

LICENSING SUB-COMMITTEE MINUTES

Thursday 10 September 2020 at 7.00 pm

Present: Councillor Fred Cowell, Councillor Martin Tiedemann and Councillor Linda Bray

Apologies: None

1 ELECTION OF CHAIR

MOVED by Councillor Linda Bray, SECONDED by Councillor Martin Tiedemann

RESOLVED: That Councillor Fred Cowell be elected as Chair.

On opening the meeting, the Chair advised that the applications for The Black Lab Coffee House (item 4c) and IbeX Venue Hire & Restaurant (items 5b and 5c) had been withdrawn from the agenda.

The Chair advised that Item 5a will be considered first.

2 DECLARATION OF PECUNIARY INTERESTS

Councillor Linda Bray declared that in relation to the TEN application for Clapham Common Sports Zone (item 5a), she was a Clapham Town ward councillor. However, she had raised no objections and the application was not in her ward.

3 MINUTES

RESOLVED: That the minutes of the previous meeting held on 20 August 2020 be approved and signed by the Chair as a correct record of the proceedings.

5 CONSIDERATION OF OBJECTIONS TO TEMPORARY EVENT NOTICES

5a CLAPHAM COMMON SPORTS ZONE, CLAPHAM COMMON, SW4 (CLAPHAM COMMON)

Presentation by Licensing Officer

The Sub-Committee was informed that this was an application to consider a counter notice for a Temporary Event Notice. The Sub-Committee's attention was drawn to Chapters 7, 9 and 15 of the Statutory Guidance, and to Sections 5, 5.11, 5.20, 5.27, Policy 6, Policy 7 and Appendices 1, 2, 3 and 5 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 5.6 to 5.11 of the report on pages 3 to 4 of the second despatch agenda papers.

The Licensing Officer confirmed that:

- This was an application submitted by the Metropolitan Police Service and Public Protection team for a counter notice to be issued against a Temporary Event Notice (TEN) for Clapham Common Sports Zone.
- The notice giver, Mr Harry Sloan, applied for a TEN for the premises under section 100 of the Licensing Act 2003. The notice was for the provision of the sale by retail of alcohol for consumption on the premises.
- The event was planned for Saturday 12 September 2020 from 15:00 to 21:00 hours for a maximum capacity of 30 persons for a birthday celebration in a limited space.
- The notice giver was unable to attend the hearing due to work commitments.
- The application was attached at Annex A, pages 9 to 15 of the second despatch agenda papers.
- Objections to the TEN had been received from the Metropolitan Police Service and Public Protection team based on the licensing objectives of the prevention of crime and disorder, prevention of public nuisance and public safety. The representations could be found as Annex B on pages 17 to 21 of the second despatch agenda papers.
- PC Mike Constable and Keith Badrick, Public Protection Officer, were both in attendance.

A map and photographs of the premises were circulated to members.

Presentation by the Responsible Authorities

PC Mike Constable, Metropolitan Police Service, informed the Sub-Committee that:

- No permission from Lambeth Council to hold the event in Clapham Common had been sought by the notice giver.
- He had witnessed numerous raves and unlicensed music events taking place on Clapham Common, which had the potential to turn disorderly and cause issues.
- Insufficient details had been supplied on how the event would be managed without having an impact on nearby residents or business. He recently witnessed an event that set up a sound speaker on the Common that attracted large crowds and caused violent disorder.
- As the issues raised had not been addressed, the Metropolitan Police Service recommended that the temporary event should not take place.

Mr Keith Badrick, Public Protection Officer, informed the Sub-Committee that:

- He reiterated all the points raised by PC Mike Constable.
- The notice giver had failed to respond to the representations sent out to him and had also failed to respond on how the event would be managed.
- If the event was to proceed, it was a possibility that the party could escalate and cause anti-social behaviour. Therefore, Public Protection was against the event being held.

Adjournment and Decision

At 7.19 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 PC Mike Constable and Mr Badric.

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 issue a counter notice as due to the absence of any detail from the applicant, the Sub-Committee could not have any assurances that the licensing objectives would be fulfilled. Furthermore, the Sub-Committee are particularly concerned by the risks highlighted by the responsible authorities how the event will actually be controlled, particularly with regard to underage drinking and management of guest numbers and the very real risk that this would escalate into a larger scale event.

RESOLVED: To issue a counter-notice to prevent the event going ahead.

Announcement of Decision

Members returned to the meeting and the Chair informed those present of the decision to issue a counter notice 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.

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

4b KINGSDALE RESIDENTIAL, 93 - 109 KNOLLYS ROAD, LONDON, SW16 2JP (KNIGHTS HILL)

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 4, 5, 6, 7, 8, 9, 16 and Appendices 1, 3, 4, 6, 7, 8, 9 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 paragraph 5.15 of the report on page 16 of the agenda papers.

Mrs Sarah Williams, Licensing Officer, confirmed that she had originally made a representation in respect of the application which had since been withdrawn and she would be presenting the application in the absence of her colleague.

The Licensing Officer then confirmed that:

- This was a new application for a premises licence under section 17 of the Licensing Act 2003 for Kingsdale Residential at Knollys Road.
- The application was seeking permission for late night refreshment Monday to Sunday from 23:00 to 05:00 for residents and guests and Monday to Sunday from 23:00 to 00:00 for the general public.
- The application also sought the sale of alcohol Monday to Sunday 00:00 to 00:00 for residents and guests and Monday to Sunday 07:00 to 00:00 for the general public.
- The premises proposed to open to the public Monday to Sunday 00:00 to 00:00. The

application and the plans of the premises could be found on pages 81 to 97 of the agenda papers referenced as Annexes A and B.

- Three representations against the application, one from the Licensing Authority and two residents were based on all four licensing objectives (prevention of public nuisance, prevention of crime & disorder, public safety and the protection of children from harm) had been received.
- The Licensing Authority had offered alternative conditions which had been agreed by the applicant. Copies of the representations and conditions were listed as Annexes C and D and could be found on pages 99 to 106 of the agenda papers.
- The applicant provided further supporting documents which could be found on pages 5 to 62 of the additional agenda papers.
- On 3 September 2020, the Licensing team informed the applicant that late night refreshment should remain on the licence if the application was granted. The premises was for a residential accommodation and not a hotel.

A map and photographs of the premises were circulated to members.

Presentation by the Applicant

Mr Luke Elford representing the applicant, Mr Chris Nixon and Mr Steve Winter, Operations Manager, were in attendance.

Mr Luke Elford and Mr Steve Winter, informed the Sub-Committee that:

- The application was for a residential complex for the over 55s. Currently, the average age of those committed to tenancies at the premises was 74.
- The premises would be known as The Vale.
- Licensing activities would only be provided to residents of The Vale and to their guests being family and friends.
- No random member of the public could enter the premises. The premises was access controlled and residents had a key and fob to gain entry.
- Guests invited by residents would be required to use the buzzer to gain entry. A 24-hour concierge service was also available at the premises.
- The premises would not attract members of the public.
- The management had engaged in excellent dialogue with the Council regarding the conditions and also regarding clarification in respect of late night refreshment on the licence.
- A CCTV system would be maintained at the premises.
- The food and beverage provision offered at the premises would not pose any issues.
- He wished for the application to be granted as per the conditions offered by the Licensing Officer.

In response to questions from Members, Mr Elford confirmed:

- No limit regarding the number of guests invited by residents visiting the premises had been set but this would be managed. Guests were required to sign in at reception on arrival and records would be kept for inspection.
- There was a close connection between residents and premises staff and staff would be able to deal with any queries or concerns they received. However, as a close personal relationship between residents and staff existed, he did not envisage any issues arising. A 24-hour concierge service and 24-hour on-call service would be available. Any concerns could also be raised with premises staff the following day.
- An incident log as part of the operating schedule as agreed with the Licensing team

would be kept on record. Any complaints received regarding licensing activities would be recorded in the log.

- A premises staff member would operate the bar. Any drinks purchased would be paid for on account with an invoice sent at the end of the month to residents.
- Only six tables with three people at a time (a maximum 18 people) could be used for eating and drinking. The bar area only had three stools. Details had been included in the plans as outlined in the agenda papers.
- The premises had a patio area separate from the living accommodation but did not border on resident's living areas.
- In relation to condition 2, outlined on page 1 of the second agenda papers, Mr Elford, felt that that condition should not be changed. Only friends and family members of residents would be able to attend the premises. Therefore, he did not want it stated that only those types of people should be able to attend. As stated, a guest book would also be available including a 24-hour concierge service.
- If the licence was eventually passed on to another operator, a review application could be submitted brought, or an objection could be made by the Police against the transfer of the licence could be made, instead of an amendment being made to the licence. Therefore, Mr Elford's preference was for the premises to have a signing-in book in operation as opposed to the above proposal being included in the conditions.

Adjournment and Decision

At 7.52 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 Elford and Mr Winter.

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 all the conditions agreed and the additional condition in paragraph 2, part 2, to change the condition to read "All guests are to sign in upon entry with the concierge".

RESOLVED: To grant the application subject to all the conditions agreed and the additional condition.

Announcement of Decision

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

4a THE THREE LIONS RESTAURANT, 125 SOUTH LAMBETH ROAD, LONDON SW8 1XA (STOCKWELL)

Presentation by the Licensing Officer

The Sub-Committee was informed that this was an application for a variation to the current 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, 7, 8, 9, 16 and Appendices 1, 3, 4, 6, 7, 8, 9 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 5.7 to 5.9 of the report on pages 15 and 16 of the agenda papers.

The Licensing Officer confirmed that:

- This was an application to vary the premises licence under section 34 of the Licensing Act 2003 for The Three Lions Restaurant, 125 South Lambeth Road.
- The applicant was seeking permission for the sale of alcohol for consumption off the premises Monday to Thursday from 10:00 to 23:00, Friday to Saturday 11:00 to 00:00 and Sunday 11:00 to 23:00. The hours originally sought had been reduced following an agreement of the proposals made by the Licensing Authority as outlined in their representation.
- The premises times open to the public remained unchanged Monday to Saturday 07:00 to 00:00 and Sunday 08:00 to 23:00. The application could be found on pages 25 to 35 of the agenda papers and were referenced as Annex A.
- 11 representations had been received against the application from one ward councillor and ten local residents. The representations were based on the licensing objectives of the prevention of crime and disorder, prevention of public nuisance, public safety and protection of children from harm. Copies of the representations were listed as Annex B and could be found on pages 37 to 57 of the agenda papers.
- The applicant had agreed to the conditions proposed by the Police, Public Protection and the Licensing Authority and subsequently these representations had been withdrawn. The list of the agreed conditions were attached as Annex C and could be found on pages 59 to 60 of the agenda papers.
- Although the objectors had been notified of the agreement made between the applicant and Responsible Authorities, only one had withdrawn their representation.
- The current premises licence was listed as Annex D and could be found on pages 61 to 73 of the agenda.

A map and photographs of the premises were circulated to members.

Presentation by the applicant

In response to a question from the Chair, regarding the application, the Legal Advisor confirmed that:

- The application made by the applicant to vary the licence to off-sales was made on 12 May 2020. However, as a result of the coronavirus pandemic, the Government had introduced measures to assist the hospitality sector to support their businesses by introducing the Business and Planning Act (2020) which came into force on 22 July 2020 and temporarily modified the Licensing Act (2003).
- Section 11 of the act permitted modification of the premises licence to authorise off-sales for a limited period. This meant that any premises licence in existence that had on-sales only and was not subject to any disqualifying event that had occurred in relation to their licence, would be permitted to operate off-sales until 30 September 2021. Therefore, the Sub-Committee might wish to ask the applicant if he wished to proceed with his application at this stage. Or if the applicant wanted off-sales on the licence permanently.

The Chair asked Mr Manuel Rocha, representing the applicant, whether he wished to proceed with the application.

Mr Manuel Rocha, Agent, on behalf of the applicant, informed the Sub-Committee that:

- He wished for off-sales to be made permanent on the licence. As a result of the pandemic, he believed that a take-away service for restaurants would be the norm for businesses in the near future. Also, because of the pandemic, customers now preferred to eat at home.
- Options existed for an agreement to be made with Uber and Deliveroo to deliver orders from the premises which would contribute to 35% of the sales. In the near future, if sales increased, the restaurant would have the option to carry out their own deliveries.
- When customers placed their orders, they might wish to purchase wine to drink with their food, if the application was granted.

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

- He appreciated residents' concerns but felt the application provided a good opportunity for joint working within the community for businesses and residents to ensure issues were resolved, especially as he believed similar applications would be applied in the future.
- He felt that the conditions proposed by the Responsible Authorities would elevate concerns raised by residents. Also, off-sales would not pose problems with residents as it provided an opportunity for people to purchase food and alcoholic drinks.
- A 24-hour off-licence was situated next door to the premises where people could purchase cheaper drinks.
- All staff at the premises would be trained to ensure they adhered to the consolidated conditions. The training would be carried out in both English and Portuguese.
- Parking spaces existed nearby to the restaurant for delivery drivers to wait.
- Deliver drivers would be asked to switch off their engines and not to speak loudly to deter any noise issues.
- He appreciated that issues existed with people congregating outside and this had been discussed with the police. However, drivers would be required to collect any orders and leave the premises straight away. Also, customers would only enter the premises to collect their orders.
- As outlined in the conditions, only five persons would be allowed to remain outside the premises.
- Appropriate signage will be displayed outside the premises to deter people congregating outside. Staff would also be able to see how many people were outside.
- The manager would remain at the premises to monitor people to ensure that only the required number of people were outside. There were only 40 seats in the restaurant which provided management with ample opportunity to ensure the outside area was monitored.
- The restaurant currently operated a take-way service but patrons could sit inside to eat their food if they wished.
- Arrangements would be made with Uber and Deliveroo to deliver orders only to registered residential or business address and no deliveries to public or open spaces as outlined in the conditions.
- Even if the application was not granted, food delivery orders would still continue. A decision was being made on where delivery drivers should park. However, as the restaurant was a small business, large queues for orders were not expected.
- He understood that delivery drivers would park in South Lambeth Road.
- He had spoken to management and it was believed that issues with residents had improved. However, neighbourhood associations and residents should approach the business rather than the local authority to ensure issues were resolved. He was willing to amend the terminal hour on the application to 22:00 on all days to avoid any noise

issues.

- He felt it was unfair that no objectors had attended the meeting. However, he accepted that, on occasions, more than five people remained outside the premises. Nevertheless, the restaurant located next door were allowed 30 patrons to sit outside but this premises did not have a licence for the outside area. In future, only five patrons would be allowed to remain outside.
- He disputed that all problems in the area were associated with the Three Lions.
- Patrons had to purchase a substantial meal to obtain alcohol in order to prevent them drinking outside.

The Chair asked whether the applicant would be willing to amend condition 4 to include the words “substantial meal”.

The Chair also enquired whether the applicant would be willing to agree to an additional condition that stated that service would stop at 22:00 for delivery and take-away. Also, if condition 4 could be altered to read “sale and alcohol off the premises shall be ancillary to a substantial meal....”

Mr Rocha responded that he agreed to the above conditions, if the application was granted.

The Chair stated he understood that a lot of negotiations had taken place regarding the conditions. He expressed his thanks to the Licensing team, and the other Responsible Authorities for their work in reaching an agreement for the set of conditions included in the papers.

Adjournment and Decision

At 9.03 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 Rocha.

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 all the agreed conditions outlined on page 59 of the agenda papers. Condition 1) would be altered to confirm that the take-away and delivery service terminal hour would be 10 pm. Condition 4) would be altered to read “The sale of alcohol for consumption off the premises must be in sealed containers, (sealed containers meaning manufacturers sealing of the vessel) and shall be ancillary to a substantial or tabled meal as part of a take-away or delivery order”. An additional condition 11 on the existing premises licence under Annex A would be added to the effect that staff were to be trained on the additional conditions within 72 hours of the granting of the licence.

RESOLVED: To grant the application subject to all the conditions agreed and edited and the additional condition.

Announcement of Decision

Members returned to the meeting and the Chair informed those present of the decision to grant the application subject to all the conditions agreed and edited and the additional condition as outlined above. The Sub-Committee had considered all the options available to them and ultimately felt that the applicant had met the concerns which had been raised. The Chair

confirmed that written notification of the decision and full written reasons would be sent in due course.

The Sub-Committee advised Mr Rocha that it was extremely detrimental to the conduct of proceedings that the applicant should have been present at the meeting. It was vital for the Sub-Committee to be able to access, understand and to obtain a clear picture of the premises. Mr Rocha was also advised that the Sub-Committee did not want to be in a position where he represented any further applications without the applicant being present.

4c THE BLACK LAB COFFEE HOUSE, 18 CLAPHAM COMMON, SOUTH SIDE, LONDON, SW4 7AB (CLAPHAM COMMON)

This application was withdrawn from the agenda.

5b IBEX VENUE HIRE & RESTAURANT, 211CLAPHAM ROAD, SW9 0QH (STOCKWELL) - 13.09.20

This application was withdrawn from the agenda.

5c IBEX VENUE HIRE & RESTAURANT, 211CLAPHAM ROAD, SW9 0QH (STOCKWELL) - 27.09.20

This application was withdrawn from the agenda.

The meeting ended at 9.30 pm

CHAIR
LICENSING SUB-COMMITTEE
Thursday 17 September 2020

Date of Despatch: Thursday 17 September 2020

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