

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Wednesday 10 January 2018 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Renata Hamvas (Chair)
Councillor Sunny Lambe (reserve)
Councillor Adele Morris

OTHERS PRESENT: Graham Hopkins, licensing agent for Dirty Renegade
Olga Zajac, applicant, Dirty Renegade
Jason Hoffman, applicant, Dirty renegade
Craig Baylis, legal representative, The Coronet
Samantha Porter, applicant, The Coronet
P.C. Ian Clements, Metropolitan Police Service

OFFICER SUPPORT: Debra Allday, legal officer
Andrew Heron, licensing officer
Wesley McArthur, licensing officer
Jayne Tear, licensing officer as a responsible authority
Andrew Weir, constitutional officer

1. APOLOGIES

Apologies were received from Councillor Sandra Rhule. Councillor Sunny Lambe attended as the reserve member.

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

The chair, Councillor Renata Hamvas advised that residents had contacted her regarding the application after the consultation period had expired. She advised that she would not take this correspondence into account when making the decision.

5. LICENSING ACT 2003: DIRTY RENEGADE, 138 RYE LANE, LONDON SE15 4RZ

The licensing officer presented their report. They advised that late representations had been received but that these could not be taken into account. They also advised that further conditions had been agreed between the applicant and the authorities.

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

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

The Metropolitan Police Service representative addressed the sub-committee. Members had questions for the police representative.

All parties were given five minutes for summing up.

The meeting adjourned at 11.38am for the members to consider their decision.

The meeting resumed at 12.08pm and the chair advised all parties of the sub-committee's decision.

RESOLVED:

That the application made by London Spacemakers Limited for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Dirty Renegade, 138 Rye Lane, London SE51 4RZ be granted as follows:

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| Provision of recorded music (inside) | Sunday – Thursday 23:00 - 23:30 hours Friday and Saturday 23:00 - 00:30 hours |
| Provision of Live Music (inside) | Sunday – Thursday 23:00 – 23:30 hours Friday and Saturday 23:00 - 00:30 hours |
| Sale of Alcohol for consumption on the premises | Sunday – Thursday 10:00 – 23:30 hours Friday and Saturday 23:00 - 00:30 hours |
| Late night refreshment | Sunday – Thursday 23:00 – 23:30 hours Friday and Saturday 23:00 - 00:30 hours |
| Opening Hours | Sunday – Thursday 06:30 - 00:00 |

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| | hours Friday and Saturday 06:30 - 01:00 hours |
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Conditions

1. The rear garden shall be cleared of patrons by 22:00 hours daily.
2. That the premises will provide a dedicated telephone number and email address for residents.
3. That a sound limiter shall be installed at the premises and maintained in full working order at all times that the premises are in use. All amplified music shall be routed through the sound limiter. The sound limiter will be calibrated so that amplified music played at the premises does not give rise to public or statutory nuisance.
4. That the rear door to be closed at 22:00 hours.
5. That signage is erected directing smokers to the front of the premises.
6. That customers who leave the premises temporarily to smoke shall only be permitted to smoke outside the front of the premises. Smoking may only be permitted outside the front of premises and a maximum of 5 smokers shall be permitted outside the front to smoke at any one time.
7. That two SIA registered door supervisors will be engaged when the premises are in operation employed after 21:00 hours until the end of business and all patrons have vacated the premises. They will be engaged to monitor admission and re-admission 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. The accommodation limit for the premises shall not exceed 85 patrons.
8. That all staff shall be trained in the use of the dispersal policy.
9. The written dispersal shall be kept at the premises with the licence and made available for inspection by authorised officers.
10. An acoustic lobby (double doors) shall be installed at the rear entrance of the premises to minimise sound escape from the premises.
11. That external waste handling, collections, deliveries and the cleaning of external areas shall only occur between the hours of 08:00-20:00 hours.
12. That the proposed conditions on pages 85 - 87 of the report written in regards to the hearing be removed from the application, or amended in line with conditions agreed to between the applicant and the responsible authorities. The conditions agreed to between the applicant and the responsible authorities are set out in the attached schedule.

Reasons

The reasons for this decision are as follows:

The licensing sub-committee heard from the representative for the applicant who advised that the applicant had 10+ years experience and had run premises in Hammersmith and Fulham, Lambeth and Kensington and Chelsea and had never received any complaints in the management of the premises. The premises would be a high-end cocktail bar where the drinks would be sipped and enjoyed, with no vertical drinking and would be niche venue that in line with the Mayor of London's night time economy vision. Whilst, food would be available at all times, the venue would not be food led; it would be a drinking establishment under a A4 licence. On Fridays and Saturdays the applicant would have in-house DJs; but there would be no DJ promoted events. Whilst the premises was located in Peckham's cumulative impact policy area (CIP), the applicants had carefully considered Southwark's Statement of Licensing Policy, in particular paragraphs 139 and 140 and in their view, had rebutted the presumption against granting a premises licence in a CIP area as the premises were relatively small, a suite of conditions had been offered and/or conciliated and that this would not be a vertical dinking establishment.

Licensing as a responsible authority objected to the application as the premises was located in a CIP area and did not feel that the presumption to refuse had been sufficiently addressed by the applicant. In addition, the hours sought exceeded those recommended within the Southwark's statement of licensing policy. It was noted however that the applicant had conciliated conditions that addressed the officer's concerns.

The licensing sub-committee heard from the representative from the Metropolitan Police Service who similarly raised concern that the premises were located in a CIP area and that the hours sought exceeded those in the statement of licensing policy.

The licensing sub-committee noted the representation from the Director of Public Health and also from trading standards who had conciliated their representation.

The licensing sub-committee noted the correspondence between the environmental protection team and the premises and that the premises were agreeable to their suggestions.

The premises are located in the Peckham cumulative impact policy area and the class of premises to which this policy applies includes pubs and bars. The terminal hour as stated in Southwark's statement of licensing policy is Friday-Saturday 00:00 hours and Sunday to Thursday 23:00 hours. The premises agreed a plethora of conditions with the responsible authorities and as such this sub-committee is of the view that the premises have rebutted the presumption to refuse to grant a licence in a CIP area. The applicant did offer a condition that only polycarbonate glasses be used. This sub-committee find this condition unnecessary. This sub-committee has also granted hours beyond those set out in paragraph 153. This is justified as the premises are relatively small and main entrance opens directly to Rye Lane and finally, patrons are unable to access the premises via the rear. Finally, it is recommended that the applicant join a local Pubwatch scheme to ensure a safer drinking environment in the Peckham area.

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 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.

6. LICENSING ACT 2003: THE CORONET, RAILWAY ARCH 3,4 ,5 AND 6, ELEPHANT ROAD, ELEPHANT MEWS, LONDON SE17 1LB

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

The legal representative and the designated premises supervisor for the premises addressed the sub-committee. They advised that they had met with the police and the licensing authority to discuss a new model for the railway arches. Members had questions for the legal representative and the designated premises supervisor.

The Metropolitan Police representative and the licensing officer representing the council as a responsible authority advised that they were satisfied with the proposal put forward by the premises. Members had questions for the police and the licensing officer.

All parties were given five minutes for summing up.

The meeting adjourned at 1.55pm for the members to consider their decision.

The meeting resumed at 2.00pm and the chair advised all parties of the sub-committee's decision.

RESOLVED:

That the council's licensing sub-committee, having had regard to the application by the Metropolitan Police for a review of the premises licence in respect of the premises known as The Coronet Railway Arches 3,4,5 And 6, Elephant Road, Elephant Mews, London SE17 1LB and also having had regard to all other relevant representations has decided it necessary for the promotion of the licensing objectives to modify the licence as set out below:

1. To reduce the hours as set out below

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| Opening Hours | Sunday to Thursday from 09:00 to 00:00 Friday and Saturday from 09:00 to 01:30 |
| Licensable Activities | Sunday to Thursday from 09:00 to 23:30 Friday and Saturday from 09:00 to 01:00 |

2. To add the following condition:

- That no licensable activity to be permitted at the premises until new layout, plans and conditions have been approved by way of a major variation.

Reasons

The reasons for this decision are as follows:

This matter was a re-hearing of an application made under s.53C Licensing Act 2003 by the chief of police for the Metropolitan Police for a review of the premises licence in respect of The Coronet Railway Arches 3,4,5 And 6, Elephant Road, Elephant Mews, London SE17 1LB.

The licensing sub-committee had previously considered the application on 31 July 2017, when a decision was made to modify the conditions, amongst other things, so that it would be a time limited premises licence until 2 January 2018. Following this decision, submitted an appeal at Camberwell Green Magistrates' Court.

The licence holder's representative had failed to emphasis at the 31 July sub-committee meeting that the Arches that there were two premises licences in respect of the premises known as The Coronet, for two different parts of the premises. The main part of the building is at 28 Old Kent Road, London SE1 6TJ and the annex at Railway Arch 3,4 ,5 And 6, Elephant Road, Elephant Mews, London SE17 1LB. Both premises licences are held by Elephant Music Limited. The premises located at Railway Arches was not open on the day of the riot (2 July 2017) and in addition, the licence holder had a 5+ year lease, which they wanted to utilise. It was because of these two issues that the Magistrates' Court remitted the case back to the licensing sub-committee to be reconsidered.

Both the Metropolitan Police Service and licensing as a responsible authority informed the sub-committee that a conciliation meeting took place with the licence holder on 6 December 2017 when two potential business proposals were discussed. The business models discussed were very different from the business model of the Coronet, which had now closed down.

The licensing sub-committee was advised that the local resident who had attended the previous sub-committee meeting on 31 July 2017 was happy with the licence holder's proposals as it was the nightclub that was causing disruption to the neighbourhood.

In the circumstances, the licensing sub-committee considered that it was appropriate and proportionate to modify the premises licence to add the additional condition as provided.

Appeal rights

This decision is open to appeal by either:

- a) The applicant for the review
- b) The premises licence holder
- c) Any other person who made relevant representations in relation to the application.

Such appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the Magistrates Court for the area within the period of 21 days beginning with the day on which the appellant was notified by this licensing authority of the decision.

This decision does not have effect until either:

- a) The end of the period for appealing against this decision
- b) In the event of any notice of appeal being given, until the appeal is disposed of.

The interim steps is open to appeal by:

- a) The chief officer of police for the police area in which the premises is situated.
or
- b) The holder of the premises licence.

Such appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the Magistrates Court for the area within the period of 21 days beginning with the day on which the appellant was notified by this licensing authority of the decision.

The meeting ended at 2.02pm.

CHAIR:

DATED: