

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 20 September 2018 at 10.00 am at Ground Floor Meeting Room G02B - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Renata Hamvas (Chair)
Councillor Sirajul Islam
Councillor Sandra Rhule

OTHER MEMBERS PRESENT: Councillor Anood Al-Samerai, ward councillor
Councillor kath Whittam, ward councillor (observing)

OFFICER SUPPORT: Debra Allday, legal officer
Andrew Heron, licensing officer
Jayne Tear, licensing officer as a responsible authority
P.C. Graham White, Metropolitan Police Service
Sarah Scutt, legal officer (observing)
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.

At this point the chair advised that the order of business would be varied to hear item 7 before item 6.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003: RESTAURANT 2A - 8 CASTLE SQUARE, LONDON SE17 1EN

It was noted that this item had been conciliated prior to the meeting.

6. LICENSING ACT 2003: SHELL GIPSY HILL - 112-122 GIPSY HILL, LONDON SE19 1PL

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

The applicant and their legal representative for the applicant addressed the sub-committee. Members had questions for the applicant and their legal 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 no questions for the police representative.

All parties were given five minutes for summing up.

The meeting adjourned at 1.15pm for the members to consider their decision.

The meeting resumed at 1.21pm and the chair advised all parties of the sub-committee's decision.

RESOLVED

That the application made by Shell UK Oil Products Limited for a premises licence to be granted under Section 17 of the Licensing Act 2003 in respect of the premises known as Shell Gipsy Hill, 112-122 Gipsy Hill, London SE19 1PL is granted as follows:

The sale of alcohol to be consumed off the premises	Monday to Sunday 00:00 to 00:00 (24 hours)
The provision of late night refreshment	Monday to Sunday 23:00 to 05:00
Opening Hours	Monday to Sunday 00:00-00:00 (24 hours)

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 the premises will operate a closed door policy from 23:00 hours – 05:00 hours with all sales of alcohol and late night refreshment to be made through the night hatch.
2. Spirits with the exception of spirit mixers and pre-mixed spirited drinks will be located behind the counter.
3. That the provision of late night refreshment to be limited to hot beverages only.

Reasons

The reasons for the decision are as follows:

The representative for the applicant advised that there had been discussion with the responsible authorities and various conditions had been agreed. The only matter that needed to be considered by the sub-committee was the issue concerning the hours, which exceeded those set out in Southwark's statement of licensing policy. Regarding the hours, the applicant sought the sale of alcohol for 24 hours. The applicant's representative referred to the original licence application in 2012, which had attracted objections from the ward councillors. Since the issue of the licence, the premises had operated in compliance with the licence and no premises in the UK managed by Shell UK Oil Products Limited has been called in for a review. Furthermore, the licensing sub-committee had granted another 24 hours premises licence managed by the applicant outside of the policy hours. The representations received in respect of this variation application had not been objected to by local residents or ward councillors and none of the responsible authorities had raised any concerns relating to crime and disorder.

The licensing sub-committee heard from the representative for licensing as a responsible authority who advised that prior to the hearing the applicant had offered conditions that addresses the concerns raised it was a matter for the sub-committee whether to grant the application outside the hours specified in Southwark's statement of licensing policy.

The representative for the Metropolitan Police Service echoed the sentiments of the representative for licensing as a responsible authority.

The licensing sub-committee noted the representation from public health.

The licensing sub-committee considered all the submissions and accepted that Southwark's statement of licensing policy did not refer to petrol stations, which were a unique type of premises and there was no reason not to grant the application.

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.

7. LICENSING ACT: SOUTHWARK PARK LANTERN & LIGHTS, SOUTHWARK PARK NORTH SECTION, GOMM ROAD, SE16 2TX

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 ward councillor addressed the sub-committee. Members had questions for the ward councillor.

Both parties were given five minutes for summing up.

The meeting adjourned at 11.55am for the members to consider their decision.

The meeting resumed at 12.37am and the chair advised all parties of the sub-committee's decision.

RESOLVED

That the application made by Marcus Van Der Gaag for a time limited premises licence to be granted under Section 17 of the Licensing Act 2003 in respect of the premises known as Southern Park Lantern & Lights, Southwark Park North Section, Groom Road, London, SE16 2TX is granted as follows:

The provision of live music	Sunday to Thursday from 15:00 to 21:00 Friday to Saturday from 15:00 to 22:00
The provision of recorded music, performance of dance, anything similar to live/recorded music and the sale of alcohol to be consumed on the premises	Monday to Sunday from 15:00 to 22:00
Opening Hours	Monday to Sunday 15:00-23:00

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

1. That the site will be cleared of all patrons by 23:00 hours each day.
2. That the tower lights will be turned off by 23:00 hours each day.
3. That waste receptacles will be provided in the external queuing area and waste and/or refuse will be picked at the exit routes from the venue through the park at least once per hour throughout the day and 15 minutes after closing.
4. That the following policies shall be approved by the safety advisory group and will be provided to the licensing authority and kept with the licence:
 - Dispersal policy to include ingress and egress.
 - Crowd management plan to include one SIA officer per 100 patrons queuing outside and signage outside the event arena to direct patrons to queue quietly. The SIA are also to actively discourage the consumption of alcohol in the queue outside the event.
 - Transport plan which includes active discouragement of driving to the premises and parking in the local roads and housing estates.
 - Security plan.
 - Noise management plan.

Reasons

The reasons for the decision are as follows:

The applicant advised that the Southwark Park Lantern and Lights Festival would be a unique lantern experience themed around Alice in Wonderland. The experience will take place in the northern section of Southwark Park. The lanterns are being designed around the popular children's classic, Alice in Wonderland and will include a walk through the story created in lantern format. The event was designed to be interactive using slides and other audio visual effects to explore the lanterns. There would also be food and beverage traders, entertainers on the bandstand and special effects. There would be on bar at the bandstand area as well as one location on the lights route. The event arena would accommodate 2,000 patrons and there would be a staggered entry, allowing 500 patrons entrance every 30 minutes. The event will be ticketed and both pre-sale and on the door tickets will be available, with a sliding discount for local residents and borough wide residents.

The licensing sub-committee then heard from the ward councillor who advised that that it was not appropriate for the events team to consent to an event of this size that would take place seven days a week in excess of six weeks, without the proper consultation of the local community. The area is densely populated, yet many residents were unaware of the proposed event. The events team may have recommended that the applicant liaise with tenant resident associations (TRAs), but no TRAs exist in this area, which the events team should have known. This apparent flaw in the consultation process had caused considerable anger in the community and residents were told any objections received after

the licensing consultation period, would not be heard. The licensing officer, accepted a number of objections had been received after the licensing consultation period and in accordance with the Licensing Act 2003 and associated regulations had to be disregarded.

The licensing sub-committee noted the representations from six other persons objecting to the application.

The licensing sub-committee the licensing sub-committee noted that the representation from the environmental protection team, which had been conciliated.

It was also noted by the licensing sub-committee that the applicant gave an undertaking not to apply for any temporary event notices during the period of the time limited licence.

The licensing sub-committee were advised by the licensing officer presenting the item that that the application would extend the provision of entertainment at the park by an hour on Sunday to Thursday in addition to allowing the sale of alcohol. Permission for the event had already been given by Southwark's events team. Effectively, if this licensing sub-committee were to refuse this application, the event could still take place under licence 10878 (but without the sale of alcohol and extended hours for entertainment). This licensing sub-committee is extremely concerned that such approval undermines the licensing process and without consultation with local residents. This licensing sub-committee therefore directs that a report is prepared and presented to the licensing committee on 23 January 2019 detailing the working arrangements between the events team, the safety advisory group and the Southwark's responsible authorities under the Licensing Act 2003, how these joint working arrangements can be improved to ensure consultation with the wider community so that the decision making process is open and transparent.

In view of this, the licensing sub-committee grant this time limited application. By granting it, the applicant's activities are regulated, which will be properly enforced, if necessary.

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:

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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 1.25 pm.

CHAIR:

DATED: