

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Monday 30 July 2012 at 11.00 am at Room 25, Southwark Learning and Business Centre, Cator Street, London SE15 6AA

PRESENT: Councillor Sunil Chopra (Chair)
Councillor Jeff Hook
Councillor Lorraine Lauder MBE

OTHERS PRESENT: Brook Anderson, applicant
Graham Hopkins, applicant's agent
Linda Potter, applicant's party
Ms D Brand, applicant's party
Mr John Brunton, Herne Hill Society
Martin Noyle on behalf of local resident
Anna Box, local resident
Jackie Ede, local resident
Margaret Bailey, local resident
Councillor Toby Eckersley, ward councillor
Councillor Michael Mitchell, ward councillor

OFFICER SUPPORT: Richard Parkins, licensing officer
Dorcas Mills, licensing officer
Sarah Newman, environmental health officer
David Paabo, legal officer
Everton Roberts, constitutional officer

1. APOLOGIES

There were no apologies for absence.

2. CONFIRMATION OF VOTING MEMBERS

Those members listed as present were confirmed as the voting members for the meeting.

3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

There were no late items.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were no disclosures of interests or dispensations.

5. LICENSING ACT 2003 - DEE DEE'S, 77 HERNE HILL, LONDON SE24

The following documents were circulated at the meeting:

- Photographs of the premises
- Conciliation statement dated 19 July 2012
- Email from the planning enforcement team manager.

The sub-committee heard representations from the licensing officer. There were no questions for the licensing officer.

The sub-committee then heard representations from the applicant's representative and the applicant. The sub-committee, licensing officer and legal officer put questions to the applicant.

The sub-committee then heard representations from objectors to the application. The sub-committee put questions to the objectors.

The sub-committee then heard representations from Councillor Toby Eckersley, in his capacity as local ward councillor.

Following the hearing of the representations, the applicant, the licensing officer and the objectors were invited to sum up.

At 1.00pm it was moved, seconded and resolved that the press and public be excluded from the meeting to allow the sub-committee to consider the evidence.

At 2.45pm the public were readmitted to the meeting and informed of the sub-committee's decision as follows:

RESOLVED:

That having considered the application made by Mr Brook Anderson to vary the premises licence granted under the Licensing Act 2003 in respect of the premises known as Dee Dee's, 77 Herne Hill, London SE24 be agreed as follows:

1. That the opening hours be extended to 11.30pm Monday – Saturday and 11.00pm on Sunday. There will be no extended hours for non standard timings.
2. That the hours for the sale of alcohol be extended to 11.00pm Monday – Saturday and 10.30pm on Sunday. There will be no non standard timings.
3. That the premises be permitted to have live music Friday – Saturday 6.00pm – 9.30pm and on Sundays from 12 noon until 3.00pm and from 6.00pm to 9.30pm. There will be no non standard timings.
4. That recorded music be permitted to 11.00pm Monday – Saturday and 10.30pm on Sunday. There will be no non standard timings.

5. That no further drinks or food to be taken outside after 10.00pm.
6. That it be noted that a large number of conditions were agreed between the applicant and responsible authorities & residents at conciliation and conditions to reflect these agreements be placed on the licence.
7. That the conditions sought to be removed from the licence by the applicant be removed as these are no longer necessary.

In making the above determination, the sub-committee paid particular attention to preventing nuisance affecting residents, whilst seeking to accommodate the variation application where possible. The above conditions are considered the most appropriate, proportionate and necessary in meeting the licensing objectives in the context of this application.

Reasons

This was an application to vary the premises license for Dee Dee's situated at 77 Herne Hill, London SE24. The variation application sought longer hours for the sale of alcohol and to introduce live music and recorded music and to also extend the opening hours of the premises. The application received a significant number of resident objections, namely 35 residents filed representations objecting to the application. A conciliation meeting followed between the license holder and the residents. The license holder thereafter reduced the hours it sought for each of the above licensable activities and to reduce the opening hours sought. Discussions also took place between the licence holder and the responsible authorities. This had the effect of a number of conditions being agreed and the representations of the responsible authorities withdrawn.

The sub-committee heard from the applicant and his representative and was satisfied that he is a responsible manager and is endeavouring to satisfy the complaints of residents as reasonably practicable. In particular the applicant says that he intends for the premises to be a small jazz bar playing live music and also providing recorded music and restaurant type food.

The applicant said that the sound proofing to the premises is satisfactory. The sub-committee accepted that measures are in place to prevent sound escaping, for example double glazed doors. However the sub-committee was particularly concerned that noise could escape through the open doors when people enter and exit the premises. The sub-committee heard from the residents that such noise does and will cause significant noise nuisance in a highly residential area. Further noise arising from patrons using the front of the premises also presented a significant source of noise nuisance.

The sub-committee heard from a number of residents who raised a number of significant complaints. The residents, by way of summary, indicated that they would prefer the premises to remain as a restaurant and to stick to current hours. It was noted that a large number of the residents attended the hearing and it was clear to the sub-committee that the residents were seriously concerned by the current and future activities of the premises.

The sub-committee had heard from the licensing department officer who made representation and noted that the measures suggested by the applicant were appropriate and the licence should be granted.

Having heard from the parties, the sub-committee decided to partially grant the application in its amended form. The sub-committee made the orders in order to meet the licensing objectives, in particular public nuisance by way of noise in a highly residential area where residents are extremely concerned about these premises.

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 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 2.50pm.

CHAIR:

DATED: