



COMMUNITY COUNCILS
A voice for your community



Camberwell Community Council Licensing Meeting

Minutes of Meeting
2 February 2005

Southwark Town Hall, Peckham Road, London SE5

PRESENT

Councillors Veronica Ward (Chair), John Friary, Tony Ritchie, Ian Wingfield

ALSO PRESENT

Jason Polley – Council Legal Representative
Debbie Casey - Licensing Officer
Tony Garton – Noise Team Officer
Mr Gary McCarthy – (Applicant)
Mr Cleveland Bauga – (Applicant witness)
Mrs H Mann – (Objector)
Ms Alisa Rogers – (Objector)
Ms Karen Wagstaff (Objector)
Mr Scott Collins (Applicant)
Ms Vicky Cohn (Objector)
Ms Lyn Gabriel (Objector)

INTRODUCTION AND WELCOME

The meeting commenced at 7:15pm, after it was realised that some objectors had thought the Brewers' item was not on until 8pm, and needed time to prepare their submissions.

The Chair welcomed those present to the Camberwell Community Council Licensing Meeting.

The Chair invited all those present to introduce themselves.

APOLOGIES FOR ABSENCE

Apologies were received from Councillors Peter John, Dermott McInerney, Alison Moise and Vicky Naish.

CONFIRMATION OF VOTING MEMBERS

The Members listed as being present were confirmed as the Voting Members for the Item 1/2. However for item 1/1 Cllr Wingfield said that he would not vote as he was Ward Councillor for the objectors.

NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

None

DISCLOSURE OF INTERESTS AND DISPENSATIONS

None

The Chair took the opportunity to inform those present of the procedure for the evening meeting.

ENTERTAINMENT LICENCE: The Brewers', 54B Southampton Way, SE5

The Licensing Officer presented the report, providing a general introduction to the facts contained within the report.

The Applicant raised his concern that a petition he had submitted and which had signatures for 70-80 local residents in support of his application was not included in the meeting materials. He was concerned that his application would be prejudiced due to the absence of this document. The Licensing Officer said that she had seen the petition and accepted its existence; Cllr Wingfield put it to the applicant that if the council accepted the existence of the petition, would he be happy to go ahead? The applicant stated that he was.

A late submission was put on behalf of the police, the applicant did not object to this.

The Licensing Officer detailed visits to the premises where the inner doors of the premises were open in contravention of the license conditions – this was apparently a requirement due to fire regulations. However, on more recent visits the doors were closed.

There were no further questions for the Licensing Officer from the applicant, objectors and members.

The Noise Officer referred to his section of the Licensing report and said he had no further information to add to that material.

The objectors and applicant asked no questions of the Noise Officer.

Cllr Friary wondered whether noise could be escaping from other windows, however there were none at the side and the two windows at the back were not part of the licensed premises.

Cllr Ritchie asked if he might ask a question of the Licensing Officer. He asked when was the last time the premises had been inspected. The Licensing Officer detailed a visit in September 2004 when music was being played, and said internal lobby doors had been found open once and a warning issued. Since then checks had found the doors to be closed.

The Objectors circulated a diary of events detailing unacceptable noise when the premises was having karaoke nights. One objector detailed problems her young son had sleeping, even when double glazed windows were fitted and closed. The objector said that the noise remained a problem even when the doors were closed.

The applicant asked the objector what measures she had taken, and asked her why she had not called the council Noise Team. She said that she had not called the noise team on one occasion because she had been unhappy with their response on previous occasions.

Members then asked questions of objectors, including issues around why the objectors had refused to meet with the applicant and what they expected when living close to a pub. The objectors focussed on karaoke as it was when the pub had the karaoke event that problems occurred.

The applicant appeared with two supporters who are local residents. He noted that a letter had circulated about a gang fight outside the pub and that this letter had implied that the pub was somehow involved in the incident, which was not the case. The applicant resented the implication that his pub involved in drugs. He also said that some letters sent out were on Southwark Council letterhead and made it appear as though the council were objecting to the pub's noise.

The applicant detailed that he had spent money on noise-abatement equipment that would cut off the sound if it reached a certain level. He had also installed double-glazing and an air conditioning system to cool the pub when the doors were closed.

Responding to a question from Cllr Ritchie, the applicant stated that he did not deny that the karaoke made some noise but felt that it was not too loud and that he did monitor the sound. The applicant did offer to visit the objector who's son could not sleep to see how loud the noise was.

The applicant's supporters spoke in favour of the renewal, saying that 60-70 people who lived on Southampton Way had signed the petition and that there were only a couple of objectors.

The Chair then called on the objectors followed by the applicant to give their closing summaries.

Following brief closing summaries the meeting moved into closed session at 8:20pm for members to deliberate over the application.

At 8.30pm the meeting reopened. The Chair read out the following decision:

RESOLVED:

That the application by Gary McCarthy for an annual Weekday and Sunday Public Music and Dancing Licence in respect of the basement area of the premises known as The Brewers' at 54B Southampton Way, SE5, be approved subject to any conditions as stated in the decision notice.

ENTERTAINMENT LICENCE: The Castle, Camberwell Church Street, SE5

A late objection was received but not accepted as no-one had seen it was it was decided that to consider it at this point would be unfair.

The Licensing Officer presented the report, providing a general introduction to the facts contained within the report. The applicant, Ferisco Ltd, sought a variation to its existing licence to permit it to stay open an hour later, to 3am on Friday and Saturday nights.

The objectors, applicant and members had no questions for the Licensing Officer.

The Noise Officer then referred to his section of the report, saying he had nothing further to add.

The objectors asked the Noise Officer if he knew whether the applicant's venue was double-glazed, he indicated he did not know. Objectors asked about a sound assessment done; issues raised were sound transference through party walls and who had paid for the assessment. It had been done by the applicant in October 2002.

The applicant had no questions for the Noise Officer.

Cllr Friary asked if the assessment recommendations had been followed, the Noise Officer believed they had, but agreed with Cllr Ritchie's suggestion that a change in the style of frontage since the time of that assessment would probably allow more sound to escape.

Objectors referred to the fact that they represented community groups such as the Camberwell Association and Grove Lane Residents Association, with over 2000 members, and stated that their concern was not with the Castle as such but was a general concern with venues opening later in Camberwell and more noise and disruption in the wee hours, particularly as revellers dispersed through residential areas after venues closed.

The applicant asked how the objectors knew the revellers were from his venue, but it was noted that the objection was a general one to later opening in Camberwell.

Cllr Ritchie asked about a conciliation meeting; the objectors said it was amicable but had not reached agreement.

Cllr Wingfield supported the objectors but made no statement. Applicant and members had no questions.

The applicant spoke, his main point was that he did not want to serve alcohol in the extra hour but wanted time for revellers to disperse more quietly over time.

Objectors questioned this as they were concerned about the music going to 3am.

Members questioned the applicant about how the proposed 'wind-down' hour would work.

The applicant stated that he was surprised that there were objections as he had received no complaints himself until the day before the hearing.

The objectors then summarised their arguments. The applicant had nothing further to add.

RESOLVED:

That the application by Ferisco Ltd for a variation so as to extend the terminal hours on Friday and Saturday to 3am on the day following of the annual weekday and Sunday public music and dancing licence in respect of the premises known as The Castle, 54 Camberwell Church Street, SE5 be approved.

However, the additional variation to the licence will not come into force until such time as the following works have been completed :-

- a. The licensee, in consultation with the Council's Noise Team, commission a sound survey to explore further means of sound proofing to reduce to an acceptable level the noise nuisance caused to local residents. The survey is to be carried out by a qualified expert, and that the results be made available to the Council's Noise and Licensing Team; and
- b. That the licence holder must comply with the recommendations of the survey within a time period agreed by the Council.

Subject to compliance with the above, the premises licence will be varied so as to extend the terminal hour on Friday and Saturday to 3am on the day following and will be subject to the following conditions:-

- i) That this licence applies to the ground floor only; and that the use of the first floor of the premises under this licence is prohibited;

- ii) That all audio and musical equipment on the premises shall be played through the approved sound limiting/ cut-out device; and the maximum level be maintained at the level set by the Council's Noise Team;
 - iii) That except in the case of emergency all windows and doors shall be kept closed whilst entertainment is provided at the premises;
 - iv) That no outside parts of the curtilage, including gardens shall be used for the purposes of entertainment;
 - v) That there shall be no new admissions or readmissions to the premises after 1.00am on the days following Friday and Saturday;
 - vi) That notices shall be prominently displayed stating over "21's only";
 - vii) That a door supervisor registered with Southwark Council shall be employed and provided with a suitable counting device to ensure that the limit on numbers is not exceeded;
 - viii) That notices are displayed and announcements made requesting that customers leave the premises in a quiet and orderly fashion;
- ix) There shall be no movement of the musical or amplification equipment from the premises between the hours of midnight and 8am and the vehicle carrying such equipment shall be parked as far away from the residential area as reasonably practicable; and
- x) That the maximum number of persons that may be accommodated at any one time in the ground floor of the premises shall not exceed two hundred (200) persons.
 - xi) That Southwark Council registered Door Supervisors, one of whom shall be female, shall be employed at all times the premises are in use under the licence and provided with a hand held metal detection unit in order to ensure that searches are carried out in respect of all admissions to the premises, whether members of the public or performers and their assistants.
 - xii) That CCTV cameras be installed inside the premises and be maintained and be fully operational at all times and that a thirty one (31) day video library shall be kept and made available to the Police or Officers of the Council upon request.
 - xiii) That the telephone number of the premises will be clearly displayed outside of the premises in order for residents to contact the licensee direct should they experience any problems;

- xiv) That notices shall be displayed and announcements made requesting customers to leave the premises in a quiet and orderly manner.

The Council will expect the terms, conditions and restrictions of the licences to be observed whenever the licensed area is used for music and dancing; even though the entertainment given may be private. Any evidence of failure to observe the terms, conditions and restrictions of the licence when the premises are in use for music and dancing would be a matter to which the Council could have regard in considering any application for renewal of the public music and dancing licence.

The meeting closed at 10.45pm.

Chair:

Dated: