



COMMUNITY COUNCILS
A voice for your community



Camberwell Community Council

Licensing Agenda

DATE: Monday 20th September 2004	TIME: 7.00pm
PLACE: Town Hall Peckham Road London SE5 8UB	

1. Welcome and introductions
2. Apologies
3. Notification of any items which the Chair deems urgent
4. Disclosure of Members' interests and dispensations

5. Licensing Items

Item 1/1 – Entertainment Licensing – Brewers, 54B Southampton Way,
London SE5

6. Closing comments by Chair

ADDITIONAL INFORMATION

WALWORTH COMMUNITY COUNCIL MEMBERSHIP

Councillor Veronica Ward Chair
Councillor Vicky Naish Vice-Chair
Councillor John Friary
Councillor Dora Dixon-Fyle
Councillor Peter John
Councillor Dermot McInerney
Councillor Alison Moise
Councillor Tony Ritchie
Councillor Ian Wingfield

MEMBERS ARE REQUESTED TO ATTEND THIS MEETING

DATE OF DISPATCH: Friday 10th September 2004

EXCLUSION OF PRESS AND PUBLIC

The following motion should be moved, seconded and approved if the Community Council wishes to exclude the press and public to deal with reports revealing exempt information.

“That the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of information as defined in paragraphs 1-15, Access to Information Procedure Rules of the Constitution.”

DEPUTATIONS

Deputations can only be made by a person or people resident or working in the borough. The deputation shall not concern approval or otherwise of a current planning or application but may address any other issue within the direct responsibility of the Council.

An application for a deputation to be heard shall be submitted in writing to the Borough Solicitor and Secretary. Any written representations or petitions associated with a deputation should ideally be submitted at the same time as the request for a deputation and no later than three clear working days before the meeting.

Members have discretion whether or not to receive the deputation.

INFORMATION TO MEMBERS OF THE PUBLIC

Access to information

You may request copies of minutes and reports on this agenda. Terms of Reference are also available.

Carers' Allowances

If you are a resident of the borough and have paid someone to look after your children, and elderly dependant or a dependant with disabilities so that you can attend this meeting, you may claim an allowance from the Council. Please collect a claim form from the clerk at the meeting.

Wheelchair access

Wheelchair access is available at the main entrance to the building via the temporary ramp.

No smoking

Please note that under the Council Procedure Rule 1.1(i), smoking is not allowed at any meetings of Committees or Sub-Committees of the Council.

For further information please contact:

Julian Bassham 02075257420, julian.bassham@southwark.gov.uk

Website: www.southwark.gov.uk

If you want information on the Community Councils translated into your language please telephone 020 752 57420

To inform us of any special needs or requirements, such as transport or signer/interpreter, please telephone 020 752 57420

Bengali

আপনি যদি আপনার ভাষায় কমিউনিটি কাউন্সিল সম্বন্ধে তথ্য চান তাহলে অনুগ্রহ করে 020 7525 0640 নম্বরে টেলিফোন করুন

কোন বিশেষ প্রয়োজন সম্বন্ধে যদি আমাদের জানাতে চান যেমন ট্রান্সপোর্ট অথবা সংকেত দ্বারা অনুবাদক/ইন্টারপ্রেটার তাহলে 020 7525 0640 নম্বরে টেলিফোন করুন

Turkish

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Özel gereksinimlerinizi bize bildirmek için 020 7525 0640'nolu telefonu çeviriniz.

Somali

Haddii aad doonayso warbixin ku saabsan qoraalka Kawnsalkada Bulshada oo ku turjuman af Soomaali fadlan tilifoon u dir 020 7525 0640

Si aad noogu sheegto haddii aad leedahay baahi gaar ama wax gooni kuu ah sida gaadiid, af celiyaha dadka indha la' fadlan tilifooni 020 7525 0640

Chinese

如果你需要有關社區委員會的訊息翻譯成中文，請致電提出要求，號碼：020 7525 0640

欲想通知我們你有的特別需求或需要，例如接送車輛或手語/傳譯員，請致電通知，號碼：020 7525 0640

Portuguese

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Para-nos informar de quaisquer necessidades especiais ou requisitos , tipo transporte, linguagem dos sinais/ intérprete, por favor ligue para 020 7525 0640.

French

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Spanish

Si precisa información sobre los departamentos sociales (Community Councils) traducida a su idioma, por favor llame al número de teléfono 020 7525 0640

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Item No. 1	Classification: Open	Date: 20 September 2004	Meeting Name: Camberwell Community Council
Report title:		Entertainment Licensing – Brewers, 54B Southampton Way, London SE5	
Ward(s) or groups affected:		Brunswick Ward	
From:		Director of Environment & Leisure	

RECOMMENDATIONS

1. That the Camberwell Community Council considers whether to grant an application by Linkmaze Ltd for renewal of the annual Weekday and Sunday Public Music and Dancing Licence in respect of the premises known as the Brewers, 54B Southampton Way, London SE5, for the period ending 30 September 2004.

(Note: The licence currently carries terminal operating hours of 12 midnight on Monday to Saturday and to 10.30pm on Sundays.)

2. In considering any application for a public entertainments licence the Community Council must consider each case on its merits. In doing so, the Community Council will take into account all relevant considerations including: -
 - i) noise emissions from the premises in the event that a licence is granted;
 - ii) likely disturbance of residents caused by patrons leaving the premises;
 - iii) fitness of the applicant to hold a licence;
 - iv) suitability of the premises and its location; and
 - v) any other relevant matters, as appropriate.

BACKGROUND INFORMATION

3. These premises were first licensed for public entertainment in April 1998 to Linkmaze Ltd. Initially the premises licence was subject to a works condition prohibiting the use of the premises for public entertainment pending completion of specified public safety and sound containment works. The licence became fully operational following completion of these works in July 1998 with terminal hours of 12 midnight Monday to Saturday, and 10.30pm on Sundays.
4. Public entertainment licences for these premises were renewed unopposed for the period 1999 through to 2003, subject to existing licence conditions.
5. In September 2003 application was received from Linkmaze Ltd for the renewal of the entertainment licenses for the period 1 October 2003 to 30 September 2004 . Consultation on these applications was carried out in line with the Councils usual procedures and resulted in objections being lodged by three local residents. In addition, the Metropolitan Police Service requested that additional conditions be placed on the premises licence. The Conciliation was not successful in leading to the withdrawal of any of the objections.

6. As the application for renewal remains opposed, it is referred to the Community Council for consideration.

FACTORS FOR CONSIDERATION

The Objections

7. Copies of the letters of objection are included as Appendix A.
8. The grounds of objection raised are disturbance from loud music emanating from the premises, noise disturbance from patrons outside the premises, alleged breach of licence conditions of allowing inner lobby door to remain open, incidents of disorder at the premises and that the location of the premises is unsuitable in an increasingly residential area.

Police Conditions

9. In October 2003 the Metropolitan Police Service made observations on a number of licence renewal applications with regard to the setting of additional conditions considered necessary to assist in the prevention of crime and disorder in licensed premises. In the respect of the Brewers public house the metropolitan police have asked that the following conditions be imposed on any licence granted:-
 - (i) That CCTV cameras be installed both inside and outside the premises and be maintained and be fully operational at all times ; and a thirty one (31) day library shall be kept and made available to the police or officers of the Council upon request;
 - (ii) That there shall be no new admissions or re-admission to the premises after 11pm.
10. Mr Mc Carthy has indicated that he is agreeable to these conditions other than the keeping of a thirty one day library which he is not agreeable to.

Conciliation

11. The objectors chose not to attend a conciliation meeting. However, an officer of the Licensing Unit met with Mr Gary McCarthy, Director of Linkmaze Ltd to discuss the concerns raised by the residents. A written response from Mr McCarthy was prepared and sent to the objectors. As part of this response Mr Mc Carthy agreed to consider carrying out works to the front exterior lobby doors to enable these doors to open outwards in the direction of escape and thus allow these doors to remain closed at all times. Mr Mc Carthy has confirmed his agreement to the Licensing Unit to carry out these works and he has been provided with a schedule of requirements from the Councils District Surveyor. A copy of Mr Mc Carthy's response is attached as Appendix B to this report.

Operation of the Premises

12. The licensee presently provides entertainment at the premises in the form of Karaoke, discos and occasional cabaret such as an Elvis impersonator. Entertainment is usually provided twice weekly and the premises attracts a mixed age group which includes families.
13. The premises has two lobbied entrance/exits located at the front of the premises leading from/to Southampton Way, SE5. There is a small stage area located to the front of the bar between the two entrance/exit doors. At present the external doors to both lobbies are inward opening and therefore do not open in the direction of escape in the event of a fire and, as required by fire regulations, these doors are required to be pinned back in the open position while the premises are open. As the front of the premises has a forecourt and does not front onto the public highway these doors could be re-hung to open outwards in the direction of escape and this would allow for both sets of lobby doors to remain closed to help to reduce sound escape from the premises. The Councils District surveyor has provided the licensee with a works schedule to re-hang the doors which the licensee has agreed to carry out. A copy of the works schedule is attached C.

14. Licensing Officers have carried out a number of During Performance Inspection since the premises has held it's public entertainment licence. On 10 November 2001 Licensing Officers carried out a during performance inspection with a Mr Ousby at the premises. On this occasion it was noted that signs were not in place asking patrons to leave the premises quietly and that the internal lobby doors were propped open.
15. On 18 January 2003 at 21.00 hours a further during performance inspection was carried out and it was noted that there was no hot water in the mens toilets and that the electrical installation and emergency lighting certificates were overdue. All fire extinguishers had been serviced and all other matters were found to be in order.
16. A further during performance inspection was carried out with Bonnie McQuaide on 23 April 2004 where it was noted by Licensing Officers that the internal lobby doors were propped open. The doors were closed at the request of the Licensing Officers at the time of the visit. A warning letter was issued to Mr McCarthy (Director of Linkmaze Ltd) advising that consideration would be given to legal proceeding in the event of any further breach of licence conditions.
17. As a result of a complaint from a local residents of noise nuisance caused by the internal lobby doors being propped open Licensing Officers carried out observations at the premises on 25 June 2004. External observations showed the inner lobby doors maintained closed on this occasion except when people entered/left the premises. It was noted however that music from within the premises was audible on the street even with the inner lobby doors closed. Whilst in the area Licensing officers noted that several youths were gathered and drinking around tables immediately in front of the premises and they were joined by a couple of youths who had already purchased alcohol (presumably from nearby off-licence). The premises did not appear busy on this night.
18. Licensing Officers have carried out a number of ' drive by's' since receiving complaints regarding the internal lobby doors and checks carried out on these occasions have found the lobby doors to be closed , except on the occasion in April 2004 detailed in paragraph 16.
19. At the time of writing this report a further 'During Performance' Inspection has been scheduled. An oral update will be provided at the Community Council meeting.

Sound Containment Observations

20. The Noise and Air Quality Team have received complaints about loud music from this premises. These have been investigated but Noise Team officers have not witnessed any noise amounting to a statutory nuisance. It has been noted that there is some sound escape and , although not a statutory nuisance, music from the premises can be audible in nearby residences. This is a state of affairs that is undesirable in premises with an annual licence. An oral update will be provided at the meeting.

Technical Suitability

21. The premises meets the standards required under the Council's Technical Regulations for Places of Public Entertainment.

Licence Conditions

22. The premises licence is subject to compliance with the Council's Standard Conditions for Places of Public Entertainment and to the following special licence conditions: -
 - i. That suitable notices shall be displayed, and announcements made requesting people to leave the premises in a quiet and orderly manner;.
 - ii. That the sound limiting device installed at the premises shall be maintained at the level set by officers of the Councils Air and Quality; and that all music shall be played through the sound limiter;

- iii. That the entrance doors are kept closed allowing for entry and egress, whenever the premises are in use for the provision of entertainment.
- iv. That the total number of persons that may be accommodated at any one time in the premises shall not exceed 100 (one hundred).

