

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 13 June 2019 at 10.00 am at Room G06 - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Renata Hamvas (Chair)
Councillor Sirajul Islam
Councillor Lorraine Lauder MBE

OTHER MEMBERS PRESENT: Councillor Barrie Hargrove, ward councillor

OFFICER SUPPORT: David Franklin, licensing as a responsible authority
Wesley McArthur, licensing officer
Andrew Price, legal advisor to the sub-committee
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: MOUNTVIEW ACADEMY OF THEATRE ARTS, 120 PECKHAM HILL STREET, LONDON SE15 5JT

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

The applicant and their legal representative addressed the sub-committee. They also called on Councillor Barrie Hargrove as a witness. Members had questions for the applicant and their witness.

The licensing officer representing the council as a responsible authority addressed the sub-committee. Members had questions for the licensing officer as a responsible authority.

All parties were given five minutes for summing up.

The meeting adjourned at 11.16am for the sub-committee to consider its decision.

The meeting reconvened at 12.15pm and the chair advised all parties of the decision.

RESOLVED:

That the application made by Mountview Academy of theatre arts for a premises licence to be granted under Section 17 of the Licensing Act 2003 in respect of the premises known as Mountview Academy of Theatre Arts, 120 Peckham Hill Street, London SE15 5JT be granted as follows:

Supply of alcohol (for consumption on and off the premises):

Sunday to Thursday from 10:00 to 23.30
Friday and Saturday from 10:00 to 00:30

Late night refreshment (on the premises):

Sunday to Thursday from 10:00 to 23.30
Friday and Saturday from 10:00 to 00:30

Operating hours of premises:

Sunday to Thursday from 10:00 to 00:00
Friday and Saturday from 10:00 to 01:00
Outside area until 22.30

Conditions

The operation of the premises under the licence shall be subject to relevant mandatory conditions, conditions derived from the proposed conditions within the application form, the conditions agreed with the licensing authority (as responsible authority) during the conciliation process and the following additional conditions agreed by the sub-committee:

1. That on those days when the premises are open until later than 00:00, at least one SIA certified security professional be on duty from 22:00 until close of the premises.

2. That there will be no customers in the external terrace after 22.30 except for up to 10 customers in the designated external smoking area but they must not be consuming alcohol
3. That there will be no new entry from ground level after 00.00
4. That there will be no externally promoted DJ-led events

Reasons

The reasons for the decision are as follows:

The sub-committee heard from the licensing officer for the application, who outlined the background to the application and was able to update the committee on the agreement reached between the licensing authority (as responsible authority) and the applicant following the conciliation process.

The licensing officer confirmed that the relevant statement of licensing policy under Section 5 of the Licensing Act 2003 in respect of this application was the Southwark statement of licensing policy (2019 – 2021) which was approved by the council assembly on 27 March 2019 and came into effect on 3 May 2019.

The licensing officer confirmed that the premises is within the Peckham cumulative impact area.

The sub-committee then heard from the applicant, who outlined the history, purpose and function of Mountview Academy of Theatre Arts. The applicant explained the planning conditions pertinent to the use of the roof terrace as a space open to the public.

The applicant explained that the intention was not to encourage excess consumption of alcohol and outlined the concept for the premises, which was to provide an opportunity for students and their families to enjoy a meal, but also to provide commercial income to Mountview Academy beyond that use. The applicant stated that it could not operate the premises with a condition that restricted alcohol being served with a table meal. The applicant explained they are in advanced negotiations with an operator with a view to granting a 25 year lease for them to run a restaurant.

The applicant explained that noise reduction was paramount to the Mountview Academy because their own internal functions can't be compromised. It was suggested, although not strongly, that as the site of the premises are on the boundary of the Peckham cumulative impact area that the restrictions associated with that ought not to apply.

The applicant responded to a number of concerns raised by members during questioning, including concerns relating to hours of operation, the use of the outdoor terrace at night, it's use as a smoking area in the evening, and the use of the premises for externally advertised, DJ-led events. The applicant expressed a willingness to overcome these concerns by way of condition.

The sub-committee took into account the representations in support made by members of the public, although noted they did not directly address the licensing objectives. These individuals were not present during the hearing, but the representation were taken into account by the sub-committee (Regulation 20(3) The Licensing Act 2003 (Hearings) Regulations 2005).

The sub-committee heard from a ward councillor who spoke in support of the application. His evidence was to the effect that local residents were not near enough to the particular location of the proposed licensed premises (within the wider site) to be adversely affected by noise. The sub-committee also heard that there was not, in his view, likely to be an impact on the licensing objectives and that the sub-committee could, in the particular circumstances of this application, depart from policy.

The sub-committee heard representations from the council's licensing officer as the responsible authority. The representations made noted that, according to this council's statement of licensing policy, the premises are situated in Peckham major town centre area and also the Peckham cumulative impact policy area. The representation made proposed that a condition be placed on any licence issued subsequent to the application which would be consistent with the premises operating solely as a restaurant. The sub-committee also heard that the closing times proposed in the application are amended so that they are consistent with closing times suggested in this council's statement of licensing policy.

Overall, the sub-committee determined that the premises is within the Peckham cumulative impact area and that, in accordance with paragraph 130 of the Southwark statement of licensing policy (2019 – 2021) there is a rebuttable presumption that this application will be refused or subject to certain limitations. Nevertheless, the sub-committee is satisfied that granting this application will not impact further on the relevant licensing objectives in accordance with the approach set out between paragraphs 150 – 155 of the Southwark statement of licensing policy (2019 – 2021).

In particular, the sub-committee considered that: the premises is unique, as an adjunct to a theatre school at roof-top level, and that with appropriate hours of operation; combined with a comprehensive suite of conditions designed to avoid any further impact on the relevant licensing objectives; an exception could be made to policy.

These factors, along with the representations received and other material considerations, are sufficient, in the sub-committee's judgement, to both rebut the presumption contained in paragraph 130 of the Southwark statement of licensing policy (2019 – 2021) and to justify the grant of this premises licence.

The sub-committee noted that, during questioning, the applicant said that they would avoid using single use plastics where possible, for example they would be using paper straws rather than plastic ones. While the sub-committee welcomes this commitment, it did not form part of the decision to grant a licence.

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.

6. LICENSING ACT 2003: LIQROO LIMITED, UNIT 1, 95 HAYMERLE ROAD, LONDON, LONDON SE15 6SQ

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

7. LICENSING ACT 2003: KANELLA LATIN HOUSE, 85 CAMBERWELL ROAD, LONDON SE5 0EZ

It was noted that this item had been withdrawn by the applicant.

The meeting ended at 12.20pm.

CHAIR:

DATED: