

## Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Tuesday 6 August 2019 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

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**PRESENT:** Councillor Charlie Smith (in the chair)  
Councillor Lorraine Lauder MBE  
Councillor Margy Newens

**OTHER MEMBERS PRESENT:** Councillor Humaira Ali, ward councillor  
Councillor Barrie Hargrove, observing

**OFFICER SUPPORT:** Debra Allday, legal officer  
Dorcas Mills, licensing officer  
Jayne Tear, licensing officer as a responsible authority  
Andrew Weir, constitutional officer

### 1. ELECTION OF CHAIR

Councillor Lorraine Lauder MBE nominated Councillor Charlie Smith 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: HAWKES, 90 DRUID STREET, LONDON SE1 2HQ

At the beginning of the meeting the chair advised that the sub-committee would hear both items before adjourning to make its decisions on the two items.

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

The applicant for the review addressed the sub-committee and showed a number of short video clips and photographs as evidence. Members had questions for the applicant for the review.

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

The ward councillor supporting the review addressed the sub-committee. Members had questions for the ward councillor.

The premises licence holder and their legal representative addressed the sub-committee. The premises licence holder also called on two witnesses. Members had questions for the premises licence holder, their legal representative and their witnesses.

The chair allowed time for the parties to ask one another questions.

All parties were given five minutes for summing up.

### **RESOLVED:**

That the council's licensing sub-committee, having considered an application made under Section 51 of the Licensing Act 2003 by a local resident for the review of the premises licence issued in respect of the premises known as Hawkes, 90 Druid Street, London SE1 2HQ having had regard to all other relevant representations has decided it necessary for the promotion of the licensing objectives to modify the premises licence by adding the following conditions:

- i. The premises licence holder shall either individually or jointly with other local premises employ a street marshal (wearing a high visibility jacket, tabard or armband) with the dedicated task of patrolling Druid Street in the area marked on the attached plan in order to assist with the prevention of anti-social behaviour by and noise nuisance arising from customers outside the premises and to assist with the quiet dispersal of those customers away from residential areas. The street marshal shall be employed between the hours of 18:00 hours to 23:30 hours on Friday and between 15:00 hours to 23:30 hours on Saturdays (at a minimum). At all other times the need for a street marshal shall be risk assessed.
- ii. All SIA officers shall be informed of the conditions of the premises licence and a log will be signed by the SIA officer confirming that they have been informed of the

premises licence conditions and understand them. The log will be signed at the start of the SIA officer's shift on each occasion. The log will be available immediately upon request of police or council officers.

### **Reasons for the Decision**

The reasons for this decision are as follows:

The licensing sub-committee heard from the applicant to the review who informed the sub-committee that she submitted the review application on behalf of the Arnold Road Estate Residents Association of which she was a chairman. The applicant advised that residents made an effort to work with the businesses to be part of the community. Hawkes have been receptive to engagement but when the owner is not on site the breaches occur.

Staff and SIA have been either unable or unwilling to manage noise and anti-social behaviour. The applicant stated that she would have preferred to deal with the issues outside of the review process and making the application she felt, was a last resort. Staff and SIAs don't appear to properly understand the terms of the licences nor do they step in to manage noise (without resident intervention) or monitor the numbers in the outside area. There is also weak SIA presence. The applicant referred to a SIA officer watching young men playing drinking games and vomit on the highway, patrons swerving towards oncoming traffic and exceeding the maximum patron limit in the outside area.

The applicant presented some photographs and video footage of activities and alleged breaches of the premises licence. However, the applicant explained that the evidence that was available before the licensing sub-committee only provided a snap shot of the situation whereas, over two years she had regularly submitted evidence to the licensing unit.

The applicant went on to explain that residents frequently leave their homes to escape the noise and anti-social behaviour at weekend and when at home are unable to open their windows, read a book, watch a film without hearing drunks shouting, competing to be heard over each other.

In presenting her submission, the applicant informed the licensing sub-committee that she supported the local businesses and that since the appointment of the DPS at Hawkes, there had been an improvement. She also made it clear that she did not want any of the premises on Druid Street to lose their licences, but be respectful of the neighbours and comply with conditions that better reflected the community they have come in to.

The licensing sub-committee heard from the licensing officer as a responsible authority who supported the review application under the prevention of crime and disorder, the prevention of public nuisance and public safety licensing objectives and with regard to Southwark's statement of licensing policy 2019 – 2021. The officer advised that there had previously been complaints to the licensing unit regarding noise and anti-social behaviour from the patrons of the premises. The premises was last inspected on 8 August 2019 and the premises was fully compliant. Furthermore, officers of the council's night time economy team and noise team had been tasked over a period of weeks to monitor crime, disorder and anti-social behaviour, but no issues were identified.

The licensing sub-committee then heard from the local ward councillor who advised that she spoke on behalf of a number of local residents in addition to her fellow ward councillors. Forty one homes on the Arnold Estate had been impacted by the activities of

the patrons of Hawkes; the majority being families. The ward councillor informed the sub-committee that the mental health and physical safety of the residents was being compromised. The ward councillor advised that the noise prevented people sleeping and that patrons would enter the estate with their beer, leaving human excrement, vomit and broken glass (which were regularly found) on the estate.

The licensing sub-committee noted the content of the three representations supporting review from other persons who were not in attendance.

The representative for the premises advised that the premises licence contained robust conditions and restrictions designed to mitigate public nuisance issues, in particular those caused by customers outside: a maximum of 30 patrons may drink in the designated outdoor drinking area which must be cleared by 22:00 hours each day. On Saturdays from noon until closing a minimum of one SIA door supervisor must be employed to effectively control outside drinking. In addition, The premises must operate in accordance with an outdoor management plan submitted to the council.

They advised the sub-committee that the premises had been subject to considerable scrutiny and had received 23 licensing visits over two years. They further added that only one breach had been witnessed on one occasion out of those 23 visits. The independent statistics detailed in the report to the licensing committee on 7 November 2018 "The Licensing Act 2003 – Statement of Licensing Policy Analysis of Druid Street area on Crime and Anti-Social Behaviour" did not support making the Druid Street area a cumulative impact policy area (CIA). Similarly, the evidence also didn't support the applicant. No evidence had been presented suggesting Hawkes was so mismanaged that it warranted the imposition of a ban of drinking in the outside area. To do so would be disproportionate. The evidence available suggested that there were some incidents of anti-social behaviour in Druid Street connected to all the licensed premises and overall, the anti-social behaviour was low level relatively speaking. They advised that it was the combination of all the premises as a whole in a confined part of Druid Street that was the issue.

They added that the Druid Street area has seen a sharp increase in micro-breweries and tap rooms which in turn, boosted the local economy, particularly in terms of tourism. Together with regeneration, the demographic and character of the Druid Street area has changed significantly in the last five years. This in turn has led to considerable disturbance to local residents.

It was noted that neither the police nor the environmental protection team had submitted representations in respect of this review application of Hawkes' premises licence. The police are experts with regard to crime and disorder and the environmental protection team are the experts concerning noise nuisance. Their absence made a weighty argument that there is no crime and disorder or noise nuisance issues related to Hawkes.

The licensing sub-committees have previously recognised certain issues on Druid Street and this resulted in Southwark's licensing committee considering whether to introduce a cumulative impact policy area (CIP) in Druid Street and the surrounding area in November 2018.

An in depth analysis of the levels of crime, anti-social behaviour and nuisance for the area concluded: the frequency of street based crime is very low; crime levels do not increase significantly despite the increased footfall; crime levels reduce at weekends when the licensed premises on Druid Street are all open and at their busiest. This suggests the

extra footfall actually reduces the opportunity for street-based crimes in the area and finally, anti-social behaviour complaints made to both the police and other council authorities are low. These findings resulted in a CIP not being introduced.

Regardless, paragraph 74.45 of the Secretary of State's Section 182 in that cumulative impact is not a relevant factor to take into account when determining a premises licence review.

A recent tasked project group with the night time economy and noise teams (instigated in response to the applicant's Community Trigger) also found no issues along Druid Street.

The premises licence already has a number of restrictions placed upon it that mitigate any nuisance caused to residents: It has a terminal hour of 23:00 hours, which is within the framework hours of Southwark's licensing policy. Further, the outside area is subject to additional restrictions in that: a maximum of 30 patrons may drink in the designated outdoor drinking area; the outdoor drinking area must be cleared by 22:00 hours each day; on Saturdays from noon until closing a minimum of one SIA officer must be employed to effectively control outside drinking and the premises shall operate in accordance with an outdoor management plan.

The licence holder has employed a licensing specialist, a retired Detective Superintendent from the Metropolitan Police who undertook a comprehensive review and audit of licensed premises. Whilst no issues were identified, the Outside Space Policy was updated and measures were enhanced to ensure compliance and management responsibility.

As a result of the competing interests between the residents and local businesses, the Bermondsey Market and Makers Group was established to further a partnership approach between the local residents and businesses in finding solutions to issues through community engagement. Hawkes was one of the founding members of this group. This group was only established in March 2019, less than three months prior to the applicant submitting the review application. It is unfortunate that the group was not afforded further time to establish itself and make an impact on the community. This licensing sub-committee is reminded of the Section 182 Guidance (paragraph 11.10) which encourages co-operation at a local level to promote the licensing objectives.

This licensing sub-committee **recommends** that the Bermondsey Market and Makers Group liaise with Southwark's regeneration team (or as directed) to establish themselves as a traders association (or as appropriate) and that residents will be invited to attend meetings of that association.

This licensing sub-committee also **directs** that the highways team expediate the audit of Druid Street and implement the recommendations as soon as practicable. The recommendations (and implementation of them) are to report to the full licensing committee due to be held on 4 November 2019.

The licensing sub-committee also reminds the licensee and the staff for the premises to be mindful of the maximum numbers in the outside area and that it is for them to monitor the noise levels when the SIA officer is not engaged.

Finally, the premises are also reminded of licence conditions 347 and 359 and their obligations in respect of waste management.

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**

This decision is open to appeal by either

- a) The applicant for the review
- b) The premises licence holder
- c) Any other person who made relevant representations in relation to the application

This decision does not have effect until either

- a) The end of the period for appealing against this decision; or
- b) In the event of any notice of appeal being given, until the appeal is disposed of.

## **7. LICENSING ACT 2003: THE BARREL PROJECT, 80 DRUID STREET, LONDON SE1 2HQ**

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

The applicant for the review addressed the sub-committee and showed a number of short video clips and photographs as evidence. Members had questions for the applicant for the review.

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

The ward councillor supporting the review addressed the sub-committee. Members had questions for the ward councillor.

The premises licence holder and their legal representative addressed the sub-committee. The premises licence holder also called on two witnesses. Members had questions for the premises licence holder, their legal representative and their witnesses.

The chair allowed time for the parties to ask one another questions.

All parties were given five minutes for summing up.

The meeting adjourned at 1.40pm for the sub-committee to consider its decisions in relation to both review applications.

The meeting reconvened at 2.50pm and the chair advised all parties of both decisions (see item 6 also).

### **RESOLVED:**

That the council's licensing sub-committee, having considered an application made under Section 51 of the Licensing Act 2003 by an other person for the review of the premises licence issued in respect of the premises known as The Barrel Project, 80 Druid Street,

London SE1 2HQ having had regard to all other relevant representations has decided it necessary for the promotion of the licensing objectives to modify the premises licence by adding the following conditions:

- iii. The premises licence holder shall either individually or jointly with other local premises employ a street marshal (wearing a high visibility jacket, tabard or armband) with the dedicated task of patrolling Druid Street in the area marker on the attached plan in order to assist with the prevention of anti-social behaviour by and noise nuisance arising from customers outside the premises and to assist with the quiet dispersal of those customers away from residential areas. The street marshal shall be employed between the hours of 18:00 hours to 23:30 hours on Friday and between 15:00 hours to 23:30 hours on Saturdays (at a minimum). At all other times the need for a street marshal shall be risk assessed.
- iv. All SIA officers shall be informed of the conditions of the premises licence and a log will be signed by the SIA officer confirming that they have been informed of the premises licence conditions and understand them. The log will be signed at the start of the SIA officer's shift on each occasion. The log will be available immediately upon request of police or council officers.

### **Reasons for the Decision**

The reasons for this decision are as follows:

The licensing sub-committee heard from the applicant to the review who informed the sub-committee that she submitted the review application on behalf of the Arnold Road Estate Residents Association of which she was a Chairman. Residents made an effort to work with the businesses to be part of the community. However, The Barrel Project has not been receptive to engagement when breaches occur.

Staff and SIA have been either unable or unwilling to manage noise and anti-social behaviour. The applicant stated that she would have preferred to deal with the issues outside of the review process and making the application she felt, was a last resort. Staff and the SIAs don't appear to properly understand the terms of the licences nor do they step in to manage noise (without resident intervention) or monitor the numbers in the outside area. There is also weak SIA presence. The applicant referred to a SIA officer watching young men playing drinking games and vomit on the highway, patrons swerving towards oncoming traffic and exceeding the maximum patron limit in the outside area. The applicant presented some photographs and video footage of activities and alleged breaches of the premises licence. However, the applicant explained that the evidence that was available before the licensing sub-committee only provided a snap shot of the situation whereas, over two years she had regularly submitted evidence to the licensing unit.

The applicant went on to explain that residents frequently leave their homes to escape the noise and anti-social behaviour at the weekend and when at home are unable to open their windows, read a book, watch a film without hearing drunks shouting, competing to be heard over each other.

In presenting her submission, the applicant informed the Licensing Sub-Committee that she supported the local businesses. She made it clear that she did not want any of the premises on Druid Street to lose their licences, but be respectful of the neighbours and comply with conditions that better reflected the community they have come in to.

The licensing sub-committee heard from Licensing as a responsible authority who supported the review application under the prevention of crime and disorder, the prevention of public nuisance and public safety licensing objectives and with regard to Southwark's statement of licensing Policy 2019 – 2021. The officer advised that there had previously been complaints to the licensing unit regarding noise and anti-social behaviour from the patrons of the premises. Following a complaint being received on 5 December 2018 licensing officers inspected the premises on 7 December 2018. The premises were found to be in breach of the licensed conditions and a warning letter was sent. The premises were inspected on 11 March 2019 and the premises were found to be compliant. The premises was last inspected on 8 August 2019 and the premises was fully compliant. Furthermore, officers of the council's night time economy team and noise team had been tasked over a period of weeks to monitor crime, disorder and anti-social behaviour, but no issues were identified.

The licensing sub-committee then heard from the local ward councillor who advised that she spoke on behalf of a number of local residents in addition to her fellow ward councillors. Forty one homes on the Arnold Estate had been impacted by the activities of the patrons of the Barrel Project; the majority being families. The ward councillor informed the sub-committee that the mental health and physical safety of the residents was being compromised. The ward councillor advised that the noise prevented people sleeping and that patrons would enter the estate with their beer, leaving human excrement, vomit and broken glass (which were regularly found) on the estate. She also advised that one of her constituents had informed her that a patron from the premises was seen taking drugs on the boundary of the Estate.

The licensing sub-committee noted the content of the three representations supporting review from other persons who were not in attendance.

The representative for the premises advised that premises licence contained robust conditions and restrictions designed to mitigate public nuisance issues, in particular those caused by customers outside: a maximum of 25 patrons may drink in the designated outdoor drinking area which must be cleared by 21:00 hours each day. On Saturdays from noon until closing a minimum of one SIA door supervisor must be employed to effectively control outside drinking. In addition, the premises must operate in accordance with an outdoor management plan submitted to the council.

The premises had been subject to considerable scrutiny and over the previous 17 months the premises received 42 licensing visits. Of the 42 licensing visits on only one occasion was a breach witnessed. The independent statistics detailed in the report to the licensing committee on 7 November 2018 "The Licensing Act 2003 – Statement of Licensing Policy Analysis of Druid Street area on Crime and Anti-Social Behaviour" did not support making the Druid Street area a cumulative impact policy area (CIA). Similarly, the evidence also didn't support the applicant. No evidence had been presented suggesting The barrel Project was so mismanaged that it warranted the imposition of a ban of drinking in the outside area. To do so would be disproportionate. The evidence available suggested that there were some incidents of anti-social behaviour in Druid Street connected to all the licensed premises and overall, the anti-social behaviour was low level relatively speaking. They advised that it was the combination of all the premises as a whole in a confined part of Druid Street that was the issue.

The Druid Street area has seen a sharp increase in micro-breweries and tap rooms which in turn, boosted the local economy, particularly in terms of tourism. Together with regeneration, the demographic and character of the Druid Street area has changed significantly in the last five years. This in turn has led to considerable disturbance to local

residents.

It was noted that neither the police nor the environmental protection team had submitted representations in respect of this review application of Hawkes' premises licence. The police are experts with regard to crime and disorder and the environmental protection team are the experts concerning noise nuisance. Their absence made a weighty argument that there is no crime and disorder or noise nuisance issues related to Hawkes.

The licensing sub-committees have previously recognised certain issues on Druid Street and this resulted in Southwark's licensing committee considering whether to introduce a cumulative impact policy area (CIP) in Druid Street and the surrounding area in November 2018.

An in depth analysis of the levels of crime, anti-social behaviour and nuisance for the area concluded: the frequency of street based crime is very low; crime levels do not increase significantly despite the increased footfall; crime levels reduce at weekends when the licensed premises on Druid Street are all open and at their busiest. This suggests the extra footfall actually reduces the opportunity for street-based crimes in the area and finally, anti-social behaviour complaints made to both the police and other council authorities are low. These findings resulted in a CIP not being introduced.

Regardless, paragraph 74.45 of the Secretary of State's Section 182 in that cumulative impact is not a relevant factor to take into account when determining a premises licence review.

A recent tasked project group with the night time economy and noise teams (instigated in response to the applicant's Community Trigger) also found no issues along Druid Street.

The premises licence already has a number of restrictions placed upon it that mitigate any nuisance caused to residents: It has a terminal hour of 23:00 hours, which is within the framework hours of Southwark's licensing policy. Further, the outside area is subject to additional restrictions in that: a maximum of 25-patrons may drink in the designated outdoor drinking area; the outdoor drinking area must be cleared by 21:00 hours each day; on Saturdays from noon until closing a minimum of one SIA officer must be employed to effectively control outside drinking and the premises shall operate in accordance with an outdoor management plan.

The licence holder has employed a licensing specialist, a retired Detective Superintendent from the Metropolitan Police who undertook a comprehensive review and audit of licensed premises. Whilst no issues were identified, the Outside Space Policy was updated and measures were enhanced to ensure compliance and management responsibility.

As a result of the competing interests between the residents and local businesses, the Bermondsey Market and Makers Group was established to further a partnership approach between the local residents and businesses in finding solutions to issues through community engagement. The Barrel Project was one of the founding members of this group. This group was only established in March 2019, less than three months prior to the applicant submitting the review application. It is unfortunate that the group was not afforded further time to establish itself and make an impact on the community. This licensing sub-committee is reminded of the Section 182 Guidance (paragraph 11.10) which encourages co-operation at a local level to promote the licensing objectives.

This licensing sub-committee **recommends** that the Bermondsey Market and Makers Group liaise with Southwark's regeneration team (or as directed) to establish themselves

as a traders association (or as appropriate) and that residents will be invited to attend meetings of that association.

This licensing sub-committee also **directs** that the highways team expediate the audit of Druid Street and implement the recommendations as soon as practicable. The recommendations (and implementation of them) are to report to the full licensing committee due to be held on 4 November 2019.

The licensing sub-committee also reminds the licensee and the staff for the premises to be mindful of the maximum numbers in the outside area and that it is for them to monitor the noise levels when the SIA officer is not engaged.

Finally, the premises are also reminded of licence condition 347 and their obligations in respect of waste management.

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**

This decision is open to appeal by either

- a) The applicant for the review
- b) The premises licence holder
- c) Any other person who made relevant representations in relation to the application

This decision does not have effect until either

- c) The end of the period for appealing against this decision; or
- d) In the event of any notice of appeal being given, until the appeal is disposed of.

The meeting ended at 2.57pm.

**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.**