Proposed Licence Conditions

23. In the event that members are minded to grant the renewal application it is recommended that the following licence conditions be added to the licence:-

- i That the exterior lobby doors shall be re-hung in the direction of escape (outward opening);
- ii That CCTV cameras be installed both inside and outside the premises and be maintained and be fully operational at all times ; and a thirty one (31) day library shall be kept and made available to the police or officers of the Council upon request ;
- iii That there shall be no new admissions or re-admission to the premises after 11pm

THE LOCAL VICINITY

24. A map of the local vicinity is provided in Appendix D. The only other licensed venue shown on the map licensed for public entertainment is the Bricklayers Arms which at present holds a non-operational provisional licence.

FINANCIAL IMPLICATIONS

25. Upon application for renewal of the public music and dancing licence the applicant paid a fee of £807.00. This fee contributes toward the cost of processing this application and maintaining any licence issued. In the event that the application is refused a proportionate refund would be due.

CONSULTATION

26. Consultation on this application has been undertaken in accordance with the Council's established procedure for dealing with applications for renewal of public entertainment licences.

EQUAL OPPORTUNITIES IMPLICATIONS

27. Each application is required by law to be considered upon its own merits with all relevant matters taken into account.

REPORT OF THE BOROUGH SOLICITOR & SECRETARY - LEGAL ISSUES

28. The report recommends that the Camberwell Community Council decide whether to grant the application made by Linkmaze Ltd to renew the Weekday and Sunday Public Music and Dancing Licences in respect of the premises known as Brewers,, 54B Southampton Way, London SE5.

29. By virtue of paragraph 18 of Schedule 12 to the London Government Act 1963, the holder of a licence may at any time apply to the Council for such variation of the terms, conditions and restrictions on or subject to which the licence is held. The Community Council may vary or remove any of the terms, conditions or restrictions to which the licence is held, if they feel appropriate.

30. The Community Council has wide powers under section 52 and Schedule 12 of The London Government Act 1963 to grant music and dancing licences subject to such terms, conditions and restrictions as they may specify. The Community Council may impose standard rules of management for places of public entertainment in their entirety. The Community Council may not, however, impose conditions concerning the sale of alcohol as this is within the jurisdiction of the local licensing justices.
31. In hearing this matter, the Community Council is under a duty to consider the application on its merits and in accordance with the rules of natural justice. Any decision made must be one, which is not incompatible with a convention right and must be in accordance with the Human Rights Act 1998. The decision must be based on evidence, that is to say material, which tends logically to show the existence or non-existence of relevant facts, or the likelihood or unlikelihood of the occurrence of some future event, the occurrence of which would be relevant. Secondly, the Community Council must give fair consideration to the contentions of all persons entitled to make representations to them.
32. In considering this application, the Community Council is subject to a duty to ensure the health and safety of all citizens and residents in the Borough, which will include normal uses of the premises and residences around and within its area. The Community Council are therefore entitled to consider the suitability of the applicant and the premises including their locations and impact upon the environment in the surrounding area and upon the amenity issues of granting the licence and its effects upon local residents.
33. The Community Council is entitled to consider events outside of the premises if they are relevant, i.e. are properly attributable to the premises being open. The proprietors do not have to be personally responsible for the incidents for the same to be relevant. However, if such events are not properly attributable to the premises being open, then the evidence is inadmissible and should be excluded.

BACKGROUND PAPERS

34. Background papers, which include Schedule 12 of the London Government Act 1963 and premises case file (ELU/BREWERS), are kept at the Environmental & Leisure Department, Licensing Unit, Chaplin Centre, Thurlow Street, LONDON SE17 2DG and may be viewed by arrangement with Debbie Casey who can be contacted on telephone number 020 7525 4263.

AUDIT TRAIL

35.

Lead Officer:	Gill Davies, Director of Environment & Leisure	
Report Author:	Debbie Casey, Licensing Team Leader	
Version:	Final/complete version of the report	
Dated:	10 September 2004	
Key Decision:	No	
CONSULTATION WITH OTHER OFFICERS/DIRECTORATE/EXECUTIVE MEMBERS		
Officer Title	Comments Sought	<i>Comments included</i>
Borough Solicitor & Secretary	Yes	Yes
Executive Member	No	No
Date final report sent to Constitutional Support Services	10 September 2004	