

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Monday 29 January 2018 at 10.00 am at Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Renata Hamvas (Chair)
Councillor Adele Morris
Councillor Sandra Rhule

OTHERS PRESENT: Bo-Eun Jung, legal representative, We are the Fair
Rob Dudley, applicant, We are the Fair
Peter Nash, noise consultant, We are the Fair
Louise Ffoulkes, local resident
Anne Stanesby, local resident
Stephen Brough, local resident
P. Bland, local resident
E Brough, local resident
Tim McTigue, applicant, Zolabaggios
P.C. Graham White, Metropolitan Police Service

OFFICER SUPPORT: Debra Allday, legal officer
Andrew Heron, licensing officer
Joanne Shilton, legal officer
Wesley McArthur, licensing officer
Jayne Tear, licensing officer 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

The chair, Councillor Renata Hamvas, advised that she as a Peckham ward councillor and that residents had sent her correspondence relating to this application. The chair advised that she would not take this correspondence into account when making the decision.

5. WE ARE THE FAIR/GALA FESTIVAL, PECKHAM RYE PARK, PECKHAM RYE, SE15 3JA

The meeting started at 11.02am as the parties had been given the opportunity to discuss issues relating to the application.

The licensing officer presented their report. Members had questions for the licensing officer.

The licensing officer representing the council as a responsible authority advised that they had withdrawn their objection as they had conciliated with the applicant.

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

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

All parties were given five minutes for summing up.

The meeting adjourned at 1.18pm for the members to consider their decision.

The meeting resumed at 2.09pm and the chair advised all parties of the sub-committee's decision.

RESOLVED:

That the application made by We are the Fair for a premises licence under the Licensing Act 2003 in respect of the premises known as Peckham Rye Park, Peckham Rye SE15 3JA be granted as follows:

Licensable activity	Hours
Sale and supply of alcohol for consumption on the premises only	Sunday from 11:00 to 22:00 Monday from 11:00 to 21:30
The provision of films, live music, recorded music, performance of dance	Sunday from 11:00 to 22:30 Monday from 11:00 to 22:00

anything similar to live or recorded music	
Operating hours	Sunday from 11:00 to 23:00 Monday from 11:00 to 22:30

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 additional conditions agreed between the environmental protection team and licensing authority during the conciliation process, and the following additional conditions agreed by the licensing sub-committee:

1. That the depositing of waste glass / earthenware into waste receptacles shall not take place between 20:00 and 08:00 hours.
2. That the final egress plan shall include replacement train and bus routes and stops to be clearly mapped out.
3. That the ingress and egress plans and dispersal policy must be submitted to the members of the SAG for approval and in particular the licensing authority, the environment protection team and police six weeks before the date of the event for approval.
4. That the noise levels to be maintained in accordance with the Noise Policy within the maximum expected to be between 67 and 73 decibels without exceeding 75 decibels at any time at local residential properties. All readings to be available for inspection by London Borough of Southwark officers and the Metropolitan Police.
5. That a maximum of 8,000 tickets may be issued including free tickets.
6. That, lollipops with paper sticks are to be available and to be provided to all festival customers when exiting the event to assist in keeping potential noise to a minimum.
7. That on day two, each adult shall be allowed to supervise a maximum of three children under 16.
8. That the event organisers must consult Southwark Council's highways and parking departments and Transport for London (TfL) and act on any appropriate guidance. A transport infrastructure plan shall be drawn up and submitted as part of the application process.

Reasons

The reasons for the decision are as follows:

The licensing sub-committee were advised that there were no outstanding representations from any of the responsible authorities. The sub-committee heard that the licensing authority and environmental protection authority had agreed conditions with the applicant

and in view of these conditions had withdrawn their representations on that basis.

The licensing sub-committee heard from the applicant's representative who advised the licensing sub-committee that the Gala was an independent festival heavily focused on food with the best of London street traders attending and supplying the event.

The representative advised that Sunday's event would be over 18's only and that the event on Monday would be family friendly, welcoming children.

The representative advised that "We are the Fair" are an awards winning events agency who have been in operation for 18 years with a proven track record of organising successful similar and larger events. The representative stated that their approach was to high quality and safe events, highlighting that the event which operated in 2017 for a capacity of 5,000 was a success with one noise complaint which was dealt with appropriately.

The applicant had employed noise consultants which considers issues relevant for the site and recognises a careful balance to be struck for this event. The noise consultant had produced a noise management strategy assessing the appropriate levels of noise and limitations to be observed during the festival.

The noise consultants would be present at the festival and would take between 20-40 readings throughout each day and would be responsible for minimising and dealing with any complaints directly and in line with the conditions.

The representative confirmed that there would be no entry after 8pm and no re-entry throughout each day.

The licensing sub-committee were also advised that the applicant had met with the ecology officer and parks team and measures have been agreed to ensure that there will be minimal disturbance to the park. By way of example, they agreed that important areas would be cordoned off by fencing and that lights would not be hung off certain trees to minimise any potential disruption to the parks wildlife. They stated barriered walkways would be used for organised ingress and egress and floor covering would be provided where necessary to prevent damage. Queuing would be organised in a way as to not cause damage or disturbance and would be barriered.

The applicant had also paid a damage deposit as an additional measure to ensure that minimal disruption or damage to the park.

The representative advised that as a number of local train stations will be closed they would provide information to customers detailing alternatives public transport routes in order to manage the ingress and egress.

The representative confirmed that they had engaged in early liaison with responsible authorities and agreed 51 conditions and as a result of which the responsible authorities had withdrawn their representations.

The representative agreed that they would ensure the safety advisory group (SA)G were in agreement and confirm that they are happy to sign of all documents listed at paragraph 14 in section 1 of the agreed conditions which are to be added to the licence.

The representative advised that they would make good any damage to the park caused by

the event or their patrons and that they had agreed to enforce this by way of a damage deposit and by agreement of conditions. They would also employ a reputable waste company to ensure that waste was collected throughout the duration of the festival and also after the festival and that they would ensure that the festival waste was cleared in the streets outside the festival area.

They stated that they would operate reactively in that if they are aware of any waste that appears to be as a result of the festival in the surrounding areas they would ensure that the waste was collected so as to reduce any impact to the local residents.

The representative advised that they expect to have 150 SIA officers.

The representative advised that the dispersal policy would specify the agreed pick up and drop off designated areas and that they are in the process of collecting data to confirm where customers are coming from and also where they are likely to be going after the festival ends, in order to allow further dispersal plans to be put into place depending on the outcome of the data.

This will include appropriate signage being in place and liaison with the taxi companies to confirm the designated pick up areas.

The applicant also confirmed that TFL would be consulted and if it necessary they are happy to agree to the addition of a shuttle bus to assist with the egress of the customers from the event and will also contribute towards additional rail replacement services.

The licensing sub-committee heard from five of the local residents of the area who expressed concerns that they did not consider the area to be appropriate for the event and that they considered the capacity of the event was excessive for the area.

In addition residents also raised concerns over potential noise and concerns regarding the transport for egress after the event and stated that they did not consider the local transport to be sufficient for the event.

The residents also raised concerns about the dispersal policy and queried why the applicant had already sold tickets for the event prior to obtaining a licence.

Residents also raised concern about potential damage to the park area and stated that they considered the fact that the park area would be out of use to residents before the event and during the event to be a public nuisance.

Residents were concerned about the alcohol consumption during the course of the festival and potential disorder as a result which they were concerned would be detrimental to local residents.

Residents raised concerns that there was another larger festival going on at the same time in the Brockwell Park. However, it is understood by members that this festival will be taking place in early June 2018.

The residents stated that an event, which was not operated by the current applicant, took place approximately 12 years ago which was a disaster.

The licensing sub-committee expressed concerns regarding the current level of detail within the dispersal policy. The licensing sub-committee stated that they required further

details to be provided to the working dispersal document before the event. The applicant confirmed that it was a working document and that they were in the process of finalising the policy.

In order to assist in alleviating the licensing sub-committee's concerns, the applicant agreed that the final dispersal policy should be presented and approved by the members of the safety advisory group (SAG) six weeks before the event in particular the licensing Sub Committee requested that the licensing officer should approve the final document before the event. This was agreed and imposed by way of an additional condition.

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. ZOLABAGGIOS - 57-59 CAMBERWELL ROAD, LONDON, SE5 0EZ

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

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 adjourned at 2.55pm for the members to consider their decision.

The meeting resumed at 3.02pm and the chair advised all parties of the sub-committee's decision.

RESOLVED:

That the application made by Tim McTigue for a premises licence to be granted under s.17 of the Licensing Act 2003 in respect of the premises known as ZolaBaggios, 57-59 Camberwell Road, London SE5 0EZ be granted as follows:

Licensable Activities	Monday to Thursday from 16:00 to 23:00 Friday from 13:0 to 00:00 Saturday from 13:00 to 00:00 Sunday from 13:00 to 23:00
Operating Hours	Monday to Thursday from 16:00 to 23:30 Friday from 13:00 to 00:30 Saturday from 13:00 to 00:30 Sunday from 13:00 to 23:30

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 conditions agreed with the trading standards authority during the conciliation process and the following conditions agreed by the licensing sub-committee:

1. That the accommodation limit for the premises shall not exceed 150 people (including staff).
2. That the written dispersal policy shall be retained at the premises and made available for inspection by authorised officers/or the police upon request.
3. That all relevant staff shall be trained in the implementation of the dispersal policy.
4. That clear signage shall be prominently displayed, where it can be easily seen and read , requesting that customers leave the area in a quiet and orderly manner.
5. That at least one SIA registered door supervisor will be engaged on Friday and Saturday nights. They will be employed from 21:00 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 and dealing with conflict.
6. That there shall be no more than five smokers outside at any time after 21:00.
7. That the internal fire escape to the basement must be blocked prior to opening.

Reasons

The reasons for the decision are as follows:

The licensing sub-committee heard from the applicant who advised that the premises would be a retro 1990's Italian bar/restaurant selling large slices of pizza as well as a good range of Italian craft beers, wines and spirits. The bar will be a relaxed bar playing background music and would have a 50/50 ratio as an eatery and bar. The applicant saw the venture as being a benefit to the local area and would have no negative impact to the licensing objectives.

The licensing sub-committee heard from the Metropolitan Police Service who concerns relate to a second premises operating at the same address (Southbank Nightclub), in the basement. In discussion with the applicant prior to the meeting, it was agreed that the internal fire escape would be blocked prior to the premises opening. The Metropolitan Police also objected to the hours of operation, which exceeded Southwark's statement of licensing policy.

The licensing sub-committee heard from the licensing officer in their role as responsible authority, who also objected to grant of the hours sought by the applicant as they exceeded those in Southwark's statement of licensing policy.

The licensing sub-committee noted the representation from the council's public health team concerning the hours that alcohol is available.

The licensing sub-committee noted the representations from the two other persons, both from local residents in the immediate vicinity who raised concerns in relation to the current management of the club and do not treat this as an individual application.

The licensing sub-committee considered the application carefully and whilst the hours sought did exceed Southwark's statement of licensing policy, a number of conditions had been agreed with the applicant, which would promote the licensing objectives. For this reason, the sub-committee is agreeable to grant this premises licence, with a terminal hour beyond those recommended in the policy for a residential 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.

The meeting ended at 3.03pm.

CHAIR:

DATED: