

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Friday 10 January 2020 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 Adele Morris

**OFFICER
SUPPORT:**

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.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003: ZAPOI, 138 RYE LANE, LONDON SE15 4RZ

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

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

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

The licensing sub-committee noted the written representations from 19 other persons objecting, one of whom was in attendance. The other person, a local resident, in attendance addressed the sub-committee. Members had questions for the local resident.

All parties were given five minutes for summing up.

The meeting adjourned at 12.08pm for the sub-committee to consider its decision.

The meeting reconvened at 1.09pm and the chair advised all parties of the decision.

RESOLVED:

That the application made by London Spacemakers Limited for the premises licence to be varied under section 34 of the Licensing Act 2003 in respect of the premises known as Zapoi, 138 Rye Lane, London, SE15 4RZ to include the first floor in the licensable area of the premises has been granted for the following licensable activities;

- Late night refreshment
 - Sunday to Thursday from 23.00 to 23.30
 - Friday and Saturday from 23.00 to 00.30
- Opening Hours
 - Sunday to Thursday from 06.30 to 00.00
 - Friday and Saturday from 06.30 to 01.00

Conditions

The mandatory conditions the conditions from the current operating schedule the conditions agreed with the Environmental Protection Team during conciliation and the following additional conditions as agreed by the sub-committee shall apply:

- 1) That the first floor of the premises shall not exceed 35 patrons
- 2) That the final sentence of Condition 846 shall be amended to read as follows:
"The accommodation limit for the ground floor shall not exceed 85 patrons."

Undertakings

The applicant also gave a number of undertakings as follows:

- To not use single use plastics where possible
- Not to play music or have live music on the first floor at all
- Not to use the garden until the acoustic lobby doors have been installed following planning permission
- To install a further toilet.

Reasons

The sub-committee heard from the licensing officer, who stated that who had nothing to

add to his written report, but did confirm that the letter of clarification by the applicant and the email response by Party 6 and Party 8 and been received and distributed to all parties.

The sub-committee heard from the applicant's representative, who stressed that the first floor would be a relaxed and social space, suitable for colleagues meeting after work, friends and families. The applicant's representative made it clear that the applicant undertook not to play and music on the first floor, whether recorded or live, that there would not be a bar upstairs. The applicant's representative further confirmed that a planning application in relation to the first floor of the premises was currently going through and that a further planning application regarding the garden was planned.

With regards to the wish to change capacity, by adding a capacity of 35 upstairs, taking total capacity from 85 (as per condition 846) to 120 the applicant representative stated that this had not been expressly stated in the application based on a misunderstanding by the applicant. However, given the 'chill out' nature of the first floor, should the variation be granted, it was submitted it would not contribute to crime and disorder or nuisance and would not impact on the cumulative impact policy (CIP).

The applicant confirmed that all concerns previously noted had been addressed and that the premises was compliant with its license conditions, with the exception of condition 849 as this was subject to planning and in the interim the agreement with the council is that the garden will not be used and the garden doors remain closed to avoid noise escaping.

The applicant further made the undertakings set out in the relevant section above.

The sub-committee did not hear from the Metropolitan Police or the local Fire Authority. However, they did consider the fact that a closure notice had been served on 26th July 2019 following a visit by the police. However, they were satisfied that these issues had been addressed and that no further action had been taken by the Metropolitan Police Service or objections to the variation of the licence made despite the premises being in a CIP zone.

The sub-committee then heard from the licensing responsible authority whose overall position was that the variation to the licence, including changing the total capacity of the premises, would not have an impact on the CIP. The responsible authority noted they had considered the potential impact on crime and disorder and nuisance in the area, and did not believe extending the licensable conditions to the first floor would impact on this. With regard to increasing the capacity by 35 patrons on the first floor, the responsibly authority noted this limited increase in footfall would not have an impact as the premises is already in the CIP. The responsible authority suggested condition 846 be amended from 'the premises' to the ground floor and a new condition stipulating the capacity of the first floor be added.

The sub-committee heard from an objector, Party 6. Many of Party 6's objections related to the garden and to planning permission. The sub-committee and Party 6 were reminded that these concerns were not relevant to the applicant being considered as the application pertained to the first floor of the premises. Party 6's main concern was in relation to noise nuisance.

The sub-committee noted with approval the permanently closed window on the first floor and the fact that previous breaches of the licence conditions had been addressed without need for any further action. The sub-committee further approved the applicant's willingness to suggest and agree to certain undertakings to further help limit any nuisance

or crime and disorder. The sub-committee further approved the applicant's undertaking to have a further toilet at the premises in the future and not to use single use plastics where possible.

In reaching its decision, the sub-committee had regard both to the guidance and to its own statement of licensing policy, and considered that its decision was appropriate and proportionate in order to promote the licensing objective, in particular the prevention of crime and disorder and the prevention of public nuisance.

Appeal rights

The applicant may appeal against any decision to modify the conditions of the licence; and

Any person who made relevant representations in relation to the application who desires to contend:

- a) That the variation ought not to have been made; or
- b) That, when varying the licence, the licensing authority ought not to have modified the conditions of 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: PUB IN THE PARK, DULWICH PARK, COLLEGE ROAD, LONDON SE21 7EB

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

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

The environmental protection officer addressed the sub-committee and advised that they had agreed conditions with the applicant. Members had no questions for the environmental protection officer.

The licensing officer representing the council as a responsible authority addressed the sub-committee. Members had questions for the licensing officer. At this point it was raised that there were a number of documents that the applicant had not provided.

The sub-committee noted the written representations from other persons from other persons objecting, some of whom were present at the meeting. The sub-committee heard from one of the local residents. Members had no questions for the local resident.

At 3.03pm the meeting adjourned for the sub-committee to take legal advice in relation to adjourning the meeting to a future date in order the applicant time to provide a number of documents that the sub-committee wished to have sight of.

The meeting reconvened at 3.56pm.

The chair advised that the meeting would adjourn to 21 January 2020 at 10am.

The following documents should be provided by the applicant to the sub-committee in advance of the meeting:

- Crowd management plans
- Dispersal plan
- Responses
- Emergency evacuation plan
- Maps
- Exhibitor alcohol manual
- Responsible Service of Alcohol Policy
- Generic 2019 event management plan
- Drug policy

The meeting adjourned at 4.20pm.

CHAIR:

DATED: