

LICENSING SUB-COMMITTEE MINUTES

Wednesday 6 April 2022 at 7.00 pm

Members Present: Councillor Fred Cowell, Councillor Rezina Chowdhury and Councillor Jon Davies (Substitute)

1 Election of Chair

MOVED by Councillor Jon Davies, SECONDED by Councillor Rezina Chowdhury

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

2 Declaration of Pecuniary Interests

There were none.

3 Minutes

RESOLVED: That the minutes of the previous meeting held on 3 March 2021 and 17 March 2021 be approved and signed by the Chair as a correct record of the proceedings.

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

4a Brxtn Studios First Floor 404 To 406 Coldharbour Lane London SW9 8LF

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 of the Statutory Guidance, and to Sections 1, 3, 4, 8, 15, 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 20.

Mr Ola Owojori, Licensing Officer, informed the Sub-Committee that:

- This was an application for a new premises licence for Brxtn Studios at 404 to 406 Coldharbour Lane.
- The applicant originally sought licensing authorisation for regulated entertainment, sale of alcohol and late-night refreshments, Monday to Sunday from 10:00 to 00:30, with opening hours from 10:00 to 01:00.

- Subsequent to the publication of the report and following representation against the application, the applicant had written to the objectors, and the application had been revised to include the following changes: Sunday to Thursday from 10:00 to 23:00 and Friday and Saturday from 10:00 to 00:00 with revised opening hours from Sunday to Thursday 10:00 to 23:30 and Friday and Saturday from 10:00 to 00:30.
- There were 14 representations received against the application including one from a local councillor, twelve from local residents, and one from the licensing authority.
- Mr Jack Spiegler was present as the Agent to the Applicant, Mr Chris Bouchier, who was also present.
- Ms Bina Patel was present representing the licensing authority.
- No local residents confirmed attendance to the hearing.
- The application can be found in the report on pages 23-36, the plan for the premises on page 37, the representation against the application on pages 39-61.
- The correspondence from the applicant amending the application had been forwarded to all interested parties.

Presentation by the Applicant

The Chair asked Mr Jack Spiegler, representing the applicant to clarify the nature of the business and premises.

In response, Mr Jack Spiegler informed the Sub-Committee that:

- The premises was located on the first floor with access within Market Row. There was a fire escape leading into Coldharbour Lane, but access will be predominantly through the Market Row entrance. It won't be immediately obviously to members of the public passing by as there was no shop front.
- Regarding the type of business, the premises had been used, and it was the applicant's intention to continue for it to be used as a multi-use community space. The space also had sound proofed recording studios to grant aspiring artists a platform to show cast talent. Some of the events have involved licensed activities, such as a small bar set up with contactless payment for beer and wine. Other activities would require no licensed activities.

In response to questions from Members, Mr Jack Spiegler confirmed:

- There were concerns by objectors that the type of premises proposed lacked clarity. Letters were sent out to address their concerns and invites for discussion are open.
- Key responsible authorities were consulted before submitting the application and noted that the police and noise service did not object to the application, even in its original form.
- Regarding noise nuisance concerns, the applicant had undertaken some sound proofing work and comprehensive conditions proposed by the licencing authority had been agreed, as well as sound limits conditions 60 and 12 which directly addressed residents' concerns. Also conditions 7, 8, 9, 11, 19, and 20, demonstrated the applicant's commitment to ensure residents were not disturbed by noise.
- Finally, in relation to the opening hours, the applicant had reduced the hours to correspond with Cllr O'Hara's suggestion which can be found in the report on page 44.
- The proposed designated smoker's area was on Coldharbour Lane. The applicant will

propose the condition of no drinks outside to prevent smokers remaining outside for long periods. If there were any complaints, the applicant would be happy to propose alternative solutions.

- Events had been adequate with one toilet so far, if it became an issue in the future the applicant would consider installing an additional toilet.
- Queues were highly unlikely to form but, on occasions when people congregated before an event, it would be contained within Market Row

Presentation by Interested Parties

Ms Bina Patel, representing the Licensing Authority, asked for clarifications on the following:

- The applicant confirmed the premises had capacity for 120 patrons and health and safety recommendations require a minimum of two WC facilities per 50 patrons. In the occasion of reaching full capacity, what facilities would be available for patrons to use?
- How will the applicant ensure there was no build-up of smokers on Market Row which could disturb people going in and out of the market?
- The applicant to clarify the location of the main entrance on the plans.
- Correction of typo on Condition 20 to be amended as the word 'by' was missing.

In response to questions, Mr Jack Spiegler confirmed:

- The applicant will submit an amended version of the plans that clearly showed the exit and entrance. The Chair also requested that the name of the street be added; Coldharbour Lane by "fire escape to street" and Market Row by "entrance".
- The applicant expressed the difficulty in determining where smokers would be coming from given that there were different restaurants inside the market. Mr Spiegler also added that no prior complaint around smokers on Market Row had been received, however if this changed the applicant's Marketing Team will monitor this to observe where smokers were coming from.
- The applicant explained that many WC facilities existed within the market that patrons could use. Additionally, Mr Spiegler noted that guidance referred to by Ms Bina Patel are aimed at premises where alcohol was the primary activity which was not the case here which would mean a less demand on sanitary provision.

Adjournment and Decision

At 7:32 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 Jack Spiegler, Mr Chris Bouchier, and Ms Bina Patel.

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 for the following reasons:

- Subject to the conditions agreed between the Licensing Authority and the applicant's amendments to its proposed operating schedule as detailed in the applicant's letter on the 28 March and subject to the revised hours contained in the applicant's letters of the 28 March which were included in the additional submission to this committee;

- The committee after having carefully reviewed all the evidence, do not feel any further conditions are needed in this instance and that these are sufficient conditions to ensure that the licensing objectives are promoted.
- The written decision will follow from this hearing and all parties have 21 days to appeal from notification of the decision.

RESOLVED: To grant the application.

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.

The meeting ended at 19:45

CHAIR
LICENSING SUB-COMMITTEE
Friday 10 May 2022

Date of Despatch: Thursday 14 April 2022

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