford OBE, Ms Porter, Mr Gramolt and Mr Stefanov, informed the Sub-Committee that:

- It was felt that a condition to deter patrons entering/egressing the premises from 23:00 would not prevent anti-social behaviour. Patrons would then remain inside the premises until the terminal hour and cause nuisance.
- They agreed that the premises should close at 23:00.

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

- She was grateful that Mr Macgregor had agreed to reduce the hours to accord with the Licensing Policy. However, she had concerns regarding the premises being open until 01:00 on Sundays, as residents would be returning to work the following day.
- Any requirement for an extension of hours could be applied for by way of a Temporary Event Notice, as opposed to it being on the licence.
- She had no further concerns as the policy hours had been addressed.

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

- She believed that the policy hours were suitable for this type of premises. However, the Police and Public Protection were better placed to address that matter, as they had responsibility for dealing with policing and public nuisance issues in Lambeth.
- She realised that issues existed with the previous establishment but the premises was under new management and the policy hours would assist in mitigating any issues arising.
- The opening hours of a venue was not regulated directly under the Licensing Act 2003. The applicants were seeking a 30-minute drink-up time to allow patrons to disperse from the premises at different times.
- She hoped that the dispersal of patrons by the premises would be managed accordingly.
- The preferred hours policy in Lambeth's Licensing Policy stipulated suitable operating hours for various types of premises within specific areas in District Town Centres but did not restrict the hours a premises may open to patrons.
- Members would need to consider the application before them and what was being sought by the applicant, and also, whether the applicant would be able to uphold the licensing objectives and address any concerns.

At this stage the Legal Adviser to the Sub-Committee confirmed that:

- He had responsibility to address Members on matters of licensing law.
- The Licensing Policy was a signpost for applicants, Members and interested parties in relation to the licensing objectives and how they might be achieved or promoted.
- Members were not bound to follow the Policy and, dependant on the application and evidence, could impose earlier or later hours if they wished. However, Members were obliged to have regard to the Policy and statutory guidance. If Members were minded to step outside the Policy, there must be good reason for doing that.

PC Watson, informed the Sub-Committee that:

- The application came to the attention of the police as a result of the previous owners. However, checks had been conducted to ensure that no historic links existed with the previous owners.
- As a brand new business, he had concerns regarding the operating hours.
- Westow Hill, whilst a mini high street, did not have many licensed premises.
- Gipsy Hill was situated within an area that had three separate boroughs neighbouring each other.
- Six reported incidents of violent offences had been reported pertaining to Lambeth in a 12-month period. The police had received phone calls for incidents of anti-social behaviour, as a result of patrons pertaining to the night-time economy.
- Some of the incidents had occurred within the immediate vicinity of where the premises was situated.
- Issues tended to occur after 23:00 and evidence showed incidents happened as a

result of licensable premises.

- Despite the application being a restaurant-based premises, the applicant required vertical drinking and security from 00:00 to 01:00 which was a concern.

The applicant was recalled to address matters arising. In response, Mr Sam Vincent Sound Designer, informed the Sub-Committee that:

- All speakers within the venue were mounted on acoustic phone mounts to ensure any vibration did not transmit to the flats above through the plasterwork. This had been achieved as a result of a specialist mount from Europe designed specifically for that purpose.
- The system had been designed with multiple speakers close to audience members to ensure that the speakers were not too loud.
- The speakers were designed for theatrical purposes and not built for rock music etc.
- He would be in attendance at the premises for the first few nights and would be actively adjusting the system to ensure that all sound was contained within the venue, to avoid any complaints being made by residents.
- When live music was being performed at the premises, a sound professional would be on site to deal with any issues.
- The sound system would be controlled and locked away to prevent it being accessed by anyone.
- The speakers had been designed not to point directly at windows to mitigate any transmission through windows.

Mr Macgregor concluded his presentation by informing the Sub-Committee that:

- The venue was not a pub that would be operating until 01:00. Rather, the venue proposed to provide theatre and cultural activities, using a professional sound system.
- He understood the concerns raised by residents as a result of the previous occupiers but this application was different.
- The hours applied for were in line with Lambeth's Licensing Policy and a raft of conditions had been included that were consistent with what the premises intended to provide.
- The conditions had also been designed to address residents' concerns regarding crime and disorder.
- He clarified that if the premises remained open after midnight, a risk assessment would be carried out and management would employ door staff not just for the last hour but probably from 19:00 until closing time. Therefore, security staff would be at the premises for at least four hours. However, he would be willing to have a condition added for security staff if the Sub-Committee felt it was appropriate but security would need to be at the premises for a reasonable time.
- The premises would be providing job opportunities in the area.
- A robust dispersal policy had been designed and the applicant was willing to have a condition imposed on the licence that the dispersal policy should be reviewed annually.
- For the reasons mentioned above, he urged the Sub-Committee to grant the application.

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

- He agreed that condition 30, should be amended that litter /bin bottles be emptied no earlier than 08:000 instead of 07:00.
- In relation to condition 27, he would agree to the Council arranging for an officer to attend the premises to see the sound system at the premises.

Miss Patel, Licensing Manager, informed the Sub-Committee that although no representation had been made by Public Protection, she felt that a condition should be imposed on the licence to have a sound limit agreed by Council officers to prevent any noise issues.

In response to a question raised by Mr Vincent, Miss Patel clarified that Council officers would attend the premises and decide the appropriate limit to set by using the sound equipment already at the premises. The noise limit would be measured from outside the venue.

Lastly, Miss Patel, referred to conditions 16 and 25 and suggested that some amendments should be made to those conditions.

It was agreed with the applicant that condition 16 be amended to remove 'courtyard area and'

Condition 25 to include that smoking shall be at 'the front of the premises'.

### **Adjournment and Decision**

At 6.40 pm, 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 Mr Macgregor, Ms Harris, Mr Vincent, Mr Gramolt, Ms Porter, Mr Stefanov, Ms Stapleford, Miss Patel, and PC Watson.

Legal advice was given to the Sub-Committee on the options open to them and the need for any decision to be appropriate and proportionate. The Sub-Committee decided to grant the licence, subject to four conditions being amended and removed. Conditions 16, 23, 25 and 30 as amended and agreed during the course of the meeting. Condition 28 was to be replaced with the Council's standard condition on noise limiters as agreed at the meeting. Otherwise, the licence was granted as set out and the conditions contained on pages 63-68 of the additional papers. The hours were as the applicant sought at the start of the meeting. With the terminal hours of regulated entertainment and the sale of alcohol being 00:00 Sunday to Thursday and 01:00 Friday and Saturday.

The Sub-Committee did consider all the evidence carefully, but in the constraints outlined by the 2003 Licensing Act that required the Sub-Committee to make a decision that was appropriate and proportionate when it comes to balancing of restrictions on the hours of sale. The Sub-Committee was satisfied that the additional conditions offered by the applicant and a number of other restrictions, including the revised hours, were proportionate, given the nature of this application. Therefore, the Sub-Committee was minded to grant the licence as amended and with the revised policy hours proposed.

**Conditions as per the Sub-Committee's decision (bold indicates amendments)**

1. Locations of fire safety and other safety equipment subject to change in accordance with the requirements of the responsible authorities or following a risk assessment.
2. Any detail shown on the plan that is not required by the licensing plans regulations is indicative only and subject to change at any time.
3. All staff members engaged, or to be engaged, in selling alcohol on the premises shall receive full training pertinent to the Licensing Act, specifically in regard to age-restricted sales, and the refusal of sales to persons believed to be under the influence of alcohol or drugs. This shall take place every 12 months.
4. All such training is to be fully documented and signed by not only the employee but the person delivering the training. Training records shall be kept at the premises and made available upon request to either Police Officers or an authorised officer of Lambeth Council.
5. Waiter or waitress service will be available throughout the premises
6. Customers shall not be allowed to bring their own alcohol for consumption on the premises.
7. A direct telephone number (mobile to be held by duty manager) will be provided to neighbouring premises to be used in the event of a complaint of noise nuisance.
8. The premises shall install and maintain a comprehensive CCTV system.
  - (a) All entry and exit points must be covered enabling frontal identification of every person entering in a light condition
  - (b) The CCTV system shall continually record whilst the premises are open
  - (c) All recordings shall be stored for a minimum period of 31 days with date and time stamping
  - (d) Viewing of recordings shall be made available immediately upon the request of Police or authorised officer of Lambeth Council.
9. A staff member from the premises who is conversant with the operation of the CCTV system shall be in the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested and within a maximum of 24 hours of the initial request.
10. Subject to Data Protection guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk/USB Stick for the Police or authorised officers of the Local Authority without difficulty, delay or charge.

11. Any CCTV breakdown or system failure will be notified to the Police and Local Authority immediately & remedied as soon as practicable. Repair records / invoices shall be kept on site for at least 12 months and be readily available to be viewed by all authorised persons upon request.
12. An incident log shall be kept at the premises and retained for a period of 12 months and made available on request to an authorised officer of Lambeth Council or the Police. It must be completed within 24 hours of the incident and will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received
  - (d) any incidents of disorder
  - (e) any faults in the CCTV system
  - (f) any refusal of the sale of alcohol and the name of the member of staff who refused the sale
  - (g) any visit by a relevant authority or emergency service.
13. On occasions when the premises are providing licensable activities beyond 0000, the deployment of door staff will be on a risk assessed basis.
14. Where door staff are provided the following conditions will apply:
  - (a) All SIA staff must sign a register detailing the information stated below. This register must be kept available immediately upon the request of the police of an authorised officer of Lambeth Council:
    - (i) Start and end of shift times
    - (ii) SIA badge registered number
    - (iii) Full Names
15. Only a security provider who has been awarded Approved Contractor Status by the Security Industry Authority be authorised to deploy door supervisors or manned guard positions.
16. Off sales of alcohol shall be limited to the ~~courtyard area and~~ delivery of alcohol ordered as part of a meal to be delivered to a customer's home address and ancillary to that meal.
17. Any person entering the premises who appears to be under the influence of alcohol or drugs shall in the interests of other members of the public using the premises be requested to leave the premises.
18. The Premises will operate an anti-theft policy, which will include the reporting of theft, safe storage of found items, storage and disposal procedures for all items of property found or discarded at the premises. Signage will be on display in prominent places advising customers to safeguard their property.

19. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
20. Adequate and appropriate first aid equipment and materials will be kept on site, regularly checked and kept in an easily accessible place for staff.
21. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
22. Staff must ensure that all empty glasses and bottles are promptly cleared away from the public areas.
23. All windows and external doors shall be kept closed ~~after 2100 hours, or~~ at any time ~~when regulated entertainment takes place~~, except for immediate access and egress to persons
24. Save for customers who wish to temporarily leave the premises for the purposes of smoking there shall be no entry/re-entry after 2300
25. After 2200 patrons temporarily leaving the premises to smoke shall be limited to no more than 6 at any one time **and this shall be at the front of the premises.**
26. Patrons temporarily leaving the premises e.g. to smoke, shall not be permitted to take drinks or with them
27. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
28. **A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of Public Protection, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from Public Protection and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with Public Protection. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of Public Protection. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.**
29. Should any queue form of persons waiting to gain entry to the premises, such queue shall be properly organised and monitored so as to mitigate any impact on the public highway.
30. No rubbish including bottles will be moved, removed or placed in outside areas between 00:00 hours and **08:00** hours.
31. A written dispersal policy shall be in place and implemented at the premises to move customers from the premises and the immediate vicinity in an orderly fashion.

32. A copy of the dispersal policy shall be kept on the premises and made available to the police and responsible authorities on request.
33. The premises licence holder will provide training for all staff to ensure that they are familiar with the dispersal policy
34. Patrons shall be requested not to loiter outside the premises and to leave the premises quietly. Notices to this effect must be prominently displayed at the entrances of the premises.
35. Management/staff shall proactively monitor the conduct and behaviour of patrons on the public highway to ensure no noisy, rowdy or anti-social behaviour (this includes loud talking/shouting and people congregating in large groups on pavement obstructing the public highway). Those patrons deemed to be engaging in such behaviour shall be asked to cease this activity and/or disperse from the premises quietly
36. The highway and public spaces in the vicinity of the premises are kept free of litter from the premises at all material times to the satisfaction of the Council.
37. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
38. Signage advertising the aforementioned proof of age scheme shall be prominently displayed throughout the premises with a particular emphasis on the alcohol display area and service area.
39. That a refusals register is maintained recording when sales of alcohol are refused and the reason why.
40. All delivery orders of alcohol shall be to a registered residential or business address. There shall be no deliveries of alcohol to public/communal areas or open spaces.
41. Vehicles used for delivery should not be left idle outside the premises to ensure residents in the locality are not disturbed.
42. For all orders taken over the phone or via the internet, customers should be informed of Challenge 25 and the requirement to have ID ready for inspection should the need arise before receipt of alcoholic beverages.
43. The Premises Licence Holder shall ensure all persons associated with the handling, transportation and delivery of alcohol shall employ due care and attention at all times to ensure:
  - a. The delivery vehicle engine is not left running needlessly on or off the premises
  - b. There shall be no obstruction of the public highway whilst deliveries are taking place
  - b. No persons drivers/couriers shall engage in loud talking/shouting/door slamming or emit loud music from their vehicle whilst on or off the premises

- d. All glass bottles/vessels, goods and waste to be handled carefully whilst being transported into and out of the premises and to the clients' address to prevent/minimise noise disturbance to residents within the vicinity.
- 44. Records of all customers shall be stored for a minimum period of 6 months and shall be forwarded to police or trading standards officers actively investigating allegations of underage purchases from the business.
- 45. The Premises Licence Holder shall arrange staff training in relation to underage sales. This training shall include how to seek ID in accordance with the Challenge 25 proof of age scheme. All staff training shall be documented and made available to the Responsible Authorities on request.

**RESOLVED:** To grant the application with agreed condition and amendments.

### **Announcement of Decision**

Members returned to the meeting and the Chair informed those present of the decision to grant the application with agreed conditions and amendments and provided reasons for the decision as outlined above. The Sub-Committee had considered all the options available to them and ultimately felt that the applicant, conditions and amendments met the concerns which had been raised. The Chair confirmed that written notification of the decision would be sent in due course.

## **5 Consideration of objection to Temporary Event Notice**

### **5a Mingles 260 Brixton Road London SW9 6AQ (Vassall ward)**

This item was withdrawn from the agenda.

The meeting ended at 7.00 pm

CHAIR  
LICENSING SUB-COMMITTEE  
Monday 6 September 2021

**Date of Despatch:** Wednesday 8 September 2021

**Contact for Enquiries:** Jacqueline Pennycook

**Tel:** 020 7926 2167

**E-mail:** [jpennycook@lambeth.gov.uk](mailto:jpennycook@lambeth.gov.uk)

**Web:** [www.lambeth.gov.uk](http://www.lambeth.gov.uk)