

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 20 April 2017 at 11.00 am at Ground Floor Meeting Room G02B - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Renata Hamvas (Chair)
Councillor David Hubber
Councillor Lorraine Lauder MBE

OTHERS PRESENT: Clement Ogbonnaya, applicant
Gary Grant, legal representative for the applicant

OFFICER SUPPORT: Debra Allday, legal officer
Helena Crossley, legal officer (observing)
Wesley McArthur, licensing officer
Paul Newman, environmental protection officer
Jayne Tear, licensing officer representing the council as a responsible authority.
Andrew Weir, constitutional officer

1. APOLOGIES

There were none.

2. CONFIRMATION OF VOTING MEMBERS

The members present were confirmed as the voting members.

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

There were none.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003: CLAYTON ARMS, 1 CLAYTON ROAD, LONDON SE15 5JA

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

The applicant and their legal representative addressed the sub-committee. Members had questions for the applicant and their legal representative.

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

The licensing officer representing the council as a responsible authority addressed the sub-committee. Members had questions for the licensing officer.

All parties were given five minutes for summing up.

The meeting went into closed session at 12.25pm.

The meeting resumed at 12.28pm and the chair advised all parties of the decision.

RESOLVED:

That the application made by The Arbutnot Group, for a premises licence, granted under the Licensing Act 2003 in respect of the premises known as Clayton Arms, 1 Clayton Road, London SE15 5JA is granted as follows:

Licensable activity	Hours
The supply of alcohol (for consumption on and off the premises)	Sunday to Thursday from 10:00 to 00:00 (midnight) Friday and Saturday from 10:00 to 02:00 the following day
The provision of plays, films, indoor sporting events and recorded music	Sunday to Thursday from 10:00 to 00:00 (midnight) Friday and Saturday from 10:00 to 02:00 the following day
Late night refreshment	Sunday to Thursday from 23:00 to 00:00 Friday and Saturday from 23:00 to 02:00 the following day
Operating hours	Sunday to Thursday 08:00 and 00:30 the following day Friday and Saturday 08:00 and 02:30 the following day

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 (“Amended Conditions Proposed by Applicant”) and the following additional conditions agreed by the sub-committee:

1. That licence number 858091 be surrendered upon the issue of this new premises licence.
2. That all musicians and DJs must play electrically amplified music/audio/PA through a sound cut out device or limiting device. The cut-out device shall be maintained at levels set to the satisfaction. The cut-device or noise limiting device shall be maintained at levels set to the satisfaction of the council’s noise team.
3. That all doors and windows excepting any that may be required to be locked open for the purposes of means of escape shall be kept closed whenever public entertainment is being provided upon the premises.
4. That no more than 20 customers can remain in the outside area by Peckham High Street at any time
5. That there be a maximum accommodation limit on the ground floor of 170 excluding staff and on the first floor of 80 excluding staff.
6. That the dispersal policy will be kept at the premises with the premises licence and made available for inspection by authorised officers.
7. That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV System must be capable of capturing a clear facial image of every person who enters the premises and cover the main areas including all outside areas and immediately outside the premises.
8. That all CCTV footage be kept for a period of 31 days and shall on request be made immediately available to officers of the police and the council. There will be at least one person on duty at all times that is familiar with the operation of the CCTV and able to download the footage upon request.
9. That all staff are trained in their responsibilities under the Licensing Act 2003 and training records to be kept and updated every six months and shall, upon request, be made immediately available to officers of the police and the council.
10. That Signage is clearly displayed on entrances and exits requesting customers to respect neighbours and leave quietly.
11. That no outside area should be used after 23.00 except for a maximum of six smokers in a designated area.
12. That when the terminal hour is later than 01.00 there shall be two SIA registered door supervisors who will be engaged when the premises are in operation on Friday and Saturday and will be employed at all times after 21:00 until the end of business and all patrons have vacated the premises. They will be engaged to monitor admission and re-admissions to the premises, security, protection, screening, dealing with conflict and ensure that conditions related to the use of the outside area are adhered to and that the dispersal policy for the premises is implemented.

Reasons

The reasons for the decision are as follows:

The licensing sub-committee heard from the applicant's representative who informed the sub-committee that the responsible authorities had largely conciliated with the applicant and after providing the details of the conciliated conditions advising that the only matter outstanding concerned the grant of a licence in the Peckham cumulative impact policy (CIP) and with hours beyond those recommended in Southwark's statement of licensing policy. In addressing this, the applicant's representative advised that a licence already existed for the premises and that they sought to include the first floor, which was previously used, but not regulated under the licensing regime and also, increase the licensable activities by 1-hour. The premises were a purpose built community pub, an asset that local authorities were trying to save, would be more food led all of which would be locally sourced.

The licensing sub-committee then heard from the environmental protection officer. They advised that their representation was in respect of the prevention of public nuisance licensing objective and also referred to the Peckham cumulative impact policy (CIP). They also referred to this council's statement of licensing policy and noted that the premises fall within the Peckham major town centre area and that the statement of licensing policy suggests that the closing times for pubs in the Peckham major town centre area are 23:00 Sunday to Thursday and 00:00 (midnight) on Friday and Saturday.

The licensing sub-committee heard from the licensing officer representing the council as a responsible authority and who also spoke on behalf of the Metropolitan Police Service. The officer also made reference to the Peckham CIP. They also noted that the premises fall within the Peckham major town centre area and that the statement of licensing policy suggests that the closing times for pubs in the Peckham major town centre area are 23:00 Sunday to Thursday and 00:00 on Friday and Saturday. The officer advised that the applicant had not addressed the presumption to refuse the application, as per the Peckham CIP and in view that the application was contrary to Southwark's statement of licensing policy, the application could not be conciliated in its entirety.

The licensing sub-committee considered all of the oral and written representations before it and were impressed with the application and saw that the premises would be a benefit to the local community and on this basis were happy to grant the application on the conciliated terms.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives and considered that this decision was appropriate and proportionate.

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 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 12.29 pm.

CHAIR:

DATED: