

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Monday 8 July 2019 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Renata Hamvas (Chair)
Councillor Sunny Lambe
Councillor Margy Newens

**OTHER MEMBERS
PRESENT:**

**OFFICER
SUPPORT:**

1. APOLOGIES

There were none.

1. 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: MARKET, UNIT 2, BASEMENT AREA, 133 RYE LANE,
LONDON SE15 4ST**

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

officer.

The applicant and their legal representative addressed the sub-committee. Members had questions for the applicant and their legal representative.

The environmental protection officer addressed the sub-committee. Members had questions for the environmental protection officer.

The public health officer addressed the sub-committee. Members had questions for the public health officer.

The Metropolitan Police Service representative addressed the sub-committee. Members had questions for the police.

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

An other person supporting the application addressed the sub-committee. Members had questions for the other person.

All parties were given five minutes for summing up.

The meeting adjourned at 12.10pm for the sub-committee to consider its decision.

The meeting reconvened at 12.43pm and the chair advised all parties of the decision.

RESOLVED:

Decision

That the application made by FQBSC Limited for a premises licence to be granted under Section 17 of the Licensing Act 2003 in respect of the premises known as Market, Unit 2, Basement Area, 133 Rye Lane, London SE15 4ST be granted as follows:

- **Regulated entertainment in the form of films, live music and recorded music**
 - Monday to Wednesday from 12:00 to 23:45
 - Thursday from 12:00 to 00:30
 - Friday and Saturday from 12:00 to 02:45
 - Sunday from 12:00 to 00:00
- **Regulated entertainment in the form of indoor sporting events, performances of dance and anything similar to live music, recorded music and performance of dance**
 - Monday to Sunday from 12:00 to 00:00
- **The supply of alcohol to be consumed on the premises**
 - Monday to Wednesday from 12:00 to 23:30
 - Thursday from 12:00 to 00:30
 - Friday and Saturday from 12:00 to 02:30

- Sunday from 12:00 to 00:00
- **Opening hours**
 - Monday to Wednesday from 12:00 to 00:00
 - Thursday from 12:00 to 01:00
 - Friday and Saturday from 12:00 to 03:00
 - Sunday from 12:00 to 00:30
- **Non standard timings applicable to all licensable activities and opening:**
 - From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
 - An additional hour to the terminal hour on the commencement of British Summer Time.
 - An extension of hours on Good Fridays and Bank Holiday Sundays to 04:00.

Conditions

The operation of the premises under the licence shall be subject to relevant mandatory conditions, any conditions derived from the operating schedule in Section M of the application form, conditions conciliated with trading standards and the environmental protection team during conciliation subject to the following edits and additional conditions:

Condition 11 relating to the prevention of crime and disorder in the operating schedule of the application shall be edited to state:

- That there shall be separate written assessments for DJ, live music events and externally promoted events that take place. Copies will be made available to the police licensing unit and the council's licensing officers and any that are flagged as medium and/or high risk will require the police to be notified prior to the event taking place.

Additional conditions:

- | | |
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| 1. | That the premises shall |
| maintain written policies regarding: | |
| <ul style="list-style-type: none"> ● ● management ● ● | <p>Dispersal
Outside area</p> <p>Noise management
Searching and entry</p> |

These shall be made available for inspection on request from the police or an authorised officer of the council or responsible authority.

- | | |
|--|-------------------|
| 2. | That the premises |
| licence holder shall employ a minimum of two quiet/street marshals from 01:00 hours until the premises closes on Fridays and Saturdays. At all other times, the use of quiet/street marshals shall be risk assessed. | |

3. That the sale of alcohol shall be ancillary to the use of the premises as a live music venue and comedy club.

Reasons

The reasons for the decision are as follows:

This was an application for a premises licence within a newly refurbished premises, which was designed with sound proofing to facilitate the hosting of live music events. The applicant sought to explain to the sub-committee that whilst the premises falls within the cumulative impact area of Peckham, that it would not add to the cumulative impact on the area and that the application was exceptional in its nature.

The applicant highlighted that they continue to run similar venues in both Bermondsey and Hackney Wick. They explained that there was a need for a local live music venue in South East London and that Peckham was ideally situated to benefit from this. The applicant drew on the 26 representations of support from the members of the public, most of them residents, to substantiate this claim. In using their experience running their other venues, they were able to offer solutions to the concerns raised by the responsible authorities in their representations. In relation to the concern raised by the police of the queues developing outside CLF Arts Café, the applicant explained that they would simply request that queues start from the other side of the premises and to also employ street marshals and SIA staff to ensure compliance. The applicant also highlighted that they had offered a separate condition which requires the supply of alcohol to be ancillary to the use of the venue as either a comedy club or a music venue. Finally the applicant confirmed that whilst the premises would use external promoters, the management of the venue would remain in house.

The applicant used a House of Commons briefing report on live music and the Southwark licensing policy to reinforce the commitment and recognition by local and central government to the need to support live music venues. Submissions were made about the suitability of the building and explained that the sound report in the evidence provided shows that the cumulative impact of the venue and the 220 patrons will be nominal. Furthermore it was highlighted that the premises, as they had been purpose built, would have full disabled access and would welcome all of the community.

The representative for the environmental protection team (EPT) stated that the amended hours in the application were in line with those of a nightclub. He also referred to the noise report prepared by an expert for the applicant and highlighted that the report concluded that the premises will add to the cumulative impact on the area. He did however confirm that he was happy with the acoustics of the building and stated that his concern was on patrons leaving the premises rather than the premises itself.

The representative for public health highlighted that the area became a cumulative impact area due to the high figures of alcohol related harm. They drew reference to the increase in number of alcohol related ambulance call-outs in the area, but were not able to assist the sub-committee with any further specific details as to whether the call outs concerned night time economy premises. They maintained their concerns and their representation.

The representative for licensing as a responsible authority highlighted that whilst it was to the applicants credit that their other premises were well run and managed, this wasn't relevant when reviewing whether the application was so exceptional that it merited a departure from the policy. The representative highlighted that the business model

required longer hours as they require people to drink longer in order to finance the live music element. The representative agreed that the street marshalls were a good idea and that they would alley some of his concerns.

The Metropolitan Police Service representative advised that they had objected as the premises was in a cumulative impact area. They welcomed the additional conditions proposed by the applicant.

The sub-committee then heard from one of the members of the public who had pledged their support to the project. They stated that they were a local musician who had recognised some time ago that with premises for local live events closing that there would be a lack of places for young musicians and those interested in associated professions, to try out their interests and build a career.

The sub-committee were pleased to hear that the building was designed for this purpose and that it was accessible to all members of the public. They were also reassured that the EPT representative was not concerned about the noise pollution from the building itself. In addressing the concerns raised by both EPT and the police regarding the patrons leaving, they were satisfied that the combination of the SIA staff and the street marshalls could sufficiently control the effect of the noise. They also noted that the maximum capacity of 220 patrons was minimal in compared with the capacity for other local venues. In reviewing the representations from public health and licensing as a responsible authority, they were satisfied that the suite of conditions offered and agreed between parties were sufficient to avoid any detrimental effect on the community.

The sub-committee were satisfied that the applicant had taken full regard of the cumulative impact zone and that the conditions offered, along with the suitability of the premises for such a premises, that this application was exceptional and fell outside of the policy. As such the sub-committee were able to grant the application with the stringent conditions as set out above.

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 sub-committee noted that, during questioning, the applicant said that they would avoid using single use plastics where possible. Similarly, the applicant would actively discourage customers driving to the premises and encourage the use of public transport. While the sub-committee welcomes these commitments, it did not form part of the decision to grant a licence.

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.

6. LICENSING ACT 2003: SPIEDIE SHACK, EXTERNAL TRADING AREA, SURREY QUAYS SHOPPING CENTRE, REDRIFF ROAD, LONDON SE16 7LL

It was noted that this item had been conciliated.

Meeting ended at 12.46 pm

CHAIR:

DATED:

[CABINET ONLY]

DEADLINE FOR NOTIFICATION OF CALL-IN UNDER SECTION 17 OF THE OVERVIEW AND SCRUTINY PROCEDURE RULES IS MIDNIGHT, [DATE].

THE ABOVE DECISIONS WILL NOT BE IMPLEMENTABLE UNTIL AFTER THAT DATE. SHOULD A DECISION OF THE CABINET BE CALLED-IN FOR SCRUTINY, THEN THE RELEVANT DECISION WILL BE HELD IN ABEYANCE PENDING THE OUTCOME OF SCRUTINY CONSIDERATION.