



Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Tuesday 2 December 2014 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Renata Hamvas (Chair)
Councillor Sunny Lambe
Councillor Adele Morris

OTHERS PRESENT: R. P, applicant for the review of Fox on the Hill
Graham Robal, representative from Fox on the Hill
David Pearce, representative from Fox on the Hill
Jennie Odell, representative from Fox on the Hill
Deborah Hay, legal representative
James Gillespie, local resident
Simon Hughes, local resident
Graham White, Metropolitan Police Service
M.T.U, applicant for personal licence

OFFICER SUPPORT: Cynthia Barrientos, legal officer
Richard Kalu, licensing officer
Mark Orton, licensing officer
Andrew Weir, constitutional officer

1. APOLOGIES

There were none.

2. CONFIRMATION OF VOTING MEMBERS

The 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. LICENSING ACT 2003: FOX ON THE HILL, 149 DENMARK HILL, LONDON SE5 8EH

The licensing officer presented their report. Members had no questions for the licensing officer.

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

The representative from the premises and their legal representative addressed the sub-committee. Members had questions for the representative from the premises and their legal representative.

All parties were given five minutes for summing up.

The meeting went into closed session at 11.00am

The meeting resumed at 11.30am and the chair read out the decision of the sub-committee.

RESOLVED:

That the application by Robin Phillips for Review of the Premises Licence issued under the Licensing Act 2003 in respect of Fox On The Hill, 149 Denmark Hill, London SE5 8EH is agreed as follows:

1. That the front beer garden will be closed to customers at 22.00.
2. That the small car park adjacent to Denmark Hill shall be the designated smoking area after 22.00 each day.
3. That staff shall keep a log of any noise related disturbance arising from the external areas of the pub. Such records shall be kept for a minimum of 90 days and shall be made available for inspection by any responsible authority.
4. That staff will supervise the dispersal of customers from 23.00 until all customers have left the premises to ensure that noise from departing customers is kept to a minimum.
5. That vehicles shall not be permitted to enter the large car park at the front of the premises after 22.00. Any cars parked in this area prior to this time will, however, be permitted to exit the car park.
6. That signage reminding customers to leave quietly shall be prominently displayed within the premises.
7. That customers shall be encouraged to depart the premises via the exits closest to

Denmark Hill after 22.00.

8. That local residents shall be provided with the email address and contact telephone numbers for both the Fox on the Hill and the area manager.

Reasons

The licensing sub-committee heard from the applicant for the review who advised that he submitted the application following intermittent public nuisance disturbance. He had noticed an increase of disturbance between March 2014 and September 2014. Since submitting the review application, a meeting had been held with senior management from the premises and a number of conditions were agreed. The conditions had been in place for a trial period since mid-October and appeared to address his concerns.

The licensing sub-committee noted that the Metropolitan Police Service had withdrawn their representation.

The licensing sub-committee heard from the representative from the premises who accepted that there had been issues relating to the control of dispersal from the premises. They advised that in line with their licence conditions, they had quarterly meetings with residents. At the meeting on 13 October 2014, the conditions listed above were proposed and agreed with the applicant for the review and other residents. In addition, further physical changes were being made to the premises to control any future risk of disturbance to the residents. They also advised that they had commissioned six feet tall signage asking customers to leave in a quiet and responsible manner. They advised that the conditions and the additional physical measures would address the applicant's concerns and prevent similar issues occurring in the future.

The licensing sub-committee noted the positive engagement between the applicant for the review and the premises. The sub-committee were satisfied that the conditions agreed in addition to the physical works proposed would address the previous concerns raised by the applicant for the review.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives and considered that this decision was necessary and proportionate.

Appeal rights

The applicant may appeal against any decision to modify the conditions of the licence; and

Any person who made relevant representations in relation to the application who desire to contend that:

- a) That variation ought not to have been made; or
- b) That, when varying the licence, the licensing authority ought not to have modified the conditions of the licence, or ought to have modified them in a different way

may appeal against the decision

Any appeal must be made to the magistrates' court for the 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.

6. LICENSING ACT 2003: APPLICATION FOR A PERSONAL LICENCE

The sub-committee noted the open report and considered the information in the closed agenda.

RESOLVED:

That the application for a personal licence issued under the Licensing Act 2003 be granted.

The reasons for the decision are set out in the closed minutes.

7. CONFIDENTIAL: LICENSING ACT 2003: APPLICATION FOR A PERSONAL LICENCE

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 categories 1 and 2 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.

The licensing sub-committee considered the closed information relating to this report.

The meeting ended at 3.15pm.

CHAIR:

DATED: