

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Wednesday 12 April 2017 at 10.00 am at Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor David Hubber (in the chair)
Councillor Lorraine Lauder MBE
Councillor Eliza Mann

OTHERS PRESENT: Andrew Duran, applicant
Alex Stuppie, applicant
Ian Torpey, applicant
James Anderson, legal representative for the applicant
Councillor Adele Morris, ward councillor
Marion Marples, local resident
Tony Quinn, local resident
Julia Smith, local resident
George Nicholson, local resident

OFFICER SUPPORT: Debra Allday, legal officer
Helena Crossley, legal officer (observing)
Dorcas Mills, licensing officer
Mark Prickett, environmental protection team
Andrew Weir, constitutional officer

1. ELECTION OF CHAIR

In the absence of the chair, Councillor David Hubber was nominated by Councillor Lorraine Lauder MBE to chair the meeting. This was seconded by Councillor Eliza Mann.

2. APOLOGIES

There were none.

3. CONFIRMATION OF VOTING MEMBERS

The members present were confirmed as the voting members.

4. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

There were none.

5. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

6. LICENSING ACT 2003: WHITE HART, 20-22 GREAT SUFFOLK STREET, LONDON SE1 0UG

The licensing officer presented their report. Members had no questions for the licensing officer.

The applicant addressed the sub-committee. Members had questions for the applicant.

The environmental protection officer addressed the sub-committee. Members had questions for the environmental protection officer.

The local residents objecting to the application addressed the sub-committee. Members had questions for the local residents.

The ward councillor objecting to the application addressed the sub-committee. Members had questions for the ward councillor.

All parties were given five minutes for summing up.

The meeting went into closed session at 11.42am.

The meeting resumed at 12.07pm and the chair read out the decision of the sub-committee.

RESOLVED:

That the application made by Fuller, Smith & Turner Plc, for a premises licence, granted under the Licensing Act 2003 in respect of the premises known as White Hart, 20-22 Great Suffolk Street, London SE1 0UG is granted as follows:

Licensable activity	Hours
The supply of alcohol (for consumption on and off the premises)	Monday Thurs from 10:00 to 23:00 Friday and Saturday from 10:00 to 00:00 Sunday from 10:00 to 22:30
Late night refreshment (indoors and outdoors)	Monday to Thursday from 23:00 to 23:30 Friday and Sat from 23:00 to 00:30
Operating hours	Monday to Thursday from 08:00 to 23:30 Friday and Saturday from 08:00 to 00:30 Sunday from 08:00 to 23:00

Non-standard hours	New Year's Eve - from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
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Conditions

The operation of the premises under the licence shall be subject to relevant mandatory conditions, conditions derived from the operation schedule highlighted in Section M of the application form, the conciliated conditions with the police and licensing (as a responsible authority), dispersal policy, policy for customers outside document and the following additional conditions agreed by the sub-committee:

1. That there be a maximum capacity of 30 patrons in the designated external area.
2. That patrons shall not be permitted to use the external area to the front of the premises after 22:00, apart for access and egress and for smoking in the designated smoking area on Great Suffolk Street.
3. That there shall be no drinks permitted to be taken outside after 22:00..
4. That clearly legible signage will be prominently displayed at all patron exits, where it can easily be seen and read, requesting to the effect that patrons do not take drinks outside after 22:00.
5. That there be a maximum of 10 smokers allowed to use the designated outside area on Great Suffolk Street.
6. That amplified music, song or speech shall not be broadcast in external areas at any time.
7. That external waste handling, collections and deliveries shall only occur between the hours of 08.00 and 22.00.
8. That suitably qualified or experienced persons shall be employed at all times, whilst licensable activity is being provided, and shall take all reasonable steps to ensure that patrons do not cause a nuisance in the vicinity of the premises.
9. That clearly legible signage will be prominently displayed at all patron exits, where it can easily be seen and read, requesting that patrons leave the premises in a quiet and orderly manner that is respectful to neighbours.
10. That alcohol for consumption off the premises is not sold for immediate consumption in the area around the premises and is supplied in sealed containers.
11. That there will be quarterly meetings held at the premises between the licence holder and local residents.
12. That the premises shall provide and display a dedicated telephone number of the management of the premises to local residents.

13. That the premises licence will not take effect until the surrender of licence number 851746.

Reasons

The reasons for the decision are as follows:

The licensing sub-committee heard from the applicant who informed the sub-committee that the premises was a typical London pub which was brought back into Fuller's estate management in May 2016. Having purchased the next door premises on Great Suffolk Street, it was Fuller's intention to increase the White Hart size, by knocking through the two premises and change the emphasis of the business, so that it becomes a food led operation. Fuller's would be investing £1.5million, which would see a kitchen being created at the cost of £160,000, the first floor being virtually a 100% dining area and the ground floor having an increased occupancy from 80 patrons, to 110, which would include approximately 30 vertical drinkers.

The original application included the roof terrace for eating, which the applicant accepted received opposition and as a result, was subsequently withdrawn from the application. Concerning the issue of noise raised in respect of the outside area, historically, there had been no regulation to this area. After Fuller's brought the premises back into estate management, a table and chairs licence was obtained from the Highways Department, which had no restriction in its operation hours. The applicant also intended to put in place other measures to assist in the managing any noise nuisance including: limiting its use until 22:00 hours, awning and moveable planters to act as a barrier to any noise and lastly a general policy for the management of the outside area.

The licensing sub-committee then heard from the environmental protection officer who advised that they do not have any major objections to the increase in internal space of the public house. They advised that they had serious noise concerns over the use of the roof terrace for eating and drinking by patrons. Whilst the roof terrace had been removed from the application, the environmental protection officer attended the licensing sub-committee meeting in support of the local residents concerns of noise nuisance generally.

The licensing sub-committee noted that the representations from the other responsible authorities, namely, the Metropolitan Police Service, licensing as a responsible authority and public health authority had been conciliated.

The licensing sub-committee heard from local residents who had objected to the application. They stated that the premises was sited on a small "island" surrounded by buildings which create a canyon effect regarding noise. Sounds at street level echo loudly up to the flats which surround the pub on all sides. The plaza is a generally quiet place but loud conversations by pub patrons drinking outside are frequently audible inside our flat even with all of our windows shut. Party 5 advised that the space outside, was the only space available to residents living above the premises, which is taken up by the premises. Local residents, including young children on their way to school needed to cross this space. Children were intimidated by the sheer number of intoxicated patrons outside the premises. Party 2 informed the sub-committee of that they could hear the patrons at the premises as far away as the communal garden further down the road and under the railway. Party 8 advised that there was no benefit to the local community in increasing the size and operation of the premises, which would also see residents disturbed by the deliveries and waste collection at the premises

The licensing sub-committee heard from the ward councillor objecting to the application who advised that whilst the premises had a licence to open at the weekends, it had traditionally not done so. Therefore, the current increase in morning opening hours, the plan to open at the weekends in addition to increasing the licensable area will create additional noise and disturbance for local residents. She reminded the sub-committee that the premises were located in a cumulative impact policy area and as a result, there was a presumption to that the application and increase in the operation would add to the existing cumulative impact and should therefore, be refused as the applicant had failed to demonstrate how that the premises licence, if granted, would not further contribute to the negative cumulative impact on the prevention of nuisance licensing objective.

Party 8 provided photographs of patrons drinking in the outside area. No evidence was provided as to the number are in the outside area that was cordoned off, although this sub-committee would estimate that there was approximately 50-60 patrons. Whilst this is not evidence of noise nuisance per se, the sheer number of patrons would exacerbate any noise. Even if speaking in normal volume and tone, 50-60 patrons in this confined space would have the potential to cause a noise nuisance. Furthermore, this sub-committee accept that this number of intoxicated patrons could be conceived as intimidating to young children.

This licensing sub-committee were disappointed that the applicant was unwilling to provide a maximum capacity for the outside area on the basis that was not in keeping with Fuller's policy and could not be managed. Southwark's statement of licensing policy, section 10, paragraph 216 provides that "operating schedules should be prepared on the basis of a risk assessment of the potential sources of nuisance posed by the premises operation to the local community. The operating schedule should demonstrate an understanding of the level of risk of nuisance and include positive measures to manage any potential risks". Paragraph 224 provides simple management controls that can significantly reduce the risk of nuisance caused to local residents by customers outside of licensed premises, includes "the numbers of persons using any licensed external area at any one time". In light of the applicant being unable to provide any capacity for the outside area, this sub-committee view that it is entirely reasonable to impose a maximum capacity of 30 in the circumstances.

Local residents did raise concern about Southwark issuing a table and chairs licence outside the premises. This licence was issued by the Highways Department and as a result, this licensing sub-committee do not have the remit to review this licence. It is understood that premises table and chairs licence expires in September 2017. Local residents may therefore wish to make their views and/or complaints known to the Highways Department, when they consider issuing a new licence.

The licensing sub-committee considered all of the oral and written representations before it and were of the opinion that the conditions and revised hours agreed between the applicant and the responsible authorities satisfied the licensing objectives.

Appeal rights

The applicant may appeal against any decision:

- a) To impose conditions on the licence
- b) To exclude a licensable activity or refuse to specify a person as premises supervisor.

Any person who made relevant representations in relation to the application who desire to

contend that:

- a) The licence ought not to be been granted; or
- b) That on granting the licence, the licensing authority ought to have imposed different or additional conditions to the licence, or ought to have modified them in a different way

may appeal against the decision.

Any appeal must be made to the Magistrates' Court for the area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the Magistrates' Court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

The meeting ended at 12.11 pm.

CHAIR:

DATED: