

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Monday 17 March 2014 at 10.00 am at Ground Floor Meeting Room G02B - 160 Tooley Street, London SE1 2QH

- PRESENT:** Councillor Renata Hamvas (Chair)
Councillor Eliza Mann
Councillor The Right Revd Emmanuel Oyewole
- OTHERS PRESENT:** Dan Hardman, applicant for the review
Michelle Kelly, supporting the applicant for the review
James Rankin, legal representative for Dulwich Hamlet Football Club
Matt Rimmer, representative for Dulwich Hamlet Football Club
Lauren Fraser, representative for Dulwich Hamlet Football Club
Yasmine Dawson, representative for Dulwich Hamlet Football Club
P.C. Graham White, Metropolitan Police Service
Councillor Nick Dolezal (observing)
- OFFICER SUPPORT:** Cynthia Barrientos, legal officer
Richard Kalu, licensing officer
Sarah Newman, environmental protection officer
David Swaby, licensing officer representing the council as a responsible authority
Andrew Weir, constitutional officer

1. APOLOGIES

There were none.

2. CONFIRMATION OF VOTING MEMBERS

The three 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. REVIEW APPLICATION UNDER THE LICENSING ACT 2003: DULWICH HAMLET FOOTBALL CLUB, EDGAR KAIL WAY, LONDON SE22 8BD

The licensing officer presented their report and advised the sub-committee that prior to the start of the sub-committee meeting that there had been a transfer of the licence and a change of the designated premises supervisor (DPS).

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

The Metropolitan Police Service representative addressed the sub-committee. Members had questions for the Metropolitan Police Service representative.

The environmental protection officer addressed the sub-committee. Members had 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.

The sub-committee heard from the representatives of Dulwich Hamlet Football Club. Members had questions for the representatives of Dulwich Hamlet Football Club.

The licensing sub-committee went into closed session at 11.42am.

The licensing sub-committee resumed at 1.43pm and the chair read out the sub-committee's decision.

RESOLVED:

That the council's licensing sub-committee, having had regard to the application by other persons for a review of the premises granted under the Licensing Act 2003 to Dulwich Hamlet Football Club Ltd in respect of the premises known as Dulwich Hamlet Football Club, situated at Edgar Kail Way, London SE22 8BD and having had regard also to all other relevant representations has decided it necessary for the promotion of the licensing objectives to:

Modify the conditions of the licence as follows:

- i. That the licensee shall install a noise limiter to be set by the licensee's sound engineer, to the satisfaction of the environmental protection team, to ensure no public nuisance is caused at the nearest residential premises forthwith.
- ii. That the sound limiter installation be maintained thereafter at the set level.
- iii. That only the licensee's amplification equipment shall be used at the premises and be connected to and through the sound limiter circuit.
- iv. That a member of the premises management team be on site whenever the premises is hired to third parties.

- v. That all third party hirers complete and sign a hire agreement before the event.
- vi. That the licensee shall submit details of an internal ventilation system for the premises, to the licensing unit for approval forthwith, and shall undertake the approved works within three months of the approval being given.
- vii. An incident log shall be kept at the premises, and made available on request to an authorised officer of the council or the police, which will record the following:
 - a) all crimes reported to the venue
 - b) all ejections of patrons
 - c) any complaints received
 - d) any incidents of disorder
 - e) all seizures of drugs or offensive weapons
 - f) any faults in the CCTV system or searching equipment or scanning equipment
 - g) any refusal of the sale of alcohol
 - h) any visit by a relevant authority or emergency service.
- viii. That a register of security personnel employed on the premises shall be maintained in a legible format and made available to police upon reasonable request. The register should be completed by the designated premises supervisor/duty manager/nominated staff member at the commencement of work by each member of security staff and details recorded should include: full name, SIA badge number, time of commencement of duties. The security operative should then sign their name against these details.
- ix. That condition 803b be amended to read: That two SIA registered door supervisors will be engaged when the premises are in operation and live or recorded music are being played for entertainment, other than back ground music. They will be employed at all times after 20.00 until the end of business and all patrons have vacated the premises. They will be engaged to monitor admission and re-admission to the premises, security, protection, screening, dealing with conflict and the dispersal of customers.
- x. That condition 308 be changed to “There will be no new entry or re-entry to the premises after 23.00 on Friday and Saturday nights. “
- xi. 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.
- xii. That the CCTV system to be upgraded to the satisfaction of the police to cover the outside of the premises including any car park, vehicle entrance and exit pedestrian entrance and exit from the street. This should be capable of recording clear images at night.
- xiii. That condition No.111 be removed.

Reasons

This was a hearing of an application by other persons for a review of the premises known as Dulwich Hamlet Football Club situated at Edgar Kail Way, London SE22 8BD

This application was made under Section 51 of the Licensing Act 2003.

The licensing officer confirmed to the sub-committee that prior to the start of the sub-committee meeting that there had been a transfer of the licence and a change of the designated premises supervisor (DPS).

The licensing sub-committee heard evidence from the applicant for the review who advised that they had been living in the vicinity of the premises for the past two and a half years and had experienced significant disturbance on numerous occasions as a result of excessive noise from the premises, which had been operating outside of its terminal hours. The applicant advised that upon experiencing excessive noise on 31 March 2012, they attended the premises at 6.40am to find that the windows were open and the shutters were up. They further advised that they had experienced a similar situation on 26 January 2014.

They confirmed that they had initially engaged with the management of the premises, who had been helpful. However, more recently, their complaints had been ignored. They specifically drew attention to the event on 22 February 2014, where there was significant noise disruption caused by a private party. They had attempted to call the premises management, however, none of their phone calls or text messages had been responded to. They further advised that they had engaged with the licensing authority on a number of occasions as well as the police.

They told the sub-committee that they had lost faith in the management of the premises and felt that bringing this review was their last resort.

The licensing sub-committee heard from the Metropolitan Police Service who advised, on questioning, that from police records there had been around 20 calls relating to incidents at this premises. They informed the sub-committee that they felt that the proposed conditions from the police would go some way to rectifying the problems associated with the premises, if the new management adhered to these new conditions.

The licensing sub-committee heard from the environmental protection officer who advised that there had been only one call to the noise team. However, the officer stated that they were aware that a number of reports had been made to the licensing team. They advised that they had witnessed the premises open and trading outside its terminal hour on 22 February 2014. The previous management had ignored a number of the conditions on the licence but in their view, if their proposed conditions were added to the licence and adhered to, they would address the noise issues relating to the premises.

The licensing sub-committee heard from the licensing officer representing the council as a responsible authority who upon hearing the evidence from the new management of the premises, advised that they had changed their view that the premises licence should be suspended for a period of three months and that he felt that this was no longer required. They were encouraged to hear that the new management wanted to work closely with all responsible authorities, in order to ensure compliance with the licence.

The licensing sub-committee heard evidence from the representatives of Dulwich Hamlet Football Club who confirmed that the transfer of the licence and change of DPS had taken place and advised that Greendale Properties had taken full ownership of the premises. They informed the sub-committee that the football club had been essentially bankrupt with substantial debts and as a result had been unable to comply with the conditions of the licence due to lack of funds.

The representative advised that Greendale Properties had the financial resources to invest in the premises to ensure total compliance with the licence conditions and the additional conditions proposed by the responsible authorities at this meeting. They advised that Greendale Properties would run the premises in a professional and corporate manner and that they would bring in restaurateurs and use a trained events team, with a view to moving away from private hire events, which had been the cause of complaints in the past. They further added that all current staff would be replaced with the exception of one.

The representatives advised that it would be in their interests to strictly comply with all conditions placed on the licence and that they would move quickly to do carry out all works that would be required in order that the premises complied with the conditions on the licence. In relation to their existing conditions they emphasised that there would always be a personal licence holder on the premises when it was operating. On questioning on whether their shutter system would have a timer, they confirmed that this would be implemented. They emphasised their willingness to continually engage with all responsible authorities and local residents and were willing to provide a telephone number for local residents to contact the premises management, should the need arise.

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 its decision was appropriate and proportionate 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 1.53pm.

CHAIR:

DATED: