



## Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 5 March 2015 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

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**PRESENT:** Councillor Renata Hamvas (Chair)  
Councillor Sandra Rhule  
Councillor Lorraine Lauder MBE

**OTHERS PRESENT:** Joe Dowling, applicant  
Tom Humphrey, applicant  
Marc Jones, applicant's representative  
P.C. Ian Clements, Metropolitan Police Service

**OFFICER SUPPORT:** Joanne Devlin, legal officer  
Fabien Simms, licensing officer  
Jayne Tear, licensing officer representing the council as a responsible authority  
Matthew Lambert, planning 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: FOUR QUARTERS, 187 RYE LANE, LONDON SE15 4TP**

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

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

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

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

The licensing officer representing the council as a responsible authority addressed the sub-committee. Members had questions.

All parties were given five minutes for summing up.

The meeting went into closed session at 11.16am.

The meeting resumed at 12.30pm and the chair read out the decision of the sub-committee.

### **RESOLVED:**

That the variation application submitted by Barcade Ltd for the grant of a premises licence issued under the Licensing Act 2003 in respect of Four Quarters 187 Rye Lane, Peckham, London SE15 4TP be refused.

### **Reasons**

This was a variation application submitted by Barcade Ltd for the grant of a premises licence issued under the Licensing Act 2003 in respect of Four Quarters 187 Rye Lane, Peckham London SE15 4TP.

The licensing sub-committee heard evidence from the applicant who informed the sub-committee that the premises had been open since June 2014 and that they had been operating monthly DJ nights on Saturday nights by way of temporary event notices and had not to date received any complaints.

The applicant sought to reduce the variation application in respect of the extended hours and stated that they considered that staff training and a dispersal policy would assist in reducing the negative cumulative impact.

The applicant acknowledged that they had breached various conditions of their licence in October 2014 and stated that this was due to teething problems. A recent inspection in February 2015 confirmed that at that time they were compliant with the license conditions.

The applicant also stated that they are members of the local pub watch scheme.

The applicant stated that they would seek to ensure that patrons were encouraged to leave the venue in a quiet and orderly manner. However, within the application, the applicant sought to reduce the required times for SIA door staff to be on duty.

The applicant emphasised that the operation of the premises as a café restaurant venue remained their priority and indicated that they intended to submit a planning application with a view to change the current use of the premises.

The licensing sub-committee heard from the Metropolitan Police representative who stated that he did not consider the variation application to extend the hours and alter conditions to accord with the current licence and operating schedule. He further stated that that he considered the variation application to be similar to that of a night club venue.

Whilst he acknowledged that at present the premises appeared to be compliant with the licensing conditions he emphasised that this is in accordance with the premise's current format and expressed strong concern that the variation application, of extended hours throughout the week and at weekends, along with the removal or amendment of the current conditions would have a negative cumulative impact on the area.

He expressed concern with regards to the impact of crime and disorder, for example, by extending the hours and reducing the requirement for SIA door staff the applicant would encounter further difficulty in policing the licensing conditions.

He further stated that the variation application had not sufficiently addressed the requirement that the application demonstrates that there will be no negative cumulative impact on one or more of the licensing objectives, particularly the prevention of crime and disorder and the promotion of public safety.

The licensing sub-committee heard from the planning officer who expressed concern that the variation application, in its current form, was similar to that of a night club venue and therefore not in accord with the current licence.

The licensing sub-committee heard from the licensing officer representing the council as a responsible authority who stated that the premises are situated in the Peckham saturation zone. She highlighted that the effect of this special policy is to create the presumption that applications for new premises licence applications or variations, that are likely to add to the existing cumulative impact would normally be refused, following representations, unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

The licensing officer stated that the variation application, in its current form, strongly indicates the intention to operate the premises in a similar manner to that of a nightclub and does not adequately address how the variation application, to extend the hours and remove and amend current conditions, will not add to or raise crime and disorder or public nuisance in the saturation zone.

The licensing sub-committee noted that the environmental protection team had conciliated with the applicant and had proposed several conditions, agreed to by the applicant, in the event that the sub-committee granted the application.

The sub-committee were of the view that this variation application did not adequately

demonstrate that there would be no negative cumulative impact of the licensing objectives so as to deviate from the presumption not to grant such applications within the saturation zone.

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 appropriate and proportionate to address the licensing objectives.

### **Appeal rights**

The applicant may appeal against any decision

- a) To impose conditions on the licence
- b) To exclude a licensable activity or refuse to specify a person as premises supervisor.

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

- a) That the licence ought not to be granted; or
- b) That on granting the licence, the licensing authority ought to have imposed different or additional conditions on 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.

Meeting ended at 12.35 pm

**CHAIR:**

**DATED:**