

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 30 May 2013 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

PRESENT:	Councillor Lorraine Lauder MBE (in the chair) Councillor Sunil Chopra Councillor David Hubber
OTHERS PRESENT:	Max Alderman, applicant Angela Stansworth, local resident Jin Lim, local resident P.C. Graham White, Metropolitan Police Service
OFFICER SUPPORT:	Joanne Devlin, legal officer Cynthia Barrientos, legal officer (observing) David Franklin, licensing officer Jayne Tear, licensing officer Andrew Weir, constitutional officer

1. APOLOGIES

There were none.

2. CONFIRMATION OF VOTING MEMBERS

The three members present were confirmed as the voting members. In the absence of the chair, Councillor Lorraine Lauder MBE was nominated to chair the meeting by Councillor David Hubber. This was seconded by Councillor Sunil Chopra.

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 - CO-OPERATIVE, 56-62 LORDSHIP LANE, LONDON SE22 8HJ

The licensing officer advised that this application had been withdrawn by the applicant.

6. LICENSING ACT 2003 - THE HOPE, LAND AT MELON ROAD SE15, REAR OF 45-51 PECKHAM HIGH STREET, LONDON

The licensing officer circulated a document which contained an update on the conciliation process. There was also an additional document which advised of an amendment to paragraph 8 of the report, whereby recorded music was also to be included as part of the licence application.

The meeting adjourned at 10.10am to allow the licensing officer to print extra copies of the additional papers.

The meeting reconvened at 10.20am.

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.

The licensing sub-committee heard from the police. Members had no questions for the police.

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

The sub-committee went into closed session at 11.20am.

The sub-committee resumed at 12.10pm and the chair read out the decision of the sub-committee.

RESOLVED:

That the application submitted by Stockers LLP for a premises licence in respect of The Hope, land at Melon Road, SE15, rear of 45 – 51 Peckham High Street, London, Easting is 534062, Westing is 176727 is granted as follows:

Licensable Activity	Monday to Thursday	Friday to Sunday
Late night refreshment (indoors)	23.00 to 00.30	23.00 to 01.30
Supply of alcohol (for consumption on the premises)	10.00 to 00.00	10.00 to 01.00
Hours premises are open to the public	09.00 to 00.30	09.00 to 01.30
Recorded music (indoors)	10.00 to 00.00	10.00 to 01.00

Conditions

The operation of the premises under the licence shall be subject to relevant mandatory conditions, conditions from the operation schedule highlighted in Section P of the application form and the following conditions:

The following additional conditions developed through discussion from the original operating schedule attached to the premises application as follows:

1. That the premises shall operate an agecheck 'Challenge 25' policy whereby customers purchasing alcohol who look or appear to be under 25 years of age will be asked for an approved form of proof of age to verify their age. Approved forms shall include a driving licence, passport or a PASS approved proof of age card such as the Southwark Proof of Age (SPA) card.
2. That all staff involved in the sale of alcohol shall be trained in the agecheck 'Challenge 25' policy. A record of their training, including the dates that each member of staff is trained, shall be available for inspection at the premises on request by the council's authorised officers or the police.
3. That Agecheck or 'Challenge 25' signage shall be displayed at entrances to the premises, areas where alcohol is displayed for sale and at points of sale to inform customers that an agecheck 'Challenge 25' policy applies and proof of age may be required.
4. That a register of refused sales of alcohol which is clearly marked with details of the premises, address and name of licence holder shall be maintained in order to demonstrate effective operation of the policy. The register shall be available for inspection at the premises on request by the council's authorised officers or the police.
5. That a meeting shall be held with local residents every six months to provide an opportunity for any concerns to be raised

6. That no drinks shall be permitted outside the premises after 22.00.
7. That the party ceiling/floor element between the commercial and residential premises shall be designed and constructed to provide reasonable resistance to the transmission of sound sufficient to ensure that NR20 is not exceeded due to noise from the commercial premises. A report shall be submitted to and approved in writing by the licensing authority. The approved scheme shall be constructed and tested, and the test results sent to the licensing authority prior to the commencement of the live and recorded music aspects of the license taking effect. This construction shall be permanently maintained thereafter.
8. That the main entrance door shall be fitted with an acoustic lobby of adequate weight of construction and dimensions to give sufficient residence time. The doors to the lobby shall be self closing and fitted with acoustic seals.
9. That prior to the live and recorded music aspects of the license taking effect the applicant shall have a sound limiting device fitted in the dedicated performance area of the premises. This shall be fitted by the applicant's engineer/contractor and set in conjunction with London Borough of Southwark EH&TS. (Advisory Note - it is strongly recommended that a compressor or speaker protection type of sound limiting device with in-house speakers is chosen as they do not cut off power completely and permit the removal of bass without compromising music quality.)
10. That the sound limiting device installation shall be maintained thereafter at the set level without interference by any part
11. That any additional amplification equipment imported on to the premises by third parties be connected to and use the sound limiting device and its circuits.
12. That all speakers shall be hung on anti vibration mounts or placed on anti vibration matting.
13. That all windows and doors shall remain closed during licensed entertainment, except for access and egress.
14. That prior to the live and recorded music aspects of the license taking effect the applicant shall provide a working system of internal cooling/air conditioning adequate to maintain comfortable internal temperature to ensure that windows and doors are not opened for ventilation during licensed entertainment.
15. That deliveries and collections (waste, equipment, food and drink) to the premises and the handling of glass waste shall occur between the hours of 08.00 and 18.00 on Monday to Saturday.
16. That prominent notices shall be displayed at all exits at eye level requesting patrons leave the premises quietly and respect local residents
17. That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV System must be capable of capturing an image of every person who enters the premises.

18. That all CCTV footage shall be kept for a period of 31 days and shall, upon request, be made immediately available to officers of the police and the council.
19. That all staff are trained in their responsibilities under the licensing act 2003 and training records to be kept and updated every six months and shall, upon request, be made immediately available to officers of the police and the council.
20. That suitable notices shall be displayed and announcements made requesting people to leave the premises in a quiet and orderly manner so as not to disturb local residents.
21. That customers shall use no outside area after 22.00 other than those who temporarily leave the premises to smoke a cigarette and no more than five people at one any time.
22. That there shall be no new entry or re-entry to the premises after 00.00.
23. That drinks promotions, such as happy hours shall not be provided at the premises.
24. That the licensee shall join the pub watch scheme for the local area.
25. That a minimum of two SIA approved door supervisors will be employed from 21.00 whenever the premises is open for the sale of alcohol after midnight.
26. That illumination shall be provided to the exterior of the premises.
27. That the interior and exterior of the premises shall be covered by CCTV.
28. That the premises shall promote a local licensed taxi service.
29. That the premises shall operate an anti-drugs policy.
30. That customer departures shall be actively managed.
31. That when children are on the premises they must be accompanied by a parent or guardian at all times.

Reasons

The licensing sub-committee heard evidence from the police as a responsible authority and noted that the licensing application for The Hope was within a saturation zone.

The licensing sub-committee heard evidence from the applicant who stated that they already operate 30 public houses and have been operating for 13 years, specialising in good local pubs. The applicant said that he was aware of the saturation zone and believed The Hope would have a positive impact on the area. He provided evidence in relation to other public houses that they operate in similar areas illustrating that they are well run and believes that this experience and history demonstrates the ability to add something positive to the area of Peckham. The applicant confirmed that none of their other premises have ever been subject to a licensing review.

The applicant referred to the operating schedule and the fact that he was willing to agree to all proposed conditions, in demonstrating that there would be no negative cumulative impact on one or more of the licensing objectives. Following the conciliation meeting, the environmental protection team and the local ward councillor withdrew their representations. Furthermore, the applicant agreed to all conditions suggested by the police and the police confirmed that the only reason that their representations remained was the fact that the premises was in a saturation zone, although the police did highlight that they did not have any other concerns with the application

The licensing sub-committee heard from local residents who raised concerns with the area being a saturation zone. They also raised issue with drug dealing and street drinking in the vicinity and stated that their concern was that The Hope might attract more people to the area. Whilst the residents maintained these concerns they stated that they appreciated the applicant's conciliatory attitude.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives and is satisfied in view of the applicant's operating schedule and agreement to the conditions attached that there will be no negative cumulative impact on one or more of the licensing objectives.

The licensing sub-committee considered that it was appropriate and proportionate to attach these conditions in order to address the licensing objectives.

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 local justice 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.

7. LICENSING ACT 2003 - THE ROSE PUBLIC HOUSE, 108 FOREST HILL ROAD, LONDON SE22 0RS

The licensing officer advised that discussions had taken place between all parties prior to the meeting and that they had agreed to conditions to be added to the licence. The licensing officer advised that the parties agreed that there was no need to address the sub-committee and a list of the agreed conditions, signed by all parties, was circulated to the sub-committee.

RESOLVED:

The council's licensing sub-committee, having reconsidered the decision made on 30 November 2012 following the application of a review by the council's environmental protection team (EPT) made under Section 51 of the Licensing Act 2003 in respect of the premises known as The Rose Public House, 108 Forest Hill Road, London SE22 0RS and having had regard also to all other relevant representations and to agreements made by the licence holder with the EPT and with the police has decided it appropriate for the promotion of the licensing objectives to:

Modify the conditions of the licence as follows:

Activity	Sunday to Thursday	Friday and Saturday
All licensable activities	08.00 - 00.00 premises to be closed by 00.30	08.00 - 01.00 premises to be closed by 01.30

Conditions

The following conditions shall also apply:

1. That no drinks are taken out to the front, outside, beyond 20.00.
2. That on Fridays and Saturdays there will be no new admissions or re-admissions to the premises after 01.00 other than those who leave the premises for the purposes of a cigarette. The number of persons permitted to be outside the premises (for the purpose of smoking a cigarette) after 23.00 shall be a maximum of five.
3. That no beverages to be consumed in any outside area of the premises after 23.00.
4. That the rear door to the garden area to be alarmed after 23.00.
5. That the premises shall have a functional sound limiting device installed.
6. That any amplification equipment used on, or provided to, the premises shall be connected to and use the functioning sound limited electrical circuits at all times.
7. That the premises will have installed forced ventilation to enable the internal atmosphere to remain comfortable when licensed entertainment is occurring.
8. That when live and/or recorded music as regulated entertainment is being played in the premises, the left and right hand doors in the front façade shall effectively closed to patrons and their opening linked to a functioning security system that will give an audible alarm and the double doors to the garden in the rear façade shall also be effectively closed to patrons and their opening linked to a functioning security system that will give an audible alarm if the garden doors are opened after 23.00 hours.
9. That condition 336 be removed and replaced with: "All staff involved in the sale of or supply of alcohol will be suitably trained in their responsibilities under the Licensing Act 2003. All staff shall receive regular updates in six month intervals and a record of all training shall be kept and made available to the police and all authorised officers on request".
10. That condition 350 be amended to read: "With the exception of wine glasses, only bottles and glasses made from toughened glass shall be used during the sale or supply of any drinks whether alcoholic or not. Wine glasses are to be made from semi-toughened glass".

Reasons

This was a hearing to reconsider the decision of the licensing sub-committee made on 30 November 2012 in respect of the premises know as The Rose Public House, 108 Forest Hill Road, London SE22 0RS.

The licensing sub-committee considered new evidence of an agreement made by the premises licence holder with the EPT and the police to reduce the activity and opening hours by a further 30 minutes and modify the conditions from the decision made on 30 November 2012.

In reaching this decision the sub committee had regard to all the relevant considerations and the four licensing objectives.

The licensing sub-committee considered that it was appropriate and proportionate to attach these conditions in order to address the licensing objectives.

Appeal rights

This decision is open to appeal by:

- a) The applicant for the review
- b) The premises licence holder
- c) Any other person who made relevant representations in relation to the application

Such appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the magistrates court for the area within the period of 21 days beginning with the day on which the appellant was notified by this licensing authority of the decision.

This decision does not have effect until either

- a) The end of the period for appealing against this decision or
- b) In the event of any notice of appeal being given, until the appeal is disposed of.

The meeting closed at 12.30pm.

CHAIR:

DATED: