LICENSING SUB-COMMITTEE

Thursday 10 January 2019 at 7.00 pm

MINUTES

PRESENT: Councillor Fred Cowell, Councillor Philip Normal and Councillor Irfan Mohammed

APOLOGIES:

ALSO PRESENT:

1 ELECTION OF CHAIR
MOVED by Councillor Philip Normal, SECONDED by Councillor Irfan Mohammed

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

2 DECLARATION OF PECuniARY INTERESTS
None were declared.

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

4 TEA HOUSE THEATRE 139 VAUXHALL WALK LONDON SE11 5HL

Presentation by the Licensing Officer

The Sub-Committee was informed that this was an application for a new a premises licence. The Sub-Committee’s attention was drawn to chapters 2, 3, 8, 9 and 10 of the Statutory Guidance and Sections 6 and 16 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 paragraph 6.2 of the report on page 10 of the agenda papers.

The Licensing Officer confirmed:

- This was an application to extend the hours for the sale of alcohol.
- Representations in relation to the application had been made by the Licensing team and the Police.
The application could be found on pages 13-25 of the agenda papers.

Representations could be found on pages 27-33 of the agenda papers.

In response to questions from Members, the Licensing Officer informed the Sub-Committee that:

- The applicant wished to extend the hours of licensable activity so that alcohol could be served from 12:00 – 00:00.

Presentation by the applicant

The applicant, Mr Henry Nicholls-Iggulden accompanied by Ms Christina Zhovnaruk informed the Sub-Committee that:

- He took over the premises in 2011 when it used to be a sexual entertainment venue. At the time, the premises had barbed wire, CCTV, was boarded-up and had graffiti. The premises was a ‘black hole’ in Vauxhall.

- In the last eight years, the premises had become re-integrated into the neighbourhood. The barbed wire, CCTV, graffiti and anything unwelcoming to the community had been taken down.

- He put up glass on the building and Police had told him that it would become vandalised and broken but the premises had not suffered from a single broken pane of glass.

- The approach taken by him was fundamental to the premises.

- Both he and his family lived in the area and were present in the area 24 hours a day.

- The premises went from being a sexual entertainment venue to become a place that welcomed women and children to drink tea and cake.

- The premises became something different to what it originally was and this had been celebrated by those connected to the Tea House and the community.

- The premises was part of the Vauxhall Gardens Estate and he knew everybody who lived around the area.

- He was being asked to install back-up CCTV, not regular CCTV.

- He was a coordinator for the Neighbourhood Watch in the area.

- The general area had changed; previously the area had been populated with knives and needles which could be found in the surrounding Vauxhall Gardens.

- He had worked with the local people and the local businesses in the area.

- He considered himself native to the Vauxhall area as he had been there so long.

- The previous operation at the premises which had been present in the area for 60 years was gone.

- There appeared to be a misunderstanding that he wanted to extend the hours of licensable activity so that the premises could perform christenings and serve alcohol ancillary to food but he did not want this.

- The bar originally installed at the premises had been taken out. The premises
did not have a bar and 90% of its patrons were women and babies.

- The premises engaged in activities such as playing backgammon and hosting debating events.
- Since taking down the CCTV, the premises had not had a noise complaint or any other kind of complaint.
- The applicant would be present at the premises at all times as he lived above the premises and was in constant contact with the local public, families and the working people of Vauxhall.
- The cost of installing the CCTV and training staff to use it was not justifiable given the operation at the premises.
- The premises was a listed building.
- The premises was not a bar and had a different atmosphere to other licensed premises. The premises was about the serving of tea and cake, occupied by chess boards and debating societies.
- The installation of CCTV would be a regressive step for the premises and he did not want to turn the premises into a ‘sleazy’ pub.

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

- He would work with the Police.
- If a public event or a party was to be held outside the premises, then the premises would work in conjunction with the event organisers to ensure that there were no issues and would avoid serving patrons present in the area simply to attend the event.
- Patrons to events occurring outside the premises would not be allowed into the premises even to use lavatories and those patrons would not be allowed inside even if the premises had CCTV installed.
- The premises was for patrons to drink tea and listen to classical music.
- The premises did not have a bar to serve patrons.
- The premises was for seated patrons only and had well trained staff.
- Classical music was played at the premises and entry would be refused to people who smelt of alcohol entirely.
- The premises did not sell coffee.
- The premises had at times been asked to host christening gatherings.
- On occasion, business people would have a glass of wine at lunch and such patrons were not even close to potentially becoming rowdy. The premises would actively work against anti-social behaviour of any kind with adequate staff and training.
- He had examined studies of CCTV not having worked as a deterrent. There had been occasions when CCTV did not work when it was in operation.
- In relation to the prevention of crime and disorder, it was not clear if CCTV was particularly effective.
• A more well-rounded approach to the prevention of crime and disorder would be to engage with the community and understand issues in the area involving the local community.

• Putting up CCTV cameras was not engaging or effective, it did not deter anti-social behaviour or crime and would not be helpful to the area.

• People around the Vauxhall area were more inclined to be suspicious of the Police and the people in the area were a tightly-knit community.

• CCTV cameras installed into the area would change the atmosphere.

• After the cameras that had originally been in place were taken down, people in the area felt more relaxed and crime had decreased.

Presentation from interested parties

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

• It was imperative that CCTV be installed at the premises.

• The applicant had agreed several proposed conditions made by the Licensing team.

• Although she understood the applicant’s position, the use of CCTV was a deterrent to potential criminals and its installation would not impinge on the operation of the premises.

• Having CCTV installed at the premises would not only protect those employed at the premises, but also the patrons. There would also be people using the surrounding Vauxhall Gardens and should an incident occur, then the use of CCTV may help catching any perpetrators.

• The cost of CCTV installation was not expensive.

• CCTV installation would not result in any structural changes to the premises and therefore would not conflict with the building’s listed status.

• It was not appropriate to ask the applicant to install signage regarding the use of CCTV and therefore the applicant had not been asked to do this.

• Alcohol did not need to be sold ancillary to a meal for the hours the applicant had not applied for and so this condition was not required.

• The condition regarding the CCTV had been proposed in order to uphold the licensing objectives.

PC Dave Watson informed the Sub-Committee that:

• CCTV was one of the most basic requirements for most licensed premises.

• CCTV offered patrons protection from crime and disorder and Vauxhall was generally a highly populated area.

• On 8 December 2018, a theft was reported near the premises and the Police were unable to investigate the crime adequately as there was no CCTV at the premises to identify the suspect and therefore could not aid the victim. The incident had been reported via telephone.
CCTV acted as a deterrent for potential criminals.

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

- The installation of CCTV at the premises, in its current state of operation, was appropriate and proportionate in relation to upholding the licensing objectives and reducing crime. This was evidenced by the recent incident that had occurred on 8 December 2018. CCTV acted as a deterrent to potential criminal activity and aided Police investigation.

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

- Almost all licensed premises would have a condition on the licence which would involve the installation and maintenance of CCTV.

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

- The premises was located next to The Black Dog, which did not have CCTV facilities but was a pub.
- The premises was located in a residential area and was in the vicinity of the Vauxhall Gardens Estate.
- Given the close proximity of the area to residents' homes and the proposed use of CCTV, there were issues regarding the use of CCTV and the individual’s general right to privacy. The use of CCTV could easily catch inappropriate pictures via its presence and positioning.
- Although the Police may benefit from some assistance via the presence of CCTV, it could lower the standard of living for residents who had the right to privacy. These families included ordinary families living in the area and his own family that lived in the area.
- He was involved in crime and disorder prevention in the area but took a more practical approach. He would communicate with people in the area directly and maintained a relationship with the community. CCTV would be a step away from this type of engagement.
- Although Police relied on technology and surveillance to assist with investigations or preventing crime and disorder, it was not clear if this was the best approach to preventing crime and disorder, especially given the track record and the achievements of the premises in the last eight years.

At this point in the proceedings, Ms Patel informed the Sub-Committee that:

- It may not have been a standard requirement for The Black Dog to install CCTV at the time in which the application was originally applied for but should they apply for a variation licence, then a condition to install CCTV would be proposed.

Adjournment and Decision
At 7.31pm, the Sub-Committee withdrew from the meeting together with the Legal adviser 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 subject to conditions.

RESOLVED: To grant the application subject to all of the agreed conditions and the imposition of the disputed CCTV conditions numbered 1 – 8 and set out on page 30 of the agenda papers.

Announcement of Decision

Members returned to the meeting and the Chair informed those present of the decision to grant the application subject to conditions. The Sub-Committee had carefully considered all the representations made and had decided to grant the application subject to conditions.

The Sub-Committee was of the view that the community work and the impact that the applicant had had was exemplary by nature and wished to commend him on his efforts and achievements. The Sub-Committee had carefully considered all of the material before it, including the written and oral representations of each side regarding the matter of dispute, namely the imposition of the proposed CCTV conditions. The Sub-Committee considered and determined that question having regard to general guidance (the Surveillance Camera Code of Practice) and the statutory Guidance issued under Section 182 of the Licensing Act 2003 and understood that this required the Sub-Committee to consider the impact the variation would have on the licensing objectives and to determine whether the installation of CCTV, in the context of those impacts, was an appropriate and proportionate step. The Sub-Committee also understood that it should not impose blanket or standard conditions. In the case of this application, the variation allowed for an additional 6 hours of licensable activity each day. The Sub-Committee was satisfied that this change thereby increased the risk of crime and disorder on these premises, in this location, by allowing longer hours for the sale of alcohol and thus engaged the crime and disorder strand of the licensing objectives. Whilst the Sub-Committee were considerably impressed by the level of community engagement done by the applicant, based on the evidence presented at the Sub-Committee by both the Police and Licensing Authority, the Sub-Committee were not satisfied that the Applicants proposed alternative measures were sufficient to address the crime and disorder issues engaged by this application and the Sub-Committee determined that the imposition of the proposed CCTV condition appropriately and proportionately addressed those concerns. Therefore, the Sub-Committee approved the application subject to all of the agreed conditions and the imposition of the disputed CCTV conditions numbered 1 – 8 and set out on page 30 of the agenda papers.

5 CONSIDERATION OF AN OBJECTION FOR A TEMPORARY EVENT NOTICE

Special circumstances justifying urgent consideration

A meeting of the Licensing Sub-Committee has been convened as a result of an objection raised by the Police regarding a Temporary Event Notice (TEN). Section 105 (2)(a) (of the Licensing Act 2003 [part5]) requires a minimum of two days' notice to be given. The first event was due to take place on 18 January 2019.

The Chair was of the opinion that although the meeting has not been convened with at least five clear days' notice, it should proceed now as a matter of urgency to consider the objections to the TEN because of the special circumstances of the need to comply with the statutory requirements of the Licensing Act 2003.
This application was withdrawn.

The meeting ended at 7:44pm

Date of Despatch: Friday 18 January 2019
Contact for Enquiries: Nazyer Choudhury
Tel: 020 7926 0028
Fax: (020) 7926 2361
E-mail: nchoudhury@lambeth.gov.uk
Web: www.lambeth.gov.uk

The action column is for officers' use only and does not form a part of the formal record.