

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Wednesday 16 January 2019 at 10.00 am at Ground Floor Meeting Room G02B - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Renata Hamvas (Chair)
Councillor Dora Dixon-Fyle MBE
Councillor Maria Linforth-Hall

OFFICER SUPPORT: Debra Allday, legal officer
Rebecca Millardship, legal officer
Andrew Heron, licensing officer
Dorcas Mills, licensing officer
Jayne Tear, licensing responsible authority
P.C. Ian Clements, Metropolitan Police Service
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

There were none.

5. LICENSING ACT 2003: MARLBOROUGH SPORTS GARDEN, 27 UNION STREET, LONDON SE1 1SD

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

The licensing officer representing the council as a responsible authority addressed the sub-committee and advised that they and the other authorities had agreed conditions with the applicant. Members had no questions for the licensing officer.

The meeting adjourned at 10.31am for the sub-committee to consider its decision.

The meeting reconvened at 10.55am and the chair advised all parties of the decision.

RESOLVED:

That the application made by Bankside Open Spaces Trust for a premises licence to be granted under Section 17 of the Licensing Act 2003 in respect of the premises known as Marlborough Sports Garden be granted as follows:

Activity	Monday to Saturday	Sunday
Opening Hours	09:00 to 21:30	09:00 to 21:30
Supply of Alcohol (on premises)	12:00 to 21:00	12:00 to 21:00
Plays, Films, Live Music, Recorded music & performance of dance (indoor and outdoor)	09:00 to 21:00	11.00 to 21:00

Conditions

1. That there will be a maximum of 50 events each calendar year.
2. That the number of persons permitted in the premises at anyone time (excluding staff) shall not exceed 500 persons.
3. That a written dispersal policy shall be kept at the premises and made immediately available for inspection by authorised officers of the council or the police. The policy will be reviewed and updated every six months, with staff being trained in its implementation.
4. That whilst alcohol is being supplied at the premises, SIA staff should be employed at a ratio of 1/100 patrons. At any event being held with a terminal hour after 19:00, or for any event with the attendance of over 200 patrons a minimum of two SIA staff must be on duty at the entrance and exit of the premises. In such circumstances, the SIA staff must be employed at all times from the start of the event until the end of business when all patrons have vacated the premises.
5. That no deliveries, waste handling or waste collections will take place at the premises between 21:30 and 08:00.
6. That a comprehensive noise management plan will be produced and implemented at the premises, which is to be submitted to and approved by the licensing authority

prior to any events taking place. All staff are to be trained in its implementation. Records of this training must be kept at the premises and are to be made available to officers of the council or the police on request.

7. That there are to be regular sound level checks at the closest noise sensitive location to the premises, to ensure that the sound level of entertainment does not cause a public nuisance. A written record of these checks will be conducted must be kept and should be available to officers of the council or the police upon request.

Reasons

The reasons for the decision are as follows:

The licensing sub-committee heard from the licensing officer who stated that whilst there had been three responsible authorities who originally opposed the application, they hoped that conciliation could be reached with the applicant should they be afforded further time. The licensing officer was also able to confirm that the two representations from local schools had been withdrawn following discussions with the applicant. The licensing sub-committee agreed to the application for more time as it seemed reasonable in the circumstances.

After a short break, the licensing sub-committee were informed that the three responsible authorities had conciliated subject to the agreed conditions forming part of the licence. The Licensing sub-committee confirmed that they had no further questions to ask the applicant or the responsible authorities.

The licensing sub-committee discussed the agreed conditions. They were very pleased to hear that the two local primary schools, which shared a border with the premises, had withdrawn their representations. They reviewed the conditions that had been agreed between the parties and were content that they would prevent a detrimental or adverse cumulative impact on local residents and businesses. As such they were satisfied that they were justified in departing from the licensing policy in this individual case.

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.

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: PASAJE PRIMAVERA, ARCH 146, EAGLE YARD, HAMPTON STREET, LONDON SE1 6SP

The sub-committee noted the open report and considered the information in the closed agenda.

RESOLVED:

That the council's licensing sub-committee, having considered an application made under Section 53 C of the Licensing Act 2003 by the Metropolitan Police Service for the review of the premises licence issued in respect of the premises known as Pasaje Primavera, Arch 146, Eagle Yard, Hampton Street, London SE1 6SP and having had regard to all other relevant representations has decided it necessary for the promotion of the licensing objectives to modify the conditions on the licence by adding:

1. That Person A and Person B be excluded from the premises.
2. That all staff to receive conflict management training with 28 days.
3. That all staff are retrained in the use of CCTV and their obligations in respect of conditions 288 and 289 of the premises licence within 28 days

The reasons for the decision are set out in the closed minutes.

7. LICENSING ACT 2003: PASAJE PRIMAVERA, ARCH 146, EAGLE YARD, HAMPTON STREET, LONDON SE1 6SP

EXCLUSION OF PRESS AND PUBLIC

It was moved, seconded and

RESOLVED:

That the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in categories 1 and 2 of paragraph 10.4 of the Access to Information Procedure Rules of the Southwark Constitution.

The following is a summary of the decisions taken in the closed section of the meeting.

The licensing sub-committee considered the closed information relating to this report.

The meeting ended at 12.15pm.

CHAIR:

DATED: