

Licensing Sub-Committee

Thursday 30 August 2012

10.00 am

Ground Floor Meeting Room G02B - 160 Tooley Street, London SE1
2QH

Supplemental Agenda No.1

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Contact

Andrew Weir on 020 7525 7222 or andrew.weir@southwark.gov.uk

Date: 28 August 2012

Agenda Item 5

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Statement re The Great Exhibition / Amendment of Application

Following the conciliation meeting, organised by your authority, my clients have asked me to pass on their conclusions and to make the necessary amendments:

“The application to extend the hours of the Great Exhibition was made in order to satisfy the wishes of the many customers from the local community who have been pleased with what we have created at the former CPT and who have asked to be able to enjoy the pub later into the night.

Given the existing terminal hours are reasonably early by comparison with some of the pubs in the area and in similar residential areas where our pubs operate, we applied for them to be extended. Despite the suggestion by certain of the residents present at the meeting that our actions were in some way gratuitous or underhand, the application was made in good faith.

And it is in good faith that we now adjust our application, having listened to the concerns of those residents who presented reasonable and rational grounds for objecting to what we were proposing. Our intention is to get a balance between the needs of the many residents who enjoy the pub and those that are impacted by its increased popularity. We are not ashamed of the commercial benefit that meeting customer expectations brings, but neither are we blasé about the wishes of our neighbours.

And it is as a gesture of goodwill to the latter that we withdraw the current application to extend permitted hours and seek to establish the impact of our existing trade, reviewing the operating procedures as appropriate.

We are grateful to Southwark Council's Licensing Team for affording us the opportunity to meet those residents who had sent in representations and we hope that our revised application coupled with our internal investigations is indicative of the pub's desire to balance the needs of its customers with the needs of its neighbours.”

Following on from this statement, I therefore wish to amend the application to vary by withdrawing all items applied for, save the addition of the rear yard to the licensed plan which was advised by the licensing authority.

Conscious of the comments from the resident who lives behind the pub, we would offer a terminal hour for this area of 21:30 Sunday to Thursday and 22:30 Friday to Saturday. Following the proposed terminal hours, access to and from the kitchen located in this yard will be through lobbied doors.

I trust you will inform the relevant interested parties of these amendments and contact me should you require any further clarification of my client's position.

Therefore the only part of the application remaining is to add the rear garden to the plan and Licence so that it may be used for the consumption of alcohol, food and other drinks.

All additional hours and non-standard timings are withdrawn.

Kind regards

GT Licensing Consultants on behalf of Zelgrain Ltd

From: Newman, Sarah
Sent: 21 August 2012 13:28
To: Mills, Dorcas
Cc: Regen, Licensing
Subject: The Great Exhibition 193 Crystal Palace Road, London

Hi Dorcas,

Following the email from the applicant dated yesterday (see below), the EP Team now have **no objection** to the amended application.

It is strongly recommended that the following points are conditioned on any amended license:

- The use of the courtyard/gin yard by patrons shall cease at 21.30hrs.
- That no licensed entertainment shall take place in the courtyard/gin yard at any time.
- That the door to the courtyard/gin yard from the main body of the public house be fitted with a lobby, and that the efficacy of the noise lobby be maintained at all times whilst entertainment is taking place within the main body of the pub.
- That visible signage be erected on the terraces on the Crystal Palace Road and Underhill Road frontages to remind patrons that they are in a residential area and to conduct themselves with consideration at all times.
- That the terraces on the Crystal Palace Road and Underhill Road frontages be closed to drink at 23.00hrs.

As the Noise & Nuisance Team Officers have not witnessed a statutory nuisance due to noise from the Great Exhibition I am currently unable to request a review of the premises licence.

Kind regards,

Sarah Newman

Principal Environmental Protection Officer
Environmental Protection Team

Southwark Council | Community Safety & Enforcement | EH&TS | PO Box 64529 | 3rd floor | Hub 2 | 160 Tooley Street | London | SE1 5LX.

Tel: 0207 525 4320 | Fax: 0207 525 5705 | e mail: sarah.newman2@southwark.gov.uk

visit: | www.southwark.gov.uk

From: [REDACTED]
Sent: 21 August 2012 13:39
To: Mills, Dorcas
Subject: Re: Great Exhibition, - outcome of conciliation meeting

[REDACTED]
Just to reiterate, we want the hearing to go ahead, given that it's clear that the gin yard has not been used in accordance with the existing license, despite noise disturbance to neighbours.

[REDACTED]

Sent from my iPhone

From: [REDACTED]
Sent: 21 August 2012 13:41
To: Mills, Dorcas
Cc: Barber, James; Mitchell, Jonathan
Subject: New Terms - Application for variation to license - The Great Exhibition
Importance: High

Dorcas,

Having studied the Amended Application which is now proposed by The Great Exhibition, it is clear to me that they are trying to *ex post facto* validate activities in the area referred to as ***rear garden***.

It is absolutely critical that the Hearing goes ahead so that the Licensing Sub-Committee can scrutinise the, until now, uncompliant use of the rear garden or GIN YARD. By applying for licsensing to use this area for the consumption of alcohol, food and other drinks, the applicant is in effect admitting to the fact that since the pub was taken over, this area has been used illegally for the consumption of alcohol. We think this is a very serious case of breach of licensing conditions which should be heard by the Licensing Committee.

Also, the revised plan is the first time that a plan shows the use of a kitchen. This kitchen has been in use for months, hence another breach of their existing license.

Regards,

[REDACTED]

From: [REDACTED]
Sent: 21 August 2012 14:15
To: Mills, Dorcas
Cc: Barber, James; [REDACTED]
Subject: Re: Great Exhibition, - outcome of conciliation meeting

Hi Dorcas

I and my neighbours are very affected by the noise this area creates and so we would like to object to its existence and wish to continue with the hearing. As you know I contacted Jayne Tear in early spring to talk about this, since then I have asked Roy Fielding and yourself if Zelgrain had the right to use this area for the consumption of alcohol , food and drinks and you have all consistently avoided the answer. Zelgrain are now withdrawing all but this request from their variation. So it must be that they haven't and never have had this in their license and so are in breach. Why has the licensing department in knowledge that they are using this not acted to stop them? Last night I spoke with many neighbours whose lives are being blighted by the nightly noise who would like to attend the hearing but have not received invites and I now understand that the letters of application have to be with you in two days. Can you issue invites to the objectors and extend the deadline. We now have more people who wish to attend, can we pass on the forms or do they have to be invited by you? Residents are finding it difficult to get their children to sleep because of the noise, these parents would like to attend the hearing and so I ask that we continue to look for a later date and local venue.

Best

[REDACTED]

From: [REDACTED]
Sent: 22 August 2012 09:42
To: Mills, Dorcas
Subject: RE: The Great Exhibition

Hello Dorcas,

I have read your emails from yesterday, and I would still like to attend the hearing in order to object to the application to legalise the use of the 'ginyard'.

Many thanks,

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 22 August 2012 17:07
To: Mills, Dorcas
Subject: Re: Great Exhibition, - outcome of conciliation meeting

Dear Mr Mills,

I acknowledge safe receipt of your email sent at 6.40 on 21/08/2012, advising me that the Great Exhibition have amended their application to vary the licence for the premises.

I confirm that I specifically object to them opening the rear garden at the premises to the public.

I have noticed that during the period since the closing date for representations to be made, on too many occasions the noise level from the premises has been disturbingly high.

I therefore feel to allow the use of any further outdoor space will only exacerbate this problem.

Yours sincerely,

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 22 August 2012 18:32
To: Mills, Dorcas
Subject: Revised licence application - The Great Exhibition/Zelgrain

Dear Ms Mills,

I note that application by Zelgrain/The Great Exhibition to amend its licence has been substantially amended, leaving only the application for use of the outside courtyard (The Gin Yard). I am writing to confirm that I remain opposed to this amended application. As previously, I would like my details kept anonymous and redacted from any circulated documents save where required by law.

I and my partner live on Crystal Palace Road, about 60 metres from the great Exhibition. The problem of noise from the Great Exhibition is significant, as set out in our earlier objection. The main sources of noise are:

- The rear courtyard (Gin Yard)
- Amplified music and speech
- The use of the front and side terraces bordering Crystal Palace Road and Underhill Road
- General pub noise escaping from open doors and windows
- The noise of chaining up benches and collecting glasses and bottles.

The use of the rear courtyard was not set out in a licence application when the new owners originally took over the former Crystal Palace Tavern – at the CPT, the courtyard had never been in use by customers since before I moved to the area in 1999. As I understand it, the courtyard was put into operation by The Great Exhibition without permission and without consultation. I can confirm from my own visits that it is used extensively at present by patrons eating, drinking and smoking, and sometimes just getting some cooler air than is available inside the pub.

The use of the courtyard adds significantly to the general noise levels produced by the pub, especially to residents in properties bordering or close to the courtyard. While these residents might have expected a certain degree of pub noise, they were never aware that a courtyard immediately adjacent to their properties might be opened to use by patrons, particularly without consultation and the relevant application being put to the licensing committee and when that courtyard had not previously been in use. Other local residents also suffer this noise, disturbing their peace and adversely affecting the amenity they enjoy from their homes.

Given that the courtyard was not formerly in use at the Crystal Palace Tavern, I would argue strongly that its use by the Great Exhibition should not be permitted by the Licensing Committee. If the Committee does permit the use of the courtyard, I believe this should be limited to before 20:00 so that disturbance to local residents with young children is minimised.

Additionally, it is important that Southwark Council polices any restrictions it places

on the Great Exhibition relating to its operation.

Finally, I would like to call for a full licensing review of the Great Exhibition once the current application has been dealt with.

Yours sincerely,

A black rectangular redaction box covering the signature area.

From: [REDACTED]
Sent: 22 August 2012 21:59
To: Mills, Dorcas
Subject: Re: Great Exhibition, - outcome of conciliation meeting

Dear Dorcas

Many thanks for informing me of the amendment to the application following the conciliation meeting. The changes proposed are welcome and do mitigate against some of the reasons for my objection. However, I consider that the use of the currently unlicensed outside area does contribute to the significantly increased overall levels of outside noise that residents have suffered from over recent months. I also know that for those immediately backing onto the pub yard - some of whom have young children - it is a considerable nuisance. As such I would like my objection to stand.

I also intend to attend the hearing on the 30th. I have returned the form in the post.

Thanks

[REDACTED]

THE RT. HON. TESSA JOWELL M.P.
Member of Parliament for Dulwich & West Norwood



HOUSE OF COMMONS

LONDON SW1A 0AA

23 August 2012

Tel: (020) 7219 3409 Fax: (020) 7219 2702
Email: jowellt@parliament.uk Website: www.tessajowell.net

Ms Dorcas Mills
Principal Officer
Southwark Council Licensing Team
Hub 2, 3rd Floor
PO BOX 64529
London SE1P 5LX

Dear Ms Mills,

Re: Great Exhibition Pub, 193 Crystal Place Rd, SE22 9EP
(ref. 838498) - Response to Conciliation Statement

On Behalf Of: [REDACTED]

Thank you for your email of the 21st August about the outcome of the conciliation meeting in respect of this application.

Having passed the conciliation statement onto my constituent, [REDACTED] on whose behalf I had written my original letter of objection, I have now received his response which is quoted directly below:

"Please thank Mrs Jowell for forwarding the note setting out the changes proposed by the pub to their application following the conciliation meeting. These are welcome and do go some way to addressing the concerns that I have raised about the proposed license changes. However, I and the group of local residents I am in discussion with do continue to have concerns with the outside area proposals. Since the pub was redeveloped in spring of this year, I and other local residents have been subject to considerable noise and nuisance as a result of the pub and those using it, particularly in the late hours of the evening. This is having a significant negative effect on the quality of life of those in our community, as set out in my previous letter. The outside area referred to in the application has already been in use for some time, despite it being unlicensed, and we consider this to be a significant contributing factor to the overall problem. It in particular causes problems for those residents who, unlike me, back immediately on to the yard, some of whom have children. As such, the group of residents I am liaising with and I are continuing with our objections to the application. We would very much welcome Mrs Jowell's continued support on this matter."

Although there appears to have been positive outcomes from the conciliation meeting in respect of the permitted hours, [REDACTED] and his fellow residents are still concerned and unhappy with the continued wishes of the applicant to add the rear yard to the license plan.

Therefore I remain dissatisfied with the proposed conditions to restrict the use of the outside area and wish for the hearing to go ahead.

Please could you kindly include this letter as a supplemental submission from me on behalf of [REDACTED] to the Licensing Sub-Committee.



Yours sincerely,

Tessa Jowell

Rt. Hon. Dame Tessa Jowell MP

LICENSING SUB-COMMITTEE DISTRIBUTION LIST (OPEN)**MUNICIPAL YEAR 2012-13**

NOTE: Original held by Constitutional Team; all amendments/queries to
Andrew Weir Tel: 020 7525 7222

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| | | Total: 30 | |
| | | Dated: 30 August 2012 | |