

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Tuesday 28 May 2019 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Margy Newens (in the chair)
Councillor Dora Dixon-Fyle
Councillor Sunny Lambe

OFFICER SUPPORT: Rodney Frederick, legal officer
Wesley McArthur, licensing officer
Mark Prickett, environmental protection team officer
P.C. Keith Dempster, Metropolitan Police Service
Andrew Weir, constitutional officer

1. APOLOGIES

There were no apologies.

At this point Councillor Margy Newens was nominated by Councillor Sunny Lambe to chair the meeting. This was seconded by Councillor Dora Dixon-Fyle.

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: RYE HILL TENANTS AND RESIDENTS ASSOCIATION, 241 PECKHAM RYE, LONDON, SE15 3AA

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 no questions for the police.

The environmental protection team officer addressed the sub-committee. Members had no questions for the environmental protection team 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 12.28pm for the sub-committee to consider its decision.

The meeting reconvened at 1.15pm and the chair advised all parties of the decision.

RESOLVED:

That the application made by Rye Hill Tenants and Residents Association for a club premises licence, considered under Section 71 of the Licensing Act 2003 in respect of the premises known as Rye Hill Tenants and Residents Association 241 Peckham Rye, London SE15 3AA be refused.

Reasons

The reasons for the decision are as follows:

The licensing sub-committee heard representations from the Vice Chair of the Rye Hill Tenants and Residents Association (the applicant), responsible authorities and one other person (local resident).

The applicant stated that they were part of a new TRA committee, working with the council to try and resolve issues with the building structure. They advised that there was a sound limiter but unable to say what limit was and had not tested it. The premises had been closed for refurbishment since August 2018. They were currently waiting on the council to finish repairs that the committee have flagged up as the council is responsible for the building.

The applicant advised that they had been working with the police and the environmental protection team (EPT) to agree conditions in order to mitigate concerns raised in relation to the application.

The applicant advised that the premises would only operate up to 22.00 and anyone using the premises would leave by 21.30. They explained that most events would be finished by 20.00 and that there would be someone from the committee to open and close the

premises when it was being used and they would deal with clearing up and locking the premises. They further added that two committee members are personal licence holders and they had experience of running a bar and would be responsible for the serving of alcohol.

The sub-committee heard from the police who advised that they had conciliated their conditions subject to a minor change “requesting a staff member should be on call (with contact details to be available) at all times the premises is open that is trained in the use of the CCTV and be able to view and download images to a removable device on the request of Police or council officer.”

The EPT officer advised that they had not conciliated with the applicant and proposed a series of conditions that they required to be added to the licence if it were to be granted

The other person reiterated what they had stated in their written representation. They made further oral representations regarding the problems with previous TRA's and the current committees failure to engage with him regarding the noise level limits. They also provided video evidence of children playing in or around the premises, noise nuisance, littering and anti-social behaviour.

The sub-committee in considering the relevant licensing objectives had concerns regarding the failure of the applicant to provide or have in place a dispersal plan, the sound amplifier equipment had not been used or tested and the applicant did not know what level the equipment was set to cut out excessive noise or whether the equipment worked. The applicant admitted that further soundproofing works including acoustic door seals had to yet to be completed at the premises, and was not aware of the timeframe for such works to be done.

The sub-committee noted that there had not been any consultation with residents as to the level of sound that would constitute a nuisance to residents. Concerns were raised in respect of a fire door that provided access to the back of the property, which would lead straight out in front of flats. No evidence was provided by the applicant that they could monitor or control this area.

The applicant was unsure of whether members or officers could book the premises for functions, and was not clear in her representations about residents of the estate being able to hire the premises as members of the TRA. The applicant did not provide the sub-committee with clarity as the events that might take place or the visitors who could potentially attend any event.

There was no smoking policy defining how many people could smoke at any one time and there were concerns about the location of the smoking area. The applicant had not provided a policy regarding how many people could drink outside and the area was not secured allowing possible access for people not at the premises event. Further concerns were raised about parking at the premises and the applicant was not clear about how numbers of visitors would park in and around the premises.

The sub-committee in reaching its decision concluded that the applicants did not have sufficient policies in place to deal with noise nuisance, dispersal, smoking, outdoor drinking areas and secured areas for visitors. There was no policy in place defining who could hire the premises and for what events and a parking policy for visitors had not been considered.

The sub-committee felt that the failure to have in place these policies or to adequately

present them to the committee posed concerns in respect of prevention of crime and disorder, public safety, prevention of nuisance and the protection of children from harm.

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 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 1.18pm.

CHAIR:

DATED: