

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Monday 30 September 2019 at 10.00 am at Room G06 - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Renata Hamvas (Chair)
Councillor Adele Morris
Councillor Ian Wingfield

OTHER MEMBERS PRESENT: Councillor Margy Newens, ward councillor

OFFICER SUPPORT: Debra Allday, legal officer
Richard Kalu, licensing officer
Andrew Weir, constitutional officer

1. APOLOGIES

Apologies were received from Councillor Margy Newens, who was in attendance in her capacity as a ward councillor. Councillor Adele Morris was in attendance in her capacity as the reserve member.

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: BELAIR HOUSE, GALLERY ROAD, DULWICH, SE21 7AB

The licensing officer presented their report. The licensing officer advised that the responsible authorities had conciliated with the applicant prior to the meeting. Members had questions for the licensing officer.

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

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

The local residents objecting to the application addressed the sub-committee. Members had questions for the local residents.

The meeting adjourned at 12.15pm to allow the licensing officer to print off details of a complaint made in relation to the premises. The meeting reconvened at 1.01pm.

All parties were given five minutes for summing up.

The meeting adjourned at 1.40pm for the sub-committee to consider its decision.

The meeting reconvened at 2.57pm and the chair advised all parties of the decision.

RESOLVED:

That the application made by Parin Patel for a premises licence to be granted under Section 17 of the Licensing Act 2003 in respect of the premises known as Belair House, Gallery Road, London SE21 7AB be granted as follows:

Sale of alcohol (on and off sales)	Monday to Thursday: 10:00 to 00:00 Friday and Saturday: 10:00 to 02:00 Sunday: 12:00 to 23:30
Live music, recorded music, performance of dance, late night refreshment	Monday to Thursday: 10:00 to 00:00 Friday and Saturday: 10:00 to 02:00 Sunday: 12:00 to 23:30
Opening hours	Monday to Thursday: 10:00 to 00:30 Friday and Saturday: 10:00 to 02:30 Sunday: 12:00 to 00:00
Non-standard timings	Sundays before Bank Holidays: 10:00 to 02:30 New Years Eve: 10:00 to 03:00

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, the conditions agreed with the Metropolitan Police Service and this council's environmental protection team during the conciliation process and the following

additional conditions agreed by the sub-committee:

1. That no licensable activities to take place after 22:00 in the outside areas. This includes the terraces.
2. That after 22:00, smokers shall be directed to the North Terrace where there shall be a maximum of 10 smokers at any one time.
3. That there shall be no deliveries nor collections of waste or recycling materials (including bottles) from the premises between 20:00 and 08.00 the following day.
4. That there shall be no more that 15 DJ led promoted events per calendar year.
5. That at least seven days before any DJ or externally promoted event where licensable activities take place past 00:00, the licence holder must notify the police and licensing authority in writing.
6. That a register of the DJ/externally promoted events must be maintained and made available upon request immediately to the police and/or council officers.
7. That a written dispersal policy shall be kept at the premises with the licence and made available for inspection by authorised officers. All staff shall be trained in the use of the dispersal policy.
8. That when the premises are in operation under its premises licence and licensable activities conclude after 00:00, the premises shall employ a minimum of two SIA registered door supervisors. They will be responsible for the screening of patrons entering the premises and monitor patrons insider. On the cessation of licensable activities they shall provide a high visibility presence out side the premises to assist with the timely dispersal of patrons as to minimise any disturbance to local residents.
9. That there shall be no amplified music or spoken word in the outside area, including marquees at anytime.
10. That a challenge 25 scheme shall be maintained at the stalls selling alcohol requiring that staff selling alcohol request that any customer who looks under 25 years old, and who is attempting to purchase alcohol, provides valid photographic identification proving that the customer is at least 18 years old. Valid photographic identification is composed of a driving licence, passport, UK armed services ID card and any Proof of Age Standards Scheme (PASS) accredited card such as the Proof of Age London (PAL) card.
11. That all staff involved in the sale of alcohol shall be trained in the prevention of sales of alcohol to underage persons, and the challenge 25 scheme in operation at the stall. A record of such training shall be kept / be accessible at the stall at all times and be made immediately available for inspection at the stall to council or police officers on request. The training record shall include the trainee's name (in block capitals), the trainer's name (in block capitals), the signature of the trainee, the signature of the trainer, the date(s) of training and a declaration that the training has been received.
12. That clearly legible signs shall be prominently displayed where they can easily be seen and read by customers stating to the effect that a challenge 25 policy is in

operation at the premises, that customers may be asked to provide proof of age and stating what the acceptable forms of proof of age are. Such signage shall be displayed at all entrances, points of sale and in all areas where alcohol is displayed for sale. The signage shall be kept free from obstructions at all times.

13. That a register of refused sales of alcohol shall be maintained in order to demonstrate effective operation of the challenge 25 policy. The register shall be clearly and legibly marked on the front cover as a register of refused sales, with the address of the premises and with the name and address of the licence holder. The register shall be kept / be accessible at the premises at all times. The register shall be made immediately available for inspection at the premises to council or police officers on request.

Reasons

The reasons for the decision are as follows:

The licensing sub-committee heard from the applicant who advised that Belair House was located within the secluded grounds of Belair Park. They advised that it was a high class bar/restaurant and due to an administrative error, the licence had not been transferred prior to the previous licence holder's company dissolved. Because no transfer of the premise licence was made within 28 days of the dissolution, a fresh premises licence was being made.

The application made reflected the previous licence issues, both in terms of hours and conditions. The hours sought exceeded Southwark's statement of licensing policy in order to offer weddings, wedding receptions and other similar events. Concerning the DJ promoted events, the applicant advised that he was happy to limit the number and would be very selective who they would book, all of which would be risk assessed.

The licensing sub-committee noted that the responsible authorities, namely, the environmental protection team and Metropolitan Police Service had withdrawn their representations following conciliation.

The licensing sub-committee then heard from the local ward councillor who spoke on behalf of her fellow ward councillors. The councillor advised the sub-committee that Belair House was a substantial Georgian Mansion and secondary glazing would be substantial and not a viable option. The members of the sub-committee notes that the conciliated conditions with the environmental protection team did not include a need for secondary glazing, so whilst offered by the applicant, this would not be a condition of the licence. The ward councillor also raised concern as to whether the police had actually withdrawn their objection as the email trail (on page 126) raised as degree of ambiguity. To this, members concluded that the final email from the police dated 16 September 2019 made it clear: "The applicant has agreed to all of my conditions as stated in my original representation dated 31 August. I am now in a position to withdraw my representation".

The ward councillor went on and advised that it was neither her, nor the residents' intention to close Belair House down. The ward councillor added that the nearest residential property to the premises was 20 metres away and that due to the fact that the premises were located in a vast park, noise carried when there is nothing in between. They further added that the late night events could be limited by way of temporary event notices (TENs). It was also stated that the applicant would also be in breach of the lease to the premises if they carried out the activities that they had applied for.

The licensing sub-committee then heard from parties 63 and 41 both of whom informed

the sub-committee they had experience late night noise and had called Southwark's noise team. They informed the sub-committee that when complaints are made to the premises, the promises made by the management of the premises were never honoured. They added that it was unacceptable for events to go on until 04:00 with noise disrupting local residents and the events spilling out into the park, leaving rubbish, syringes and condoms.

The licensing sub-committee noted the other 51 objections received from local residents based on the grounds of prevention of crime and disorder, public safety, the prevention of nuisance and the protection of children from harm

The licensing sub-committee also noted the 16 representations supporting the application.

The licensing sub-committee recognised the level of concern local residents had with regard to this application. However, the evidence proved that there had only been one recorded complaint. The applicant informed the sub-committee that they were already operating a high class bar/restaurant and the licence sought was required to make the business financially viable. In fact, the applicant was seeking no more than what was on the previous licence. Whilst the hours exceed those in the Southwark's statement of licensing policy, the sub-committee have a discretion to grant hours which are outside the council's policy hours. The licensing sub-committee felt in the absence of engagement with all of the objectors, the more restrictive conditions (as detailed in this notice of decision) were justified.

The licensing sub-committee also noted the undertaking of the applicant to minimize the use of single use plastics at the premises.

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 2.57pm.

CHAIR:

DATED: