

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Tuesday 15 August 2017 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

PRESENT:	Councillor David Hubber (in the chair) Councillor Sunny Lambe Councillor Maria Linforth-Hall
OTHER S PRESENT:	Andrew Carter, applicant, Farriers Arms Julia Defries, applicant, Farriers Arms Philomena Stewart, applicant, Farriers Arms Claire Telford, local resident Mark Higham, applicant, Africa Centre Michael Bridge, applicant, Africa Centre Kojo Akuffo, applicant, Africa Centre
OFFICER SUPPORT:	Debra Allday, legal officer Helena Crossley, legal officer Richard Earis, environmental protection officer Farhad Chowdhury, health and safety officer Wesley McArthur, licensing officer Andrew Weir, constitutional officer

1. ELECTION OF CHAIR

In the absence of the chair, Councillor David Hubber was nominated to chair the meeting by Councillor Linforth-Hall. This was seconded by Councillor Sunny Lambe.

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. MUM'S THE WORD, 1A WARWICK COURT, CHOUMERT ROAD, LONDON SE15 4SE

It was noted that this application had been withdrawn by the applicant.

7. LICENSING ACT 2003: THE FARRIERS ARMS, 214 LOWER ROAD, LONDON SE8 5DJ

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

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

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

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

All parties were given five minutes for summing up.

The meeting went into closed session at 10.58am.

The meeting resumed at 11.22am and the chair read out the decision of the sub-committee.

RESOLVED:

That the application by Kenneth Ryan Limited for a variation of a premises licence issued under the Licensing Act 2003 in respect of the premises known as The Farriers Arms, 214 Lower Road, London, SE8 5DJ is granted as follows:

Licensable Activities	Days	Hours
Entertainment similar to live or recorded music	Monday to Thursday	11:00 to 23:00
	Friday	11:00 to 00:00
	Saturday	11:00 to 01:00
	Sunday	12:00 to 23:00
<ul style="list-style-type: none">Note: The request for licensable activities to include karaoke music was withdrawn by the applicant at the hearing.		

- To allow for the following non standard timings in regards to licensable activities:
 - The day of the London Marathon between 09:00 and 02:00 the following day
- To allow for the following non standard opening hours:
 - The day of the London Marathon between 09:00 and 02:30 the following day
- To extend the permitted hours for licensable activities on St. Patrick's Day, St George's Day, Burns Night as follows when they fall on the following days:
 - Monday to Thursday between 11:00 and 00:00
 - Friday between 11:00 and 01:00 the following day
 - Saturday between 11:00 and 02:00 the following day
 - Sunday between 12:00 and 00:00
- To extend the permitted opening hours on St. Patrick's Day, St George's Day, Burns Night as follows when they fall on the following days:
 - Monday to Thursday between 11:00 and 00:30
 - Friday & Saturday between 11:00 and 02:30 the following day
 - Sunday between 12:00 and 00:30
- To amend condition 842 of the premises licence to allow the beer garden at the premises to be used until 21:00 hours daily.

Conditions

The operation of the premises under the licence shall be subject to relevant mandatory conditions, any conditions derived from the operating schedule in Section M of the application for and the following conditions imposed by the licensing sub-committee:

1. That a notice to be clearly and visibly displayed with a contact telephone number for residents to contact the Farriers Arms staff.
2. That a contact telephone number to be circulated to local residents via letter.
3. That the lights in the beer garden to be adjusted to avoid disturbing residents
4. That the doors used to access the beer garden will be self closing and remain closed at all times save for ingress or egress.
5. That the beer garden shall be limited in capacity to 40 patrons at any one time.
6. That the signage will be clearly displayed in the beer garden requesting the patrons respect neighbours and keep noise levels down.
7. That Condition 127 be removed.
8. That Condition 843 be amended to remove any reference to Southwark Council's Noise Team checking sound limiters.

Reasons

The reasons for the decision are as follows:

The licensing sub-committee heard from the representative for the applicant. They advised that the applicant was unable to attend the hearing due to a family emergency. The applicant's representative advised that the main focus of the application was to allow the beer garden to close at 22:00 rather than 19:00. She explained that the patrons of the premises had helped to create an 'oasis' in the beer garden, by planting planters, adding tables and painting walls. As such the patrons had requested that an application be made to open the beer garden for longer, to allow them to enjoy the space they had helped to create. Due to the smoking ban more patrons now used the outside area than historically. She explained that doors remained shut when music was playing. If noise from customers became loud when sports were being shown on TV, patrons were encouraged to quieten down. She also emphasised that the designated premises supervisor (DPS) lived above the premises and was on hand to make sure that noise in the beer garden was kept at appropriate levels. She explained that they had not received any recent complaints regarding any noise or disturbance.

The applicant explained that previous noise issues had emanated from karaoke events that had been held at the premises, which would no longer take place. The applicant then addressed the issue of drug taking and stated that no drugs were on the premises, and that constant checks of toilets and outside areas were undertaken. Representatives from the management company Town Centre Inns also performed drug swab tests on surfaces inside the premises once a month which come back negative. The applicant addressed the issue of the previous anti-social behaviour when a bin outside the premises containing glass bottles was pushed over in the street. They stated that these were individuals who had wanted to enter the premises but were refused entry which led to the disturbance. The applicants now have lockable bins to prevent any rubbish being tipped out in future.

The licensing sub-committee heard from the council's environmental protection team who stated that there was no detail on how the applicant proposed to control the noise emanating from the beer garden caused by patrons being loud and shouting, and being involved in other drunken behaviour. They explained that there had been no complaints since the condition restricting the beer garden's use from 19:00 had been added, and that this was sign that the condition was working well.

The licensing sub-committee heard from a local resident who stated that the building was Victorian and she doubted had any sound proofing control. She made it clear that she generally adopted a 'live and let live' attitude, and that she recognised the needs of individuals to relax with a drink. She also recognised that living next to a pub came with certain noise. The resident's main issue was at the point of which this started to impact her enjoyment of her home.

She advised that the wall of the beer garden abuts her premises, and she stated that the applicants were not currently managing the premises well. For example, by allowing customers to be loud and cause a disturbance currently in the beer garden, by not encouraging patrons to leave quickly and quietly, by allowing patrons to loiter around the front of her property, and litter and by not speaking to her about the application or trying to conciliate ahead of the meeting.

The local resident claimed that the individuals who had tipped the bins over had been patrons of the premises and had been drinking at the premises beforehand. In the

resident's opinion that premises did not have enough staff to manage the number of patrons who frequented it. She raised the issue that the lights in the beer garden were very bright and prevented her sleeping and that if the opening times of the beer garden were extended this would also extend the time that the lights were on for, and the time that patrons would be causing a noise nuisance for adjacent her property.

The resident summed up by emphasising that she wanted to continue to have a good relationship with the applicants and the Farriers Arms, and that she accepted that some nuisance was to be expected, but that this had to be balanced with her need for peaceful enjoyment of her property.

The licensing sub-committee considered all of the oral and written representations before it and decided that in order to balance the needs of the resident, and the needs of the patrons of the Farriers Arms, that the time the beer garden should be open until should be restricted to 21:00, and that several conditions should be placed on the premises to ensure that any potential noise nuisance that could be caused by the beer garden is kept to minimum to allow the local residents to continue to enjoy their properties.

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 to modify the conditions of the licence; and

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

- a) That variation ought not to have been made; or
- b) That, when varying the licence, the licensing authority ought not to have modified the conditions of 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.

8. LICENSING ACT 2003: AFRICA CENTRE, 66 GREAT SUFFOLK STREET, LONDON SE1 0BL (EVENT ON GREAT SUFFOLK STREET FROM JUNCTION WITH DOLBEN STREET TO JUNCTION WITH STURGE STREET)

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 health and safety officer addressed the sub-committee. Members had questions for the health and safety officer.

There was a discussion regarding several conditions, which both the applicant and the health and safety officer agreed to.

Both parties were given five minutes for summing up.

The meeting went into closed session at 12.30pm.

The meeting resumed at 12.45pm. The chair did not read out the decision of the sub-committee as none of the parties were present.

RESOLVED:

That the application made by Africa Centre for a time limited premises licence (18 to 20 August 2017), to be granted under the Licensing Act 2003 in respect of the premises known as Africa Centre, 66 Great Suffolk Street London SE1 0BL (Event to be held from Junction with Dolben Street to Junction with Sturge Street) is granted as follows:

Licensable activity	Hours between 18 and 20 August 2017
Films (indoors & outdoors)	Friday from 18:00 to 22:00 Saturday from 12:00 to 22:00
Live music (indoors & outdoors)	Saturday from 12:00 to 22:00
Recorded music (indoors & outdoors)	Saturday from 12:00 to 22:00
Performance of dance (outdoors)	Saturday from 12:00 to 22:00
Entertainment of a like kind to the above	Saturday from 12:00 to 22:00
The supply of alcohol (for consumption on premises)	Saturday from 12:00 to 22:00
Operating hours	Friday from 18:00 to 22:00 Saturday from 12:00 to 22:00

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 and the following additional conditions agreed by the sub-committee:

1. That there is a minimum of 50 WCs including urinals
2. That there is a minimum of 20 SIA staff and 45 stewards
3. That there are evacuation points located at The London Fire Brigade Football Pitch,

Mint Street Park and Nelson Square.

4. That the risk assessment be amended to the satisfaction of Southwark's Health and Safety Department within 48 hours.

Reasons

The reasons for the decision are as follows:

The application for the time limited was in respect of a vibrant street festival that would bring music, art, food and fashion from Africa and the diaspora to the Africa Centre's new home in Southwark. The time limited premises licence would be for between 18 and 20 August 2017, with the Event taking place on Great Suffolk Street from the junction with Dolben Street to the junction with Sturge Street. The activities would include three music stages playing amplified live music, and food and drink for purchase by street vendors.

The representative from health and safety stated that whilst most of the officer's concerns had been conciliated, there remained issues relating to number of toilet facilities and SIA staff, evacuation points and their locations the form in which the risk assessment took.

The licensing sub-committee noted that the representations from the Metropolitan Police Service, environmental protection team and licensing as a responsible authority had conciliated.

During the discussion stage of the meeting the conditions were agreed by both the applicant and the health and safety team, which satisfied the licensing sub-committee who agreed that the conditions were appropriate and proportionate and on this basis, the application was granted.

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 12.46 pm.

CHAIR:

DATED: