

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 1 August 2019 at 10.00 am at Room G06 - 160 Tooley Street, London SE1 2QH

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

OTHER MEMBERS PRESENT: Councillor Barrie Hargrove, observing

OFFICER SUPPORT: Joanne Shilton, legal officer
Dorcas Mills, licensing officer
Jayne Tear, licensing officer as a responsible authority
Andrew Weir, constitutional officer

1. ELECTION OF CHAIR

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

2. APOLOGIES

There were none.

3. CONFIRMATION OF VOTING MEMBERS

The members present were confirmed as the voting members.

4. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

There were none.

5. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

6. LICENSING ACT 2003: THE HORSESHOE INN, 26 MELIOR STREET, LONDON SE1 3QP

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

The applicant for the review addressed the sub-committee. Members had questions for the applicant for the review.

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

The other person supporting the review addressed the sub-committee. Members had questions for the other person.

The chair allowed time for the parties to question one another.

The legal representative for the premises addressed the sub-committee. Members had questions for the representative for the premises.

The premises licence holder also briefly addressed the sub-committee. Members had no questions for the premises licence holder.

All parties were given five minutes for summing up.

The meeting adjourned at 12.36pm for the sub-committee to consider its decision.

The meeting reconvened at 1.27pm and the chair advised all parties of the decision.

RESOLVED:

That the licensing sub-committee having had regard to the application by a local resident for a review of the premises licence granted under the Licensing Act 2003 in respect of the premises known as The Horseshoe, 26 Melior Street, London SE1 3QP considered it necessary for the promotion of the licensing objectives to impose the following hours and conditions:

Licensable activity	Hours
Operating hours for the area marked A (on the attached plan)	Mon - Sat from 10:00 to 23:00 Sun from 12:00 to 23:00
Operating hours for the area marked B (on the attached plan)	Mon - Sat from 10:00 to 00:00 Sun from 12:00 to 23:00

Conditions

The operation of the premises under the licence shall be subject to relevant mandatory conditions, conditions derived from the operation schedule highlighted in Section M of the application form and additional conditions agreed and set out below:

1. That a dedicated telephone number will be on display and advertised at the premises for residents or members of the public to phone and speak to a responsible person at all times during the premises operating hours.
2. There shall be a dispersal policy provided for the premises to be agreed by an officer of Southwark Licensing department.
3. That a secure barrier is erected and maintained between the hatched area marked A and the area marked B on the attached plan to ensure that patrons only use the area A between 10:00 and 23:00 on Monday to Saturday and 12:00 and 23:00 on Sundays.

Reasons

The reasons for the decision are as follows:

The licensing sub-committee heard from the licensing officer who advised that the application for a review of the premises was also supported by a local resident and also noted that two representations had been submitted in support of the premises.

The licensing sub-committee heard from the applicant for the review of the premises who showed video recordings of the noise outside the premises at various times between 23:00 and 23:38. The applicant for the review stated that he did not have an issue with the premises but that he would like the use of the outside areas to be restricted.

He stated that he attended the premises and asked to speak with the manager who was not there at the time, but that he did not find the premises to be as cooperative as other businesses in the area.

The applicant for the review further stated that due to the noise which he believes emanates directly from the premises, he has to wear ear plugs to bed.

The licensing sub-committee heard from the licensing officer as a responsible authority who advised that although 10 complaints had been received since 2017 some had either been dealt with at the time or no breach of the licence had been witnessed. Therefore she had focused on the last three visits, one of which resulted in a warning letter being sent to the premises holder.

The licensing officer confirmed that following a visit on 26 July 2019 the premises were found to be compliant with their licence.

The officer stated that she considered a condition restricting the use of the garden area of the premises would assist with the complaint, which has been raised by the review and stated that she did not object to a condition imposing a restriction on the use of the outside area to 23:00.

The licensing sub-committee heard from the representative for the premises licence holder

who played video footage showing the use of a sound monitor in use in the outside area of the premises. The representative stated that the recordings taken were all after 11pm and showed readings between 50 and 60 decibels which he advised were well within the recommended range provided by the council of 80 decibels.

The representative highlighted that the area is within a strategic cultural area where there is a mixture of residential and commercial premises and therefore submitted that the suggested timings for outside areas within Southwark's policy should not apply in this instance as the premises are within a mixed area.

The representative stated that they realise the seriousness of their situation and that non compliance with their licensing conditions has serious consequences.

The representative stated that the premises licence holder has been in operation for over 23 years and that the premises was not a problematic pub, it has operated a successful business without complaint until recently.

The representative stated that this was due to the environment around the premises and that that there was a possibility that the noise was a totality of noise emanating from neighbouring businesses.

He stated that the premises licence holder was upset that the premises was affecting residents and that he was not aware of the issue raised before the sub-committee today.

The representative stated that they did not want to disturb neighbours and that they would be happy to accept conditions requiring a dispersal policy to be provided and that in a bid to reduce the impact of any noise from the premises they would be happy to restrict the outside area closest to the residential properties to 23:00. With a later closing time for the area further away from the residential premises. Thereby still allowing an area for smokers

The licensing sub-committee heard from other persons, namely a local resident in support of the review application.

The local resident stated that he lived to the front of the premises and raised concerns about the noise of patrons when leaving the premises, he also said that he would prefer a condition restricting use of all outside area to 22:30.

The representative for the licence holder suggested the use of a dispersal policy by the premises in order to reduce the impact on residents when patrons leave the premises. This was welcomed by the local resident.

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.

7. LICENSING ACT 2003: CAFÉ MURANO, 184-192 BERMONDSEY STREET, LONDON SE1 3UW

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

The meeting ended at 1.35pm.

CHAIR:

DATED: