

## **Licensing Sub-Committee**

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 19 January 2012 at 10.00 am at Ground Floor Meeting Room G02B - 160 Tooley Street, London SE1 2QH

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**PRESENT:**

Councillor Sunil Chopra  
Councillor David Hubber  
Councillor Michael Mitchell

**OTHER MEMBERS  
PRESENT:**

Penny Spence, applicant  
James Anderson, applicant  
Murphy McGrath, applicant  
John Keane, local resident objector  
Hazel Tasker, local resident objector  
S. Simmons, local resident objector

**OFFICER  
SUPPORT:**

David Perry, legal officer  
Dave Swaby, licensing officer  
Bola Roberts, constitutional officer

**1. APOLOGIES**

There were no apologies.

**2. CONFIRMATION OF VOTING MEMBERS**

The three members present were confirmed as 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 - FOUNDERS ARMS, 62 HOPTON STREET, LONDON SE1 9JH

The licensing officer presented his report. The members had questions for the officer.

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

The local residents then addressed the sub-committee. Members had questions for the local residents.

All parties were given five minutes to sum up. At 11.00am the meeting went into closed session to consider the application.

At 11.55am the meeting resumed and the chair read out the decision as follows:

##### **RESOLVED:**

The licensing committee have considered the application submitted by Young and Co's Brewery PLC London Ltd for a variation of the premises licence application under Section 34 of the Licensing Act 2003 as stated below, and have decided on the following decision:

	Mon - Thurs	Fri	Sat	Sun
Start & Finish	07:00 – 23:00	07:00 – 23:30	07:00 – 23:30	07:00 – 23:30
<b>Activities:</b>	10:00 – 23:00	10:00 – 23:00	10:00 – 23:00	10:00 – 23:00
Films				
Live music – indoors	14:00 – 23:30	14:00 – 23:30	12:00 – 23:30	12:00 – 23:30
Recorded music – indoors	14:00 – 23:30	14:00 – 23:30	12:00 – 23:30	12:00 – 23:30
Performance of dance – indoors	14:00 – 23:30	14:00 – 23:30	14:00 – 23:30	14:00 – 23:30
Entertainment similar to live/recorded music – indoors	14:00 – 23:30	14:00 – 23:30	14:00 – 23:30	14:00 – 23:30
Facilities for dancing – indoors	14:00 – 23:30	14:00 – 23:30	14:00 – 23:30	14:00 – 23:30
Late night refreshment	23:00 – 23:30	23:00 – 23:30	23:00 – 23:30	23:00 – 23:30
Sale by retail of alcohol to be consumed on the premises	09:00 – 23:00	11:00 – 00:00	11:00 – 00:00	09:00 – 23:00

In addition to the decision as above, the following condition will apply:

- No refuse collection and no deliveries are to take place between the hours of 18:00 and 08:00.

## **Reasons**

The reasons for this decision are as follows:

The sub-committee heard evidence from the applicant and its representative, and from three local residents. The sub-committee also considered all the written representations received from local residents.

The sub-committee noted that the premises is located in the saturation zone for Borough and Bankside, and that they should be satisfied that there would be no adverse impact on crime and disorder or public nuisance, or that any impact would be adequately addressed by the applicant's operating schedule.

The sub-committee noted that no representations were received from the responsible authorities, in particular there were no issues raised by the environmental health team in relation to noise nuisance or from the police in relation to crime and disorder.

The sub-committee did not feel that there would be any adverse impact if the premises were allowed to sell alcohol from 9.00am on Friday and Saturday. There were no particular issues from the residents or the police, the primary concern of the residents being the opening hours.

The sub-committee noted that the primary licensing concerns of the residents were in relation to noise nuisance.

In particular the sub-committee heard from residents about the noise generated by deliveries and refuse collection in the early morning. Residents were concerned that if the pub were to open earlier then there would be an increase in such noise. The residents also stated that although previous agreements about collection and delivery times had been made with the applicant, they were not always kept to. The applicant stated that contractors were instructed to come after 8.00am but on occasion they did come earlier, and it was difficult to control their access to the premises because of issues over the barrier at the entrance. The licensing sub-committee was satisfied that noise nuisance could be caused by deliveries very early in the morning, and that there was a possibility that this may increase if the application were granted. The applicant stated that it would accept a condition prohibiting collection and delivery between 6.00pm and 8.00am. The sub-committee felt that such a condition would be necessary and proportionate to prevent any adverse impact on the licensing objective of public nuisance.

The sub-committee heard from the applicant and the residents that there are a high number of people in the area throughout the day, but also early in the morning, as the area is a popular thoroughfare, especially with tourists. There is also noise from building work in the area, which starts early in the morning. Whilst the sub-committee took on board the concerns of the local residents about people eating food outside, it did not feel that there would be a significant impact, or that there would be an increase in noise nuisance, if the premises were to open from 7.00am.

The sub-committee therefore resolved to grant the variation subject to the condition prohibiting refuse collection and deliveries between 6.00pm and 8.00am.

### **Appeal Rights**

That the licensee and any person who made relevant representations in relation to the application may appeal against the decision. Any appeal must be made to the magistrate court for the petty sessions area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the designated officer for the magistrates' court for the petty sessions area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the designated officer 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 12.00pm.

**CHAIR:**

**DATED:**

**6. INTERESTED PARTIES' DETAILS**

**EXCLUSION OF PRESS AND PUBLIC**

It was moved, seconded and

**RESOLVED:**

That the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in category XXXX of paragraph 10.4 of the Access to Information Procedure Rules of the Southwark Constitution.

The following is a summary of the decisions taken in the closed section of the meeting.

**CHAIR:**

**DATED:**

**[CABINET ONLY]**

**DEADLINE FOR NOTIFICATION OF CALL-IN UNDER SECTION 21 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.**