



## Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Monday 24 June 2013 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

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**PRESENT:** Councillor Jeff Hook  
Councillor Eliza Mann  
Councillor Wilma Nelson

**OTHERS  
PRESENT:** Brook Anderson, applicant  
Graham Hopkins, applicant's representative  
Councillor Lewis Robinson (observing)  
Councillor Toby Eckersley, ward councillor  
Mike Patrick, local resident  
Judith Patrick, local resident  
Anna Box, local resident  
G. Steel, local resident  
Laurence Marsh, local resident  
Christopher Sims, local resident  
Lucie Sims, local resident  
Brian Flannery, local resident  
Linda Potter, local resident

**OFFICER  
SUPPORT:** Debra Allday, legal officer  
Gavin Blackburn, planning 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 Jeff Hook, the vice-chair of the committee, took the chair for this sub-committee meeting.

**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 - DEE DEE'S, 77 HERNE HILL, LONDON SE24**

The licensing officer presented their report and circulated a document containing some corrections to the report which had been published in the agenda. Members had questions for the licensing officer.

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

The meeting adjourned at 11.00am to allow the licensing officer to make copies of the planning department's representation.

The meeting reconvened at 11.10am.

The planning officer addressed the sub-committee. Members had questions for the planning officer.

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

The sub-committee went into closed session at 12.13pm.

The sub-committee resumed at 1.58pm and the chair read out the decision of the sub-committee.

**RESOLVED:**

That the application submitted by Mr Brook Anderson to vary the premises licence in respect of Dee Dee's, 77 Herne Hill, London, SE24 9NE, is only granted in part as follows:

<b>Licensable Activity</b>	<b>Monday to Saturday</b>	<b>Sunday</b>
Hours premises are open to the public	7.00 - 23.30	7.00 - 23.00

**Conditions**

The operation of the premises under the licence shall be subject to relevant mandatory conditions, conditions from the operation schedule highlighted in Section M of the

application form and the following conditions:

Subject to the following additional condition agreed by the sub-committee:

1. That the external tables and chairs to remain outside at all times and be fixed in situ.

### **Reasons**

The licensing sub-committee heard evidence from the applicant who informed the sub-committee that the premises could accommodate 30 individuals inside and 21 persons outside and that the premises were not in the saturation zone. The applicant advised that they had had a very useful meeting with the police and the environmental protection team both of whom were not objecting to the application. The applicant emphasised that there was no intention of changing it to a nightclub or wine bar and the complaints all received were speculative and unevicenced.

The licensing sub-committee heard from an officer from the planning department who confirmed that planning permission was granted on 29 April 2013 for a change of use of the premises to incorporate class A4 (drinking establishment) and Class D2 (entertainment), with the permitted hours being a terminal hour of 23.30 (Monday to Saturday) and 23.00 (on Sunday and Bank Holidays). The planning committee reasoned that this was to mitigate against significant amenity impacts for neighbours.

The licensing sub-committee heard from other persons.

The local residents all complained of the noise coming from the property resulting in sleep deprivation. There were also complaints of the applicant advertising irresponsibly (advertising "very strong cocktails" page 58 of the open agenda). One objector who gave evidence at the sub-committee referred to a whiskey tasting promotion and another (page 61 of the open agenda) stated "...the website and other publicity which Dee Dee's has used to date promotes a three hour happy hour Monday to Friday...it has advertised "super strong cocktails"".

The licensing sub-committee were obliged to take into account the statutory guidance provided under section 182 of the Licensing Act. The guidance is clear that this licensing sub-committee are not to take into account planning issues. The licensing sub-committee also disregarded the issues relating to parking as irrelevant

The licensing sub-committee were concerned with the extension of the late night hours on this application. Whilst no complaints have been reported to either the police or the environmental protection action, 32 objections were received from objectors and this can not be overlooked. The licensing sub-committee accepted that this type of noise nuisance is of such that local residents do not feel confident in reporting it to the authorities. In particular, the licensing sub-committee were conscious of the residents at 77a Herne Hill (and the other residents in the immediate vicinity). The licensing sub-committee heard from the landlord of 77a Herne Hill, Anna Box who advised that her tenants had complained to her about the noise emanating from the premises. She stated that the tenants are obliged to wear earplugs at night, that the music was such that it could be heard through the floor boards and could be heard clearly in the flat itself. In addition there was noise caused at tidy up time by the tables and chairs on the terrace outside being dragged across the floor.

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 this condition in order to address the licensing objectives.

Should there be any future complaints, the local residents were urged to contact the council's noise team and/or the police.

### **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.

The meeting closed at 2.04pm.

**CHAIR:**

**DATED:**