



LICENSING SUB-COMMITTEE

MINUTES of the Licensing Sub-Committee held on Tuesday 20 August 2019 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Renata Hamvas (Chair)
Councillor Maria Linforth-Hall
Councillor Kath Whittam

OTHER MEMBERS Councillor Barrie Hargrove (observing)
PRESENT:

OFFICER SUPPORT: Debra Allday (Legal Officer)
David Franklin (Licensing Responsible Authority Officer)
Wesley McArthur (Licensing Officer)
Farhad Chowdhury (Health and Safety Officer)
PC Ian Clements (Metropolitan Police Service)
Gerald Gohler (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.

The chair announced that items would be heard as follows:

- Item 6 - Licensing Act 2003: Tola, 56 Peckham High Street, London SE15 5DP
- Item 5 - Licensing Act 2003: Talking Drum, 610 Old Kent Road, London SE15 1JB
- Item 7 - Licensing Act 2003: Ormside Projects, Unit 32B and C, Penarth Centre, Ormside Street, London SE15 1TR

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

6. LICENSING ACT 2003: TOLA, 56 PECKHAM HIGH STREET, LONDON SE15 5DP

The licensing officer presented their report and informed members that all representations except that of the licensing authority had been withdrawn. Members had no questions for the licensing officer.

The applicants addressed the sub-committee. Members had questions for the applicants.

The licensing officer representing the council as a responsible authority addressed the sub-committee. Members had no questions for the licensing officer.

All the parties were given five minutes for summing up.

The meeting adjourned at 10.55 for the sub-committee to consider its decision.

The meeting reconvened at 11.05 and the chair advised all parties of the decision.

RESOLVED:

That the application made by Treadgold Limited to vary the premises licence under s.34 of the Licensing Act 2003 in respect of the premises known as Tola, 56 Peckham High Street, London SE15 5DP be granted as follows:

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 the responsible authorities during conciliation.

Reasons

The reasons for the decision are as follows:

The licensing sub-committee heard from the applicant who advised that the current premises licence was transferred to them in November 2017 when the premises had been operating as a snooker hall. The premises now was a bar and music venue providing a late night space for the local community: Wednesdays were generally a live night, Thursdays they had had a radio station residency, involving local DJs and weekends there were promoter nights. During the day it was a café/workspace. Having operated for 18 months, it was felt that the licence did not meet the needs of the business and that their application was to bring the licence in line with their needs and remove redundant conditions.

The applicant recognised that the premises was situated the Peckham cumulative impact policy area (CIP), but the application would not have a detrimental effect on the crime and disorder or public nuisance in the area: the current licence had robust conditions congruent with a late operating licence which the licensing authority had already deemed suitable; the increase in hours sought would have a net effect of an increase opening (of

the premises) by three hours spread over Wednesday, Thursday, Friday and Saturday and would allow for 30 minutes drinking up time on each those days; the premises had operated for 18 months the premises had proven to be responsible operators and had not added to the cumulative impact of licensed premises in the Peckham CIP area. Numerous Temporary Events Notices had been issued without objection and operated until 06:00 hours without complaint.

The licensing sub-committee heard from the representative for licensing as a responsible authority who advised that the premises was located in the Peckham cumulative impact policy area. Under s.130 of the council's Statement of Licensing Policy, there is a rebuttable presumption and a variation likely to add to the existing cumulative impact of licensed premises in the area will normally be refused or subject to certain limitations. It was for the applicant to demonstrate that the operation of the premises would not contribute to the negative cumulative impact of licensed premises in the locality and/or be to the detriment of any of the licensing objectives. Because the applicant sought hours that fell outside those recommended in the Statement of Licensing Policy, it was felt that it was a matter for the members of the sub-committee to determine the application.

The licensing sub-committee noted that the representations from the Metropolitan Police Service, Trading Standards, Health and Safety and Public Health had all be conciliated with the applicant and had subsequently been withdrawn.

The licensing sub-committee also noted the 14 representations in support of the application.

The licensing sub-committee recognised that the premises is located in the Peckham CIP and the application in terms of hours falls outside those set out in the council's Statement of Licensing Policy and therefore, the presumption is to refuse the application. Having heard from the applicant and the conciliation with the responsible authorities, the sub-committee were reminded of paragraph 165 of the Statement of Licensing Policy and believe that that this is a case where it is justified to deviate from the policy. The applicant sufficiently demonstrated that that detailed measures agreed with the responsible authorities would mitigate against crime, disorder and public nuisance.

In the course of discussions with the applicant, they agreed that they would amend their website recommending that arrival/departure to/from the premises should be by foot or public transport and removal of all single use plastic material.

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.

Following this, the meeting adjourned for a comfort break from 11.07 until 11.25.

5. LICENSING ACT 2003: TALKING DRUM, 610 OLD KENT ROAD, LONDON SE15 1JB

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 and their legal representative.

The meeting adjourned at 12.06 to 12.45 to give the applicant time to submit more detailed information.

RESOLVED:

That the item be deferred until 16 September 2019, so the applicant can produce up to date plans for the premises.

Following this, the meeting had to be adjourned due to a fire alarm from 12.45 to 13.25 when the meeting resumed.

7. LICENSING ACT 2003: ORMSIDE PROJECTS, UNIT 32B AND C, PENARTH CENTRE, ORMSIDE STREET, LONDON SE15 1TR

The licensing officer presented their report and drew members' attention to the fact that the public health representative had been unable to attend, but had sent a written submission reiterating her objections. The representation of the trading standards representative had been withdrawn. 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 licensing officer representing the council as a responsible authority addressed the sub-committee. Members had no questions for the licensing officer.

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

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

All parties were given five minutes for summing up.

The meeting adjourned at 15.03 for the sub-committee to consider its decision.

The meeting reconvened at 15.43 and the chair advised all parties of the decision.

RESOLVED:

That the application made by PC32 (Limited) for a premises licence to be granted under s.17 of the Licensing Act 2003 in respect of the premises known as Ormside Projects, Unit 32b And C, Penarth Centre, Ormside Street, London SE15 1TR be granted as follows:

Hours

Plays	<ul style="list-style-type: none">• Sunday to Thursday 12:00 hours to 22:30• Friday and Saturday: 12:00 hours to 23:30
Films	<ul style="list-style-type: none">• Sunday to Thursday 12:00 hours to 22:30• Friday and Saturday: 12:00 hours to 23:30
Live music, entertainment similar to live and recorded music and performance of dance	<ul style="list-style-type: none">• Sunday to Thursday 12:00 to 22:30• Friday and Saturday: 12:00 to 23:30
Late night refreshment	<ul style="list-style-type: none">• Sunday to Thursday 12:00 to 22:30• Friday and Saturday: 12:00 to 23:30
Sale of alcohol to be consumed on the premises	<ul style="list-style-type: none">• Sunday to Thursday 12:00 to 22:30• Friday and Saturday: 12:00 to 23:30
Opening hours	<ul style="list-style-type: none">• Sunday to Thursday: 07:00 to 23:00• Friday and Saturday: 07:00 to 00:00

Conditions

1. That the capacity of the premises be 60 persons*.
2. That the designated smoking area(s) for the premises is limited to the rear "Enclosed Barriers Smoking Area" only as delineated in green in the plan attached to this Notice of Decision and the communal area located at the front of the building. Only one of these areas may be used at any one time. The maximum number of smokers in this smoking area is limited to 5 at any one time.
3. That no drinks are permitted in the outside area.
4. A member of staff, marshal or SIA officer shall monitor the outside area.

* *The Licensing Sub-Committee originally granted this condition with a capacity limit for the premises of 200 persons subject to the approval of the fire service. The London Fire Brigade determined (on 20 August 2019) that the capacity for the premises is 60 persons.*

Reasons

The reasons for the decision are as follows:

The Licensing Sub-Committee heard from the representative for the applicant who explained that the premises operated as a cultural centre allowing for development and presentation of projects. It was a cultural hub, bringing together inter-disciplinary professionals promoting interdisciplinary practices, emerging talents and international collaborations. The premises had a dedication to live performances and time-based art.

The premises had previously operated under Temporary Event Notices (TENs), none of which were objected to nor were any complaints made.

In the course of discussions with the applicant, they agreed that they would amend their website recommending that arrival/departure to/from the premises should be by foot or public transport and removal of all single use plastic material.

The Licensing Sub-Committee heard from Licensing as a responsible authority whose representation was based on the prevention of crime and disorder and public nuisance licensing objections. These premises were situated within a residential area and under Southwark's Statement of Licensing Policy the closing times appropriate for public houses, wine bars or other drinking establishments and restaurants and cafes was 23:00 hours daily. Night clubs (with sui generis planning classification) were not considered appropriate for this area. The applicant sought hours that exceed those in Southwark's policy. The applicant would have no control of patrons that have left the premises and the possible impact of any rowdy and anti-social behaviour or crime and disorder.

The Metropolitan Police Service objected to the application on the grounds of the crime and disorder licensing objective and the proposed closing times far exceeded those recommended in Southwark's Statement of Licensing Policy. Prior to the applicant establishing himself at the premises, events that took place at the Penarth Centre resulted in serious disorder including shootings, stabbings and anti-social behaviour. The Metropolitan Police Service remain opposed to events taking place at the premises and granting a licence undermined the prevention of crime and disorder and the prevention of public nuisance licensing objectives.

The officer from Health and Safety objected to the application on the grounds of public safety and explained that whilst risk assessments had been produced, they were a work in progress. Numerous works remained outstanding at the premises and at present, the premises were in a poor state of repair and the site was not secure, being open day and night.

The Licensing Sub-Committee noted the representations from Public Health who were not in attendance at the meeting.

The licensing sub-committee also noted the representation from trading standards who had conciliated there concerns with the applicant.

The Licensing Sub-Committee considered the application carefully, it was aware of the historical incidents of serious violence and disorder that had occurred. However, these incidents had occurred some years ago and the cycle of behaviour appears to have been abated. The premises is located on the first floor of the Penarth Centre. The applicant asserted that the area is industrial. Under Southwark's Statement of Licensing Policy the premises are located in a residential area. The location has also

been identified as an Opportunity Area and further significant housing development is imminent. The sub-committee were not convinced that it could deviate from the licensing policy's area classification and as such, impose the 23:00 closing time. Given that style of operation the applicant is proposing, the sub-committee are agreeable to extend this to 00:00 hours on Friday and Saturday.

The applicant also spoke of two smoking areas being set aside. Whilst both areas may fall within the demise of the building, the sub-committee were not satisfied that the smoking area at the front of the premises on the ground floor can be sufficiently managed. This was identified by the officer from Health and Safety. It is also considered at section 10 of the Statement of Licensing Policy on the prevention of public nuisance. It is for this reason only smoking is limited to the rear "Enclosed Barriers Smoking Area".

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.

The meeting ended at 3.43 pm.

CHAIR:

DATED:

