

LICENSING SUB-COMMITTEE MINUTES

Wednesday 3 November 2021 at 7.00 pm

Members Present: Councillor Fred Cowell, Councillor Joshua Lindsey (Substitute) and Councillor Marcia Cameron (Substitute)

1 Election of Chair

MOVED by Councillor Joshua Lindsey, SECONDED by Councillor Marcia Cameron.

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

3a SW4 Event, 82 - 84 Clapham Park Road London SW4 7BX (Clapham Common Ward)

The Sub-Committee was informed that this was an application for a new premises licence. The Sub-Committee's attention was drawn to chapters 2,3,8,9,16 of the Statutory Guidance, and to Sections 1,3,4,5,8,17 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 of the report on page 11.

Presentation by the Licensing Officer

Mr Ola Owojori, the Licensing Officer, confirmed:

- This was an application for a new premises licence.
- The premises was previously licensed until 12th February 2021, when the Licensing Authority became aware that the company that held the licence had dissolved on 11th October 2019.
- The applicant is seeking authorisation for Live Music Friday 20:00 – 23:00 Saturday 20:30 – 23:00, Recorded Music and Sale of Alcohol (consumption on and off the premises) Monday to Wednesday 17:00 – 23:30 Thursday 17:00 – 00:00 Friday 17:00 – 01:00 Saturday 12:00 – 01:00 Sunday 12:00 – 23:30, Performances of Dance Friday and Saturday 21:00 – 22:30 and Late Night Refreshment from Sunday to Wednesday 23:00

- 23:30, Thursday 23:00 – 00:00, Friday and Saturday 23:00 – 01:00.
- The opening hours for the premises are proposed as Monday to Wednesday 17:00 – 23:30, Thursday 17:00 – 00:00, Friday 17:00 – 01:00, Saturday 12:00 – 01:00 and Sunday 12:00 – 23:30.
- One representation had been received against the application from the Licensing Authority.

At this point in proceedings, the Licensing Officer assured members that all statutory procedures had been adhered to in this case and that this had been checked by the licensing service.

Presentation by the Applicant

The applicant, Mr Tajinder Viridi informed the Sub-Committee that:

- The premises was previously licensed until 12th February 2021, and that the applicant sought to secure a premises licence similar in scope to that which was previously held for the venue.

At this point in proceedings, the Chair directed Mr Viridi to conditions as proposed by the Licensing Authority, laid out on page 14 of the report.

In response to questions from Members, Mr Tajinder Viridi confirmed:

- That the applicant hoped to retain the permissions afforded under the previous licence.
- The applicant had hoped to install tables and chairs in the outside area; however, Condition 24 rendered the outside area at the front of the premises unusable from 21:00 hours Monday to Sunday to prevent Public Nuisance.
- Clients had been encouraged to purchase drinks at the bar, which rendered Conditions 10, 11 and 12 unsatisfactory to the applicant.
- The applicant was applying for a terminal hour of 01:00 and to mitigate against public nuisance, the applicant proposed to deploy security on the premises and said that he would ensure that staff were trained to manage the space effectively.
- While no security plan had been commissioned, or security documents supplied in support of the application, a security agency had previously been employed on site.
- The applicant was unaware of an investigation of noise nuisance at the premises that took place seven years prior and said that he would employ appropriate security and noise measures, proposed to keep doors shut and secure a noise meter.

Presentation by Interested Parties

Ms Pam Riley, representing the Licensing Authority said that:

- A terminal hour of 01:00 was outside of the preferred hours specified in the councils Licensing Policy and the applicant had not demonstrated adequate reasoning for why the application should be granted in these terms.
- The Licensing Authority had not been made aware as to whether the applicant agreed to the proposed conditions.
- It was recommended that if Members were inclined to grant the licence they should impose a terminal hour of 23:00 in line with the policy and if the applicant operated satisfactorily the applicant could, within 6 months to a year, apply for variation to the license made on the basis of evidence.

In response to questions from Members, Ms Pam Riley confirmed that in relation to proposed Conditions 10 to 12, these were deemed appropriate by the Licensing Authority as the application was for a restaurant. It was recommended that these conditions be maintained.

In response to questions from Members, Mr Viridi assured members that the applicant would comply with the recommendations of the Licensing Authority.

At this point in proceedings, the Chair advised the applicant that what was agreed by the Sub-Committee on that day would not have bearing on future variation license and would be made on evidence of its own merit after six months to a year of no complaints.

Adjournment and Decision

At 19:45, 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 the Licensing Authority and 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 License, subject to all agreed and proposed conditions as laid out on page 14 of the report and with a reduction to the venue's terminal hour for licensable activities so that the same would cease at 23:00 hours across the whole week.

Announcement of Decision

Members returned to the meeting and the Chair informed those present of the decision to grant the license 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 conditions met the concerns which had been raised and that it did so appropriately and proportionately. The Chair confirmed that written notification of the decision would be sent in due course.

RESOLVED: To grant the application as agreed and with the imposed conditions detailed above.

3b Studio Voltaire, 1A Nelsons Row, SW4 7JR (Clapham Town Ward)

The Sub-Committee was informed that this was an application for a new premises licence. The Sub-Committee's attention was drawn to chapters 2,3,8,9,10,16 of the Statutory Guidance, and to Sections 1,3,4,8,16 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 of the report on page 40.

Presentation by the Licensing Officer

Mr Ola Owojori, the Licensing Officer, confirmed:

- Studio Voltaire was an Arts Centre and this was an application for a Premises Licence.
- The applicant was seeking authorisation for the sale of alcohol for consumption on and off the premises, during the hours Monday to Saturday 12:00 to 22:00 and Sunday 12:00

to 23:00.

- The opening hours for the premises were originally proposed as Sunday to Wednesday 08:00 to 18:00 and Thursday to Saturday 08:00 to 23:00.
- One representation had been received against the application from the Metropolitan Police.
- Subsequent to publication of the report, the applicant had provided additional information, and this had been shared with all parties including Members.
- Additional Conditions proposed by the Licensing Authority could be found on page 75-78 of the report.

Presentation by the Applicant

Ms Laura Parker, Managing Director of Studio Voltaire, informed the Sub-Committee that:

- Studio Voltaire was a charitable organisation founded in 1994 that worked in the community, noting the LGBTQ+ community specifically, and resided on the premises since 1999.
- The Café offer was an important element of the generating income for the charity, but also encouraged members of the community to use the studio space.
- The originally proposed opening hours had been extended to provision for events such as supper clubs
- The Café area had a capacity of 36 seats, which was located in a closed and private space.
- The sale of alcohol for consumption was usually while seated and ancillary to a meal, unless during an exhibition or talk.

In response to questions from Members, the applicant confirmed:

- There was the potential for supper clubs to become more popular, but this was likely not more than a weekly occurrence at that time.
- The business provided a deli selection and natural wines, served to take-away and all profits went to the charity.
- The premises was located behind a quiet street which did not attract foot traffic and to view the display of alcohol, customers would have had to enter the premises.
- The maximum capacity of the café space was 36 people and during events such as exhibition talks or panel events, capacity increased to 60 people. The applicant did not see two security guards as necessary for the type of audience attracted.
- If an event were to fall outside of standard operation, the applicant would apply for a Temporary Events Notice and agreed to impose a sunset clause.
- If a threshold of 80-100 people was met, the applicant would apply for SIA security badged staff.
- Studio Voltaire had a no smoking policy, including for staff, and those looking to smoke were directed not to congregate outside of the premises.
- There was no fixed seating within the garden and the dispersal policy was fixed at 21:00.

Presentation by Interested Parties

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

- The representation by the Metropolitan Police was to support additional conditions and

was not an objection to the application as a whole.

- Although the business model did not attract late night clientele, requested security was due to the location of the premises and to protect staff from violent assault.
- Conditions had been proposed around security and a further condition was proposed to enhance security on pre-booked events.
- The welfare and vulnerability conditions as laid out within the representation, be considered by the Sub-Committee in light of Clapham's high crime rate.

In response to questions from Members, Mike Contestable confirmed:

- Introducing a threshold condition for security staff could be difficult, but this could be mitigated by notifying the Police of large events two weeks in advance.
- This location had experienced high rates of knife related crime, sexual assaults, drug related crime and recent cases of needle spiking.
- The residential areas in proximity to the premises had issues of crime, however, the crime statistics had not been provided as out of date.
- Patrons had been the target of crime in this area.

In response to questions, Ms Laura Parker, Managing Director of Studio Voltaire, confirmed:

- The 'Ask Angela Scheme' had required posters to be displayed in places that were visible to women, however, not obvious to an assailant. Studio Voltaire had unisex toilets and the applicant had offered to train staff should an issue arise, however, displaying posters had proved difficult as a licensed stipulation.
- There were three toilets on the ground floor that were all artist commissions, and two toilets upstairs. Every item within the ground floor toilet was part of the artist design and therefore any display of a poster would require agreement from the artist.
- It was agreed to display the poster clearly in places to be determined at the applicant's discretion.
- The threshold agreement to determine security was agreeable as events held at the premises were ticketed. The seated capacity within the café restaurant and bar was lower than 80 or 100 and if a patron were to book event tickets last minute, this could be communicated a week to ten days before.

Adjournment and Decision

At 20:28, 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 the Metropolitan Police. 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 Licence subject to the agreed and following imposed conditions.

Additional Conditions:

1. Ask Angela posters shall be displayed at eyelevel in the premises.
2. The premises licence will automatically lapse in the event that the applicant (Studio Voltaire) ceases to hold an estate or interest in the premises.

3. After 18:00 whenever the premises is open for licensable activity, the premises shall deploy SIA licensed door supervisor in the following instances and in the following numbers: one SIA door supervisor whenever there are 60 patrons on the premises and two SIA door supervisors whenever there are 90 patrons on the premises.

The Chair advised that the reasoning behind the wording of the final condition was to reflect concerns expressed by the police and that the premises was operating within a Cumulative Impact Zone, and it was to be left to the discretion of the applicant as to how the terms of this condition was to be met.

Announcement of Decision

Members returned to the meeting and the Chair informed those present of the decision to grant the license 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 conditions agreed and imposed met the concerns which had been raised. The Chair confirmed that written notification of the decision would be sent in due course and would have 21 days to appeal the decision.

RESOLVED: To grant the application as agreed and imposed conditions detailed above.

3c Carmine 20-21 The High Parade, Streatham High Road London SW16 1EX (Streatham Wells Ward)

The Sub-Committee was informed that this was an application for a new premises license. The Sub-Committee's attention was drawn to chapters 2,3,8,9,10 of the Statutory Guidance, and to Sections 1 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 paragraph 6 of the report on page 83.

Presentation by the Licensing Officer

Ms Pam Riley, the Licensing Officer, confirmed:

- This was an application made by Bright Pete Holdings South Limited for a new Premises License to be known as Carmine, 20 - 21 The High Parade, Streatham High Road London.
- The applicant was seeking authorisation for Film, Recorded Music, Late Night Refreshment and the Sale by Retail of Alcohol for consumption on and off the premises, from Monday – Wednesday 08:00 – 01:00, Thursday - Saturday 08:00 – 02:00 and Sunday 08:00 – 00:00 on premises.
- A copy of the forms and floor plan could be found on page 29 - 44 of the Annex attached to the report.
- There were two representations received against the application from residents. A copy of representations had been sent to the applicant via an agent and could be found at pages 85 - 90 of the report.
- Subsequent to publication of the report, the applicant had provided additional information which had been shared with all parties.

Presentation by the Applicant

Consultant Solicitor and Applicant Director, Robert Sutherland and Christopher Howe, informed the Sub-Committee that:

- The company had acquired the premises in the summer, which had then been closed for refurbishment and opened on 7 October 2021.
- The overall investment in the premises was £120,000.
- During the day, the premises operated as a restaurant and customers were served by waiting staff, while seated for the duration of the visit. During the evening, the premises operated as a restaurant and wine bar and most customers were seated.
- As the lease transferred to the applicant, it was required not to surrender the previous license. There were questions on the lease and whether the original license would be retained and returned to the landlord if Bright Pete Holdings Ltd were to leave the premises and whether the previous license could be replaced this with the new premises license, if deemed acceptable.
- The applicant would agree to a terminal hour for licensable activities of 01:00.
- Two issues had been acknowledged relating to security and noise nuisance and it was noted that the noise disturbance had been located at the next-door premises.
- The applicant agreed to a standard condition to install a noise limiter and certify that this had been done.
- The condition and requirement to ensure door supervisors on Thursdays, Fridays and Saturdays from 21:00, it was proposed that this was Fridays and Saturdays from 21:30 to 01:30, as from a crime and disorder perspective, there was not the footfall that necessitated security staff on a Thursdays.
- There were no residential premises directly above or surrounding the premises and it was hoped that proposed conditions alleviated concerns of the local residents.

In response to questions from Members, Mr Robert Sutherland confirmed:

- Enquiries had been made and if the new premises license was deemed acceptable, the operator was to surrender the current license as transferred through the lease and a condition could be agreed that any granted license was only operable as the old license was surrendered.
- The applicant had ongoing dialogue via text and email with the local community to address noise complaints and there had been no lack of response.
- As the applicant acquired the premises, a bass heavy sound system was replaced with a smaller system and Mr Howe had purchased a sound meter in order to ensure noise levels remained acceptable.

Presentation by Interested Parties

Resident, Ms Rebecca Wright informed the Sub-Committee that:

- She was a flat owner and resident in the area for ten years.
- Above the premises there were 174 flats and approximately 300 residents in a densely populated area: a community of vulnerable and protected persons.
- The residential building was a 1930s design and sound was amplified through cavity walls that created disturbance for the residents and this had been confirmed by council

inspectors when visited these properties.

- There had been disturbances in the past, while the residents wanted to support the business, the residents wanted conditions that protected those that were vulnerable, limit crime and disorder and safeguard children and families directly above the premises.
- On two specific examples, the resident had stood outside of the premises and experienced disruptive noise which continued for two consecutive days.
- Previously agreed conditions, while limiter was in place had prevented further disturbance.
- Residents had proposed additional conditions that had since been adopted and Ms Wright encouraged the Sub-Committee to limit the noise at the previously agreed limit of 75dB, to avoid further complaint and that the operational hours needed to reflect the residents directly impacted by the disruption of a late-night terminal hour. It was also requested to limit congregation of people outside, that smokers be contained, and no new customers were to enter the property after 00:00am on all days.
- A 02:00 terminal hour was not acceptable for a residential area and 23:00 was more appropriate on weekdays.

In response to questions from Members, Mr Sutherland and Mr Howe said:

- The applicant only accepted standard wording for a condition on noise, as inspectors would be restricted by a fixed limit of 75dB, and the purpose of a limiter was to reduce disturbance.
- To regulate the use of the outside space, a security policy had been written and it was agreed that the outside space was to be confined as a smoking area and monitored by security on the door.
- A condition could be agreed to limit the number of those using the outside space and that no alcohol would be consumed in this area. The limit of persons was requested at ten percent capacity of the premises.
- A 23:00 terminal hour, Monday to Wednesday was appropriate for this application. 00:00am was appropriate for Thursday, and Friday to Saturday had already been amended to 01:00 and on Sunday 23:30 was the terminal hour for late night refreshment and the applicant requested this be reserved.

At this point of proceedings, Ms Wright requested that a limit of five persons for the smoking area be set so as not to block the pavements.

Adjournment and Decision

At 21:35, 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 the local residents.

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 License with the agreed and following imposed conditions.

Additional Conditions

1. On Friday and Saturday after 21:30, Security Industry Authority (SIA) registered door supervisors must be on duty at the premises.

2. A noise limiter must be fitted to the musical amplification system serving the premises and set at a level determined by and to the satisfaction of an authorised officer of Lambeth's Public Protection team, 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.
3. 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 permission 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.
4. No licensable activities shall take place at the premises until premises licence number Prem2150 has been surrendered and is incapable of resurrection.
5. After 21:30, patrons permitted to temporarily leave and then re-enter the premises to smoke shall be restricted to a designated smoking area at the front of the premises. The maximum number of patrons permitted within this area shall not exceed five.
6. There shall be no admittance or re-admittance to the premises after (00.00 hours) except for patrons permitted to temporarily leave the premises to smoke.
7. Patrons temporarily permitted to leave and re-enter the premises e.g., to smoke, shall not be permitted to take drinks out with them.

The Sub-Committee noted the agreed change to the terminal hour for licensable activity, to Monday to Wednesday to 23:00, Thursday to 00:00 and Friday to Saturday to 01:00 and Sunday to 23:30.

The Sub-Committee was satisfied the decision was proportionate and considered that noise nuisance was most appropriately monitored by the technical requirements of the Public Protection service. The Sub-Committee were mindful of commercial negotiations, and it was noted that the granted license would not be operable until the paperwork had been processed for the surrender of the current license, as an appropriate measure to safeguard all of the conditions in place to protect residents.

RESOLVED: To grant the application subject to the agreed conditions and additional conditions as specified above.

Announcement of Decision

Members returned to the meeting and the Chair informed those present of the decision to grant the license 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 conditions met the concerns which had been raised. The Chair confirmed that written notification of the decision would be sent in due course and appeal could be made within 21 days.

The meeting ended at 21:54

CHAIR
LICENSING SUB-COMMITTEE
Thursday 30 November 2021

Date of Despatch: Wednesday 17 November 2021

Contact for Enquiries: Julia Skinner

Tel: 020 7926 0147

E-mail: jskinner@lambeth.gov.uk

Web: www.lambeth.gov.uk