



LICENSING SUB-COMMITTEE

MINUTES of the meeting of the LICENSING SUB-COMMITTEE held on Wednesday March 7 2007 at 10.00am at the Town Hall, Peckham Road, London SE5 8UB.

PRESENT: Councillor Linda Manchester (Chair)
Councillor Sandra Rhule
Councillor Althea Smith

ALSO PRESENT: Philomena Stewart (applicant)
Tony Garton, Southwark Noise Team
Rosemary Awe, licensing officer
Paul Gray, legal officer
Deborah McCallum, legal officer
Cameron MacLean, clerk

1. APOLOGIES FOR ABSENCE

There were none.

2. CONFIRMATION OF VOTING MEMBERS

The members listed as being present were confirmed as the voting members.

3. NOTIFICATION OF ANY OTHER ITEMS WHICH THE CHAIR DEEMS AS URGENT

There were no items of urgent business.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

Councillor Linda Manchester declared a personal, but non-prejudicial, interest as she had "local knowledge" of the premises having been briefly employed at the Farrier's Arms over twenty years ago.

The sub-committee considered the items set out on the agenda, a copy of which has been incorporated in the minute file.

5. LICENSING ACT 2003 – FARRIER'S ARMS, 214 LOWER ROAD, LONDON SE8 5DJ (see pages 1–39)

The licensing officer introduced the report noting that there were two additional papers that had been tabled, namely, additional correspondence from one of the objectors to the application and a petition from supporters of the application. The sub committee agreed to circulate the additional papers. Members did not have any questions for the licensing officer.

The applicant presented her application. Members then asked the applicant questions relating to the application.

The noise officer presented his case for objecting to the application.

Members and one of the objectors asked the Noise Team representative a number of questions.

A local resident presented her objections to the application. Members had questions for the local resident.

At 11.00am the sub committee went into closed session to discuss the application.

At 11.50am all parties were invited back into the room. The chair announced the decision as follows:

RESOLVED: 1. That the application by Philomena Stewart to vary the premises licence in respect of the premises known as Farrier's Arms, 214 Lower Road, London SE8 5DJ be approved in so far as follows:

ACTIVITY	LICENSED HOURS	
	Friday	Saturday
(i) E: Live Music	20:00 – 24:00hrs	21:00 – 01:00hrs
(ii) H: Anything of a similar description to live recorded music	20:00 – 24:00hrs	21:00 – 01:00hrs
(iii) I: Provision of facilities for making music	20:00 – 24:00hrs	21:00 – 01:00hrs
(iv) K: Anything similar to I	20:00 – 24:00hrs	21:00 – 01:00hrs
	Sunday – Thursday	Friday - Saturday
(v) Opening Hours	11:00 – 24:00hrs	11 – 02:00hrs

2. That the embedded restrictions be removed, as per the application.

Conditions

3. That the licence be subject to compliance with all mandatory conditions set out in the Licensing Act 2003, and:
- a) All relevant conditions arising from the Licensing Act 2003;
 - b) The conditions to be consistent with the operating schedule submitted with the application, in particular, Box P, paragraph d): The prevention of public nuisance, namely –
“Lobby door and all other windows and doors will be closed when entertainment is being provided. All entertainment will cease one hour before closing time”;
 - c) Subject to the following additional conditions agreed by the sub-committee:
 - (i) No amplified music to be played in the beer garden and outside areas of the premises;

- (ii) Speakers in the beer garden to be removed;
 - (iii) The beer garden is not to be used after 7.00pm in the evenings;
 - (iv) No amplified music shall be played until such time as Southwark council's noise team has set the sound limiter.
- 4. That the application takes immediate effect.

Reasons

- 5. That the reasons for the decision are, as follows:

We have taken into consideration all relevant representations. We have heard evidence and accept that there have been noise nuisance problems in the past. However, we find the noise team's evidence to be significant, that a sound limiter has been installed at the premises and is able to be set at a level that will alleviate any public nuisance concerns.

Comment

- 6. That the council expects that all terms, conditions and restrictions of the premises licence will be complied with at all times that the premises are used under the licence. The failure to comply with the terms, conditions and restrictions of the premises licence is a matter to which the licensing sub-committee may have regard in the event that any request is made a review of the licence.

Appeal Rights

- 7. 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 petty sessions area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' chief executive 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.

Recommendation

- 8. That the sub-committee made the following recommendation:

We recommend that the designated premises supervisor (DPS) undergo DPS training.

The meeting closed at 11.53am.

CHAIR:

DATED: