

Item No. 3.	Classification: Open	Date: 29/07/2003	Meeting Name: Licensing Committee
Report title:		Entertainment Licensing - 123 Lordship Lane, London SE22	
Ward(s) or groups affected:		East Dulwich Ward	
From:		Director of Environment & Leisure	

RECOMMENDATION

1. That the Committee considers an application by Ricecooker Limited for the grant of an annual weekday and Sunday public music and dancing licence in respect of the ground floor of the premises situated at 123 Lordship Lane, London SE22. The hours sought in the application are Monday to Wednesday to 11pm, Thursday to 12 midnight, Friday & Saturday to 1am on the day following and Sunday to 10.30pm.
2. In considering any application for a public entertainments licence the Committee must consider each case on its merits. In doing so, the Committee 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

3. The premises are not currently licensed by this Council for the provision of public entertainment, nor is there any record of them having been licensed. A local resident has however informed the Licensing Officer that in the early 1980's the premises did hold a licence. It has not been possible to verify this information as records on lapsed licences are only kept for seven years.
4. The Licensing Unit received the application under consideration on 14 March 2003. Consultation on the application has been undertaken in accordance with the Council's normal procedure, and objections have been lodged to it. The Licensing Unit's conciliation service has been utilised but failed to lead to the withdrawal of the all of the objections. The application is therefore referred to Members for their determination.

KEY ISSUES FOR CONSIDERATION

The Premises

5. The application is in respect of the ground floor of 123 Lordship Lane, which formerly operated as a travel agents. There is residential accommodation above the, but this is in the ownership of the applicant company, and will be used as staff accommodation. The

main entrance to the premises is situated on Lordship Lane, with emergency escape provision being provided at the rear and leading via the side of the premises onto Lordship Lane.

6. The application sought to accommodate a maximum of one hundred & fifty (150) people. However, based on the plans submitted at the time of application, the Council's Building Surveyor determined that as a bar without seating, a maximum of one hundred & twenty three (123) people could be accommodated, with this number reducing to seventy-four (74) if seating were provided. Subsequent to this the applicant company has decided to further extend the rear of the premises so as to allow the premises to accommodate one hundred & fifty (150) people.

The Objections and Conciliation

7. In the first instance the application sought consent to provide public music & dancing at the premises on each of the days Sunday to Wednesday to 12 midnight, on Thursday to 1am on the day following and on Friday & Saturday to 2am on the day following. Fifteen (15) local residents, the Lordship Mews (Dulwich) Management Company, a ward councillor and local M.P submitted letters of objection to the application. A petition in opposition to the application, signed by ninety-six (96) people, was also submitted.
8. The conciliation service was utilised and the objectors, including the petition organiser, were invited to a meeting at the Town Hall on 20 May 2003. Ten (10) local residents along with Mr A Candey and Mr R Anderson from the applicant company, PC McNally of Peckham Police and Officers of the Licensing & Noise Units attended the conciliation meeting. The meeting resulted in a series of management controls being agreed and a "without prejudice" offer to reduce the hours of the application being made. The basis of this offer was subsequently amended to an "open" one, which effectively meant that the hours of application were reduced to those indicated in paragraph 1 of the report i.e. Monday to Wednesday to 11pm, Thursday to 12 midnight, Friday & Saturday to 1am on the day following and Sunday to 10.30pm.
9. Conciliation resulted in ten (10) local residents deciding not to pursue their objections. However, five (5) local residents, one of who is the petition organiser, the Lordship Mews (Dulwich) Management Company, a ward councillor and local M.P are continuing with their opposition to the application, and copies of their letters of objection are attached as Appendix A to the report, with a copy of the petition attached as Appendix B to the report.
10. An objector has submitted seven (7) photographs in support of their opposition, copies of which will be circulated at the meeting.

Evidence in Support of the Application

11. The applicant company, Ricecooker Limited, has provided the following evidence in support of their application: -
 - Applicant's Statement;
 - Letters of Support from Local Residents;
 - Architect's Plans;
 - Noise & Acoustic Consultants Report;
 - Model;
 - Interior Design Samples;
 - Sample Food & Cocktail Menus;
 - Census Statistics; and
 - Offer of Compromise to Objectors.

12. A copy of the evidence provided by the applicant company will be forwarded to Members prior to the meeting, and further copies will be circulated at the meeting.

Noise Unit - Sound Containment Observations

13. The premise is situated within a mixed residential and business area, the lower half being commercial units and the top consisting of residential accommodation. Structurally connected and to the left of the premises is Westons Restaurant, which has a residential unit above. The external wall to the property to the right of the premises, which operates as a hairdressing saloon with a residential unit above, is approximately one metre away. The premises fronts Lordship Lane, which has a considerable volume of traffic, and consequently medium background noise throughout a twenty four-hour period. There is residential accommodation opposite the premises.
14. The Noise Unit has no objection to the grant of the application subject to the works detailed below being completed prior to any licence that may be granted becoming operational: -
- An acoustic consultant being appointed to prepare a scheme of sound insulation works for the premises. The scheme of proposed works and their completion shall be subject to the approval of the Noise Unit. The consultant must be registered with the Institute of Acoustics and the consultants report shall address potential noise breakout from the premises by airborne and structure borne transmissions, identifying the nearest noise sensitive facades. For structure borne transmission the design criteria for sound insulation works should be inaudibility within the nearest residential unit, and for airborne, inaudibility 1 metre from the nearest sensitive façade. The consultation should aim for zero dB (A) above ambient. Special attention should be made to ensure low frequency noise is addressed;
 - A sound limiting device (with low frequency control) to be installed, the level of which shall be set and sealed by the Noise Unit;
 - All wall speakers must be mounted on an anti-vibration mounts and the speakers positions within the premises must be agreed by the Noise Unit;
 - All windows and glass panels in the premises must be acoustically double-glazed;
 - The walls and ceilings of the premises shall be soundproofed as recommended in the acoustic consultants report;
 - A lobby is to be constructed to the front access to the premises and all other external doors must be fitted with acoustic seals; and
 - A plan of the proposed ventilation system, which must be acoustically baffled and include projected noise levels. The plan of proposed works and their completion shall be subject to the approval of the Noise Unit.
15. It is also recommended that the conditions detailed below be imposed on any licence full licence issued: -
- That all amplified music shall be played through the approved sound limiting device, the level of which shall be maintained to the satisfaction of the Council's Noise Unit;
 - That all doors, excepting any that have to be locked open for public safety, shall be kept closed at all times; and

Technical Suitability

16. A suitability survey of the premises has been carried out by an officer of the London Fire and Emergency Planning Authority (LFEPA) and the Council's Building Surveyor; and it has been determined that subject to the satisfactory completion of works the premises can meet the required standard. Copies of the schedule of work requirements, issued by LFEPA and the Council's Building Surveyor are attached as Appendix C to the report.

Licence Conditions

17. If members are minded to grant the application it is recommended that in the first instance a provisional licence is issued, the conversion of the provisional licence to a fully operational licence should be conditional on: -
- i) The satisfactory completion of the requirements set out paragraph 14 of the report and in the schedules attached as Appendix C to the report;
 - ii) The satisfactory installation at the premises of a CCTV system;
 - iii) The holder of the provisional licence remaining to be a "fit and proper" person.
18. It is further recommended that any full licence issued should be made subject to the Council's Rules of Management and to the following special conditions: -
- i) That all amplified music shall be played through the approved sound limiting device, the level of which shall be maintained to the satisfaction of the Council's Noise Unit;
 - ii) That all doors, excepting any that have to be locked open for public safety, shall be kept closed at all times;
 - iii) That Southwark Council registered door supervisors, one of whom is female, shall be employed at all times at the premises are in use under the licence and provided with: -
 - a) Hand held metal detection units in order to ensure that searches are carried out in respect of all admissions to the premises, whether members of the public or performers or their assistants; and
 - b) Mechanical counting devices to ensure that the maximum limit on the number of persons permitted in the premises are not exceeded;
 - iv) That the CCTV system installed at the premises shall be maintained in good working order at all times;
 - v) That all CCTV footage shall be kept for a period of thirty-one (31) days and shall upon request be made available to Officers of the Council and the Police;
 - vi) That notices shall be displayed, and announcements shall be made, requesting people to leave the premises in a quiet and orderly manner so as not to disturb local residents;
 - vii) That on Friday and Saturday nights there shall be no new admissions of the public to the premises after 12 midnight;
 - viii) That notices shall be prominently displayed at the entrance to the premises stating "DRUGS FREE ZONE" and "NO SEARCH NO ENTRY, THE MANAGEMENT RESERVES THE RIGHT TO REFUSE ENTRY"; and

- ix) That the total number of persons that may be accommodated in the ground floor of the premises at any one time shall not exceed one hundred & fifty (150).

The Local Vicinity

19. A map of the local vicinity is attached as Appendix D to the report.

RESOURCE IMPLICATIONS

20. Upon application a fee of £1240.50 was paid. This fee contributes towards the cost of administering the application and of compliance inspections at the premises.

CONSULTATION

21. Consultation on the application has been undertaken in accordance with the Council's established procedure.

EQUAL OPPORTUNITIES IMPLICATIONS

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

AGENDA 21 IMPLICATIONS

23. In considering the application the Committee will have regard to noise emissions from the premises in the event that a licence is granted; likely disturbance of residents caused by patrons leaving the premises; and the suitability of the premises and its location. All of these factors are relevant under Agenda 21.

REPORT OF THE BOROUGH SOLICITOR AND SECRETARY - LEGAL ISSUES

24. The report recommends that the Licensing Committee decide whether to grant the application made by Ricecooker Limited for the grant of an annual weekday and Sunday public music and dancing licence in respect of the ground floor of the premises situated at 123 Lordship Lane, London SE22.
25. The Committee have 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 Committee may impose standard rules of management for places of public entertainment in their entirety. The Committee may not, however, impose conditions concerning the sale of alcohol as this is within the jurisdiction of the local licensing justices.
26. In hearing this matter, the Committee are 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 Committee must give fair consideration to the contentions of all persons entitled to make representations to them.

27. In considering this application, the Committee 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 Committee is 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.
28. The Committee 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

29. Background papers, which include Schedule 12 of the London Government Act 1963 and the premises case file (ELU/123LORDSHIP), are kept at the Environment & Leisure Department, Licensing Unit, Chaplin Centre, Thurlow Street, SE17 2DG and may be viewed by arrangement with Diane Kraus who can be contacted on telephone number 020 7525 5688.

AUDIT TRAIL

30.

Lead Officer:	Gill Davies, Director of Environment & Leisure	
Report Author:	Diane Kraus, Licensing Officer	
Version:	Final/complete version of the report	
Dated:	22 July 2003	
Key Decision:	No	
CONSULTATION WITH OTHER OFFICIERS/DIRECTORATE/EXECUTIVE MEMBERS		
Officer Title	Comments Sought	Comments included
Borough Solicitor & Secretary	Yes	Yes
Executive Member	No	No
Date final report sent to Constitutional Support Services	22 July 2003	

REASONS FOR LATENESS

31. Report late due to author having to attend Court proceedings on behalf of the Council.

REASONS FOR URGENCY

32. The applicant and objectors have been notified that the application will be heard on 29 July 2003.