

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 27 September 2018 at 10.00 am at Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

PRESENT:	Councillor Renata Hamvas (Chair) Councillor Sunny Lambe (Reserve member) Councillor Lorraine Lauder MBE
OFFICER SUPPORT:	Debra Allday, legal officer Sarah Scutt, legal officer Andrew Heron, licensing officer Jayne Tear, licensing responsible authority officer Mark Prickett, environmental protection officer Alison Brittain, planning enforcement officer P.C. Graham White, Metropolitan Police Service Andrew Weir, constitutional officer

1. APOLOGIES

Apologies were received from Councillor Dora Dixon-Fyle. 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

There were none.

5. LICENSING ACT 2003: THE LIGHTHOUSE VENUE - 254-270 CAMBERWELL ROAD, LONDON, SE5 0DP

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 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.

The planning enforcement officer addressed the sub-committee. Members had questions for the planning enforcement officer

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 adjourned at 12.42pm for the members to consider their decision.

The meeting resumed at 1.25pm and the chair advised all parties of the sub-committee's decision.

RESOLVED:

That the application made by Lighthouse Operations Limited for a premises licence to be granted under Section 17 of the Licensing Act 2003 in respect of the premises known as The Lighthouse Venue, 254-270 Camberwell Road, London SE5 0DP be refused.

Reasons

The reasons for the decision are as follows:

The licensing sub-committee heard from the applicant who advised that the premises were a grade II listed heritage building. The prime purpose of the building is a place of worship, however, it has a secondary use as an events space catering for wedding receptions, community events and sporting events. The applicant stated that Lighthouse Operation Limited was a separate legal entity from the church and church activities. The application had been amended and the outside area was not longer included.

The applicant advised that there was no intention for events to be held everyday of the week; it would be subject to the availability of the church's activities and would primarily for corporate events. That said, the applicant did indicate that the premises was to host events displaced by the closure of the Coronet.

The applicant stated that they had been working closely with a professional AV company to redesign their sound system so as to contain majority of the sound within the building. Acoustic corridors and lobbies had installed been to the exits close to the neighbouring buildings. In the circumstances, the complaints of level of noise that could be heard coming from the premises was exaggerated.

The applicant stated that it was proposed to employ crowd control marshals/SIA officers who would be situated at local train stations and bus stops to ensure the safe dispersal of patrons.

The licensing sub-committee heard from licensing as a responsible officer who advised that the premises was situated in a residential area and under Southwark's statement of licensing policy 2016-2020 nightclubs were not considered appropriate for the area. The premises is also located in the Camberwell cumulative impact policy ("CIP") area which applies to nightclubs, pubs and bars, off-licences, supermarkets, convenience stores and similar premises. Under the CIP there is a rebuttable presumption that application for new premises licences that are likely to add to the existing cumulative impact will normally be reused or subject to limitations. It was a matter for the applicant to demonstrate that if the application is granted, the premises would not contribute to the negative local cumulative impact on any one or more of the licensing objective. This, the applicant had failed to do.

The licensing sub-committee heard from the representative from the Metropolitan Police Service who stated that there was very little of an operating schedule in the application with no precise and/or enforceable control measures. Reference was also made to the premises being located in the Camberwell CIP and the licensing sub-committee was invited to refuse the application as a result.

The officer from the planning enforcement team advised the sub-committee that the premises had permission to be used for Class D1 and D2 purposes namely, a place of worship and entertainment and leisure uses, limited to a terminal hour of 23:00 hours and a maximum accommodation of 1200 people. The hours in the application exceed those permitted by the planning permission and a variation of the planning permission in respect of the hours would be required. The applicant also stated that works had been carried out which required listed building consent, which appeared had not be obtained.

The officer from the environmental protection team confirmed to the licensing sub-committee that they had attended the premises on 26 September 2018 and whilst the officer initially was of the view that conditions could be agreed to prevent public nuisance, it was clear after hearing all parties that there was noise leakage coming from the property and in view of this, the sub-committee may want to consider an acoustic report (commissioned by the applicant), before determining the application.

The licensing sub-committee then heard from another person (objector L) who objected to the grant of a premises licence to the premises. Objector L advised that they had purchased a property in the development next door to the premises in August 2018 and since this time had been subjected to noise nuisance including loud music, singing, cheering and shouting, on occasion until 02:30 hours. On August 17 2018 the noise was clearly audible even with the double glazed windows closed. This was witnessed by Southwark's noise and nuisance team. The same was experienced the following day (18 August) and again, was reported to the noise and nuisance team. Objector L stated that the noise nuisance occurs both during the day and in the evenings/early mornings. Because the premises does not advertise events to the local community, only on social media local residents do not know when they can expect events, which continually anxious

about when the next noise or late night event will occur, causing lack of sleep and an unpleasant environment to be in and effected the ability to sleep even with windows closed the noise causes a nuisance. Objector L stated, if they had know about the operation of the premises previously, particularly with the potential dispersal of 1200 into the local area, they would not have purchased the property.

The licensing sub-committee noted the 12 representations from other persons objecting to the application.

The licensing sub-committee considered the application and was extremely concerned with the level of breaches that were identified during the course of the meeting. P.C Andrews gave evidence for the police and advised that a temporary event notice (TEN) proceeded on 14/15 April 2018 and witnessed alcohol being sold to in excess of 499 patrons after 04:00 hours. Despite the rejected TENs 22/23 September 2018 (as the applicant had surpassed the number of late TENs) and a counter notice being submitted by the police for the late TENs for 21/22 September 2018, this applicant allowed the event to proceed. The applicant has also allowed event to proceed contrary to the hours detailed in the planning permission and the works carried out without listed building consent.

Despite claiming that the premises would not operate as a nightclub and would have no detrimental impact on the licensing objectives, the applicant offered to provide the police and licensing authority with an alterative version of the now defunct Form 696 and have marshalls/SIA officers sited at train stations to assist with dispersal. With a capacity of 1200, this licensing sub-committee are of the view that the premise has every intention of running nightclub events.

The applicant has failed to rebut the presumption to refuse this premises licence application. The sub-committee were referred to R (on the application of Westminster City Council) -v- Middlesex Crown Court [2002] EWHC 1104 in which HHJ Baker adjudicated *"Notwithstanding the applicant being a fit and proper person and the premises would be well run a licence could be refused on the sole ground that the area was already saturated with licence premises....and the cumulative effect of the existing premises was impacting adversely on the area to an unacceptable level"*. This premises has a questionable history. In the circumstances since the premises is located in the Camberwell CIP, this application is refused.

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 1.26pm.

CHAIR:

DATED: