

LICENSING SUB-COMMITTEE

MINUTES of the Licensing Sub-Committee held on Friday 3 August 2018 at 10.00 am
at Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Adele Morris (Vice-Chair, in the chair)
Councillor Sunny Lambe
Councillor Charlie Smith

OFFICER SUPPORT: Helena Crossley (Legal Officer)
Wesley McArthur (Principal Enforcement Officer)
Gerald Gohler (Constitutional Officer)

The meeting started at 10.25am.

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: RINNEROON, 130 DRUID STREET, LONDON SE1 2HH

The licensing officer presented their report, adding that the objections by the environmental

protection team, the police and the responsible authority had been conciliated prior to the meeting, and that the conditions agreed had been circulated. Members had no questions for the licensing officer.

The applicant's legal representative addressed the sub-committee. Members had questions for the applicant's representative.

The licensing sub-committee heard from another person supporting the premises. Members had questions for the other person supporting the application.

The licensing sub-committee heard from other persons objecting to the application. Members had questions for the other persons objecting to the application.

There were no ward councillors present wishing to speak.

The meeting adjourned at 11.55am as the legal officer was called away, and resumed at 1.05pm.

The sub-committee heard from objectors and noted the representations from other persons who were not present.

The meeting adjourned at 2pm for the members to consider their decision.

The meeting resumed at 3pm and the chair advised all parties of the sub-committee's decision.

RESOLVED:

That the application by Rinneroon Limited for a premises licence issued under the Licensing Act 2003 in respect of the premises known as Rinneroon, 130 Druid Street, London, SE1 2HH be granted as follows:

Licensable Activities	Days	Hours
Supply of alcohol (on the premises)	Monday – Saturday	12:00 to 22:30
	Sunday	12:00 to 17:30
Operating hours	Monday – Saturday	12:00 to 23:00
	Sunday	12:00 to 18:00

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 form and the following additional conditions agreed by the sub-committee (which include the conditions agreed with the Metropolitan Police Service, Environmental Protection Team, and Licensing and Health and Safety during the conciliation process):

1. 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 all areas the public have access to including the outside areas.

2. That all CCTV footage be kept for a period of 31 days and shall on request be made immediately available to offices of the police and the council.
3. That a member of staff should be on duty at all times the premises is open that is trained in the use of the CCTV and able to view and download images to a removable device on request of police or council officer.
4. That all staff be trained in their responsibilities under the Licensing Act 2003 and training records to be kept and updated every 6 months and shall, upon request, be made immediately available to officers of the police and the council.
5. That no customers be allowed to take drinks from the licensed area.
6. That no more than 20 people at any one time shall be in the area marked 'B' on the plan and that the area marked 'B' on the plan shall be closed to patrons and fully empty by 20:00.
7. That the area marked 'A' on the plan shall not encroach on the loading bay area and shall be enclosed by a barrier.
8. That patrons shall not use any area outside the licensable areas other than those who leave to smoke in the area marked 'A' on the plan.
9. That no more than five people shall be permitted to smoke in the area marked 'A' on the plan.
10. That the premises management shall regularly monitor the external areas to the premises and take all necessary steps to ensure that noise from patrons does not cause disturbance or public nuisance.
11. That external waste handling, collections, deliveries and the cleaning of external areas shall only occur between the hours of 08:00 and 20:00.
12. That clearly legible signage be prominently displayed at all exits where it can be easily seen and read, requesting that customers leave the premises in a quiet and orderly manner that is respectful to neighbours.
13. That noise from plant, patrons, and activities at the premises be managed to ensure that public nuisance shall not be caused in the vicinity of the premises or intrude inside the nearest or most exposed noise sensitive premises.
14. That all external doors and doors to noise lobbies used by patrons to enter the premises have self closers to the doors in accordance with BS 6459 Pt. 1 1984.
15. That the maximum occupancy (accommodation limit) of the premises will not exceed 200 people.
16. That all staff will be trained on the dispersal policy and a copy of the written policy will be kept on site.
17. That no bottling up shall take place before 10:00.

18. That a telephone number be displayed that is visible from the outside of the premises for residents to contact management about issues.

Reasons

The reasons for the decision are as follows:

The licensing sub-committee heard from the licensing officer who stated that there were amendments to the report. At paragraph 24 it is stated that the Marquis of Wellington PH, 21 Druid Street, London, SE1 is currently closed when it is open. All responsible authorities had conciliated with the applicant and agreed conditions. He stated that late representations had been received from two councillors (one in favour of the application and one opposed) which the committee agreed would be disregarded, as they had been submitted late. It then became apparent that both the applicant and objectors had videos to show the committee which neither side had seen. Both agreed to allow the videos to be submitted to the committee. However, neither the videos of the applicant and objectors were shown during the course of the licensing sub-committee.

The licensing sub-committee then heard from the representative for the applicant who stated that the premises would be a clubhouse for runners and that the objective was to provide an amenity for the London City Runners Club to raise revenue to help fund the running club. There were no membership fees for the club, and the premises would also be used to sell merchandise, and hold talks. The club was run by volunteers with the proposed DPS at the helm. The club had run events to raise money for various charitable causes including Cancer Research, and runs during which litter was picked up en route. The local residents would benefit from the club's premises and were welcome to join the club and attend events such as the talks. The representative drew the committee's attention to the fact that all the representations from the responsible authorities have been withdrawn. She also drew the committee's attention to the fact that the layout of the premises had changed to assist the licensing objectives, namely that there was now a recessed covered area within the premises (marked as 'B' on the plan) which has been fitted with a self-closing door and that there would now be no drinking in the area marked as 'A' on the plan.

She also stated that whilst the club had applied to operate until 23:00 it was unlikely that in practice the club would open until this time, depending on the events being run. She stated that generally the runners with the club had jobs and were up early for work, so would not be drinking until 23:00 during the week. She also stated that weekdays tended to be the most popular days for runners to run with the club (for example on Tuesdays), so it would also be unlikely they would open until 23:00 on the weekends. The reason that 23:00 was applied for was to give flexibility as the premises wasn't open yet, and in case a running club member were to have a celebration (e.g. birthday) at the premises. Other conditions which had been agreed were brought to the committee's attention such as the maximum occupancy, the dispersal policy, provisions for CCTV.

To address one of the concerns raised by objectors in written representations regarding members of the public using local resident's gardens to defecate, the applicant's representative drew the committee's attention to the toilet provisions of the premises which include two female toilets, one male toilet and urinal. She also stated that the club had club conditions of membership and that if any member was found to be committing anti-social behaviour in the vicinity of the premises they would be banned from the club. The volunteers who would work in the premises would be available to book taxis for any patrons who required one. The club had a history of meeting the area at other local pubs without disrupting the local community and also took part in community projects and fundraising.

Those who joined the regular organised runs arranged by the club were usually dispersed by 21:00 and the organised runs were most popular on Tuesday and Monday. In summing up their presentation, the applicant's representative stated that they wanted to work with the local community. The applicant's representative then proposed to show a video, however their time for presenting their application was up. There was a supporter of the application who had put a representation in who could have shown the video during their time; however the chair questioned the relevance of the video to licensing objectives if it would be a promotional video for the club. The video was not shown during the further presentations from the supporters of the application who had put in representations.

During questioning the Chair stated to the applicant that she noted conditions had been agreed with responsible authorities relating to off-sales but no off-sales had been applied for by the applicant. Any conditions that had been agreed with responsible authorities relating to off-sales were amended accordingly. Members asked whether a contact number could be displayed for a point of contact at the club that residents could use if there were issues with the premises, how members actually joined the club and how they knew who was member. It was established that individuals could sign up via Facebook or the website, and that the applicant planned to allow members of the public who were not members in to the establishment.

In response to questioning from councillors it was clarified that patrons would not stand in front of the premises and drink (in the area labelled 'A' on the plan) and would only stand inside the arch in a recessed area to drink (in the area labelled 'B' on the plan). Smokers would be directed to the area marked 'A' on the plan. The club was not-for-profit and needed to raise revenue to assist in paying the rent on the premises. The prices of the alcohol would therefore be similar to prices of other local establishments. The area marked 'B' on the plan would be cordoned by a rope to assist in keeping patrons inside the area and not on the street. There would be ashtrays available for the smokers using the outside area marked 'A' on the plan, although as it is a running club the applicant's representative stated that it would be unlikely that there would be many smokers in the area.

Councillors also questioned the applicant on how the premises would be run and managed in line with the Licensing Act 2003 and how the volunteers would be organised to ensure that there would be enough staff on the premises to run it. The applicant explained that the volunteers would be trained in the Licensing Act and its objectives, but that the sale of alcohol was needed to make money to help run the club and that a rota would be in place in advance to ensure the requisite numbers of volunteers would be available to staff the premises and in time they hope to have paid staff.

The licensing sub-committee then heard from a member of the public who had put in a representation in support of the application (representation 12). She stated that she had lived locally for seven years and had started running with the club after her daughter was born, and liked the safety of running in a group. She also mentioned that her daughter sometimes came with her to the club, which prompted a question regarding children being at the premises when alcohol was sold, which the applicant stated was addressed in the operating schedule. Another member of the public who also put in a representation in support (representation 9) addressed the committee. She also stated she lived locally and accepted that there was noise in the area from other venues already but that the club is designed for social gathering before or after a run and that the club members would not generally be staying late at the premises. The premises primary purpose is for running and for the community benefit and the sale of alcohol is ancillary to help with costs.

The licensing sub-committee then heard from the objectors. The objectors had all put in

individual representations but were all from the estate next to Druid Street and knew each other well. Whilst each objector was given the opportunity to present their own objection they were all broadly supportive each other's submissions to committee and supported each other during the question by councillors. The first objector who submitted representation 1 heavily emphasised to the committee that there were already issues on the road due to licensed premises such as: people being sick in public, people knocking on resident's doors, people trying to climb her garden fence, and defecating on the street and by resident's homes. She stated that the situation in the street was affecting her health and exacerbating existing conditions, and she was not fortunate enough to be in a position to move home as others could. She explained there were already eight drinking establishments in Druid Street and the noise and disturbances from these premises prevented her from sleeping in her own home. Her preference would be to not have the applicant have any license to sell alcohol because of the issues already caused by other premises.

The licensing sub-committee then heard from the objector who submitted representation 4. She had lived in the area for over forty years and had retired and hoped to enjoy her property and gardens but this was not possible due to the other premises on Druid Street. The weekends were the worst time of the week and that intoxicated patrons from these premises were disrupting the estate. She stated they were also causing rubbish and leaving the estate in a state of squalor and as a result she has seen more rats than at any other point during her time living on the estate. She stated that her sleep was also disrupted due to noise from other venues on Druid Street.

The licensing sub committee then heard from objector who submitted representation 3. He confirmed that he wanted to enjoy his retirement as well, and enjoy the gardens on the estate, especially in warmer summer months, but was having to stay inside with the windows closed due to the noise. He also stated that lorries were being diverted down the street as well which adds to the disturbance, and that patrons from the premises on Druid Street often sit on or near the road which the lorries drive down causing disruption and danger to themselves and others.

The committee then heard from the objector who submitted representation 2 she stated that the area had become difficult to live in for all the reasons mentioned by other objectors. In addition to confirming the comments from the other objectors, she stated that she was concerned that group activities such as those organised by the club would lead to more noise by their nature. She stated that the area was at saturation point and there were too many licensed premises in the area. She summarised her submission by stating that reduced hours may help but requested the committee consider the impact of the license on the area.

Overall the objectors were not confident that current license conditions were complied with by existing premises, and that another premises would only exacerbate the issues on Druid Street which were disturbing their enjoyment of their properties, and causing distress to the residents of the estate.

The committee members urged the objectors to report the other premises who they believed had breached license conditions so that the premises can be called in for review if necessary. They were asked if any improvements to the application could be made which would help with their concerns. The objectors broadly stated that there were not, apart from perhaps reduced hours. The only way to address their concerns would be to deny the application all together. They were also concerned that patrons from other premises would try to enter this one after becoming intoxicated and the applicant would not be able to control people coming into his premises without trouble. They stated that weekends are the worst time for disruption. They were also concerned about the sounds of bottles being emptied. The applicant stated

that they don't empty bottles before 10am generally.

The chair clarified that the committee could only consider issues that engage the four licensing objectives that related to the specific premises, and could not consider what happened as a result of other premises, whilst appreciating the difficulties the resident's were having with other premises in the area.

The objectors closed by saying that they no longer felt listened to by the council and that the licensed premises that were on Druid Street already were ruining their lives. The only way this application could be improved would be reduced hours, but drastically so and ideally the application would be rejected altogether.

The applicant closed by saying that they needed a license to sell alcohol to generate income to keep the club running, and that they needed the flexibility for club members to bring friends, and other runners, and for guest speakers to attend. They emphasised that there would be two personal license holders among the volunteers and a publican with many years experience of running a pub. The club wanted to be a positive influence on the local community and work with the community.

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.

The sub-committee considered each of the representations, both written and oral, and agreed to conditions as set out above.

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.

The meeting ended at 3.05pm.

CHAIR:

DATED:

