



## Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Tuesday 5 November 2013 at 10.00 am at Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

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- PRESENT:** Councillor Renata Hamvas (Chair)  
Councillor The Right Revd Emmanuel Oyewole  
Councillor David Hubber
- OTHERS PRESENT:** Clare Johnson, representative for WM Morrison Supermarkets PLC  
Kelly Michas, representative for WM Morrison Supermarkets PLC  
John Beasley, local resident  
Paolo Tonnello, representative for The Hide  
Rufus Grantham, representative for The Hide  
Michael Budd, local resident  
Catherine Butcher, local resident  
Ravi Bhaskaran, local resident  
Patrick Pierre-Powell representative for Dog Kennel Hill Adventure Playground
- OFFICER SUPPORT:** Kristie Ashenden, licensing officer  
Jayne Tear, licensing officer  
Mark Orton, licensing officer (observing)  
Sarah Newman, environmental protection team  
Debra Allday, legal officer  
Andrew Weir, constitutional officer

### 1. APOLOGIES

There were none.

### 2. CONFIRMATION OF VOTING MEMBERS

The three members present were confirmed as the voting members.

**3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT**

The chair accepted the following late and urgent item:

Licensing Act 2003: Dog Kennel Hill Adventure Playground, Dog Kennel Hill, London SE22 7AA - Temporary Event Notice.

**4. DISCLOSURE OF INTERESTS AND DISPENSATIONS**

There were none.

**5. LICENSING ACT 2003: M LOCAL, 18-22 GROVE VALE, LONDON SE22 8EE**

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

The applicant addressed the sub-committee. Members had no questions for the applicant.

The sub-committee heard from a local resident. Members had no questions for the local resident.

The licensing sub-committee went into closed session at 10.35am.

The licensing sub-committee resumed at 11.15am and the chair read out the decision of the sub-committee.

**RESOLVED:**

That the application submitted by WM Morrison Supermarkets PLC for a premises licence in respect of M Local, 18-22 Grove Vale, London SE22 8EE be granted as follows.

<b>Licensable Activity</b>	<b>Monday to Sunday</b>
Supply of alcohol (for consumption off the premises)	06.00 – 00.00
Hours premises are open to the public	06.00 – 00.00

**Conditions**

The operation of the premises under the licence shall be subject to relevant mandatory conditions, conditions from the operation schedule highlighted in Section M of the application form and the following conditions.

The following additional special conditions developed through discussion from the original operating schedule attached to the application as follows:

- (i) That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV system must be capable of capturing a clear facial image of every person who enters the premises.
- (ii) That all CCTV footage shall be kept for a period of thirty one (31) days and shall, upon request, be made immediately available to officers of the police and the council.
- (iii) That no super strength beer, lager or cider of 5.5% abv or above shall be sold other than premium beer, lager or cider priced at £1.95 or above.
- (iv) That there will be no self service display of alcohol within 2 metres of the entrance door.
- (v) That all staff are trained in their responsibilities under the Licensing Act 2003 and training records to be kept and updated every six months and shall, upon request, be made immediately available to officers of the police and the council.

### **Reasons**

The licensing sub-committee heard evidence from the applicant who informed the sub-committee that WM Morrison Supermarkets PLC operated in excess of 500 premises which had the same licensed hours as being applied for and operated in densely populated areas in close proximity to local residents and also in saturation zones. There had been no prosecution or review in the last decade against WM Morrison Supermarkets PLC.

The licensing sub-committee noted that the police had withdrawn their representation based on conciliation of conditions as detailed on page 28 of the agenda and listed above.

The licensing sub-committee heard from a local resident who advised the sub-committee that he moved to London to undertake alcohol education and that he had been a social worker and a volunteer with Alcoholics Anonymous. The local resident objected to the application stating that it would cause nuisance by noise, drunkenness, leading to aggression and crime, loitering and threatening behaviour and litter from take-aways. He accepted that it was impossible to predict any consequences when individuals had consumed alcohol and made it clear that in his opinion that prevention was better than cure.

The sub-committee noted the second objection from another local resident, who was not in attendance.

The sub-committee having taken into account all the representations, took into account that the "need" for additional licensed premises was not a relevant consideration. WM Morrison Supermarkets PLC had a considerable number of premises with similar licences and had had no prosecutions or reviews against the company since the commencement of the Licensing Act 2003. The sub-committee acknowledged the local resident's concerns of the sale of alcohol generally. However, the sub-committee noted that there were no representations relevant to the area or against WM Morrison Supermarkets PLC generally.

Unfortunately, the representations submitted by the local residents were speculative concerns and not evidence based.

The sub-committee were also reminded of paragraph 10.13 of the guidance issued under section 182 of the Licensing Act which provides "... supermarkets should normally be free to provide the sale of alcohol for consumption off the premises at any times when the retail outlet is open for shopping, unless there are good reasons, based on the licensing objectives for restricting those hours".

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives.

The licensing sub-committee considered that it was appropriate and proportionate to attach these conditions in order to address the licensing objectives.

### **Appeal rights**

Any appeal must be made to the Magistrates' Court for the petty sessions area (or any such area) in which the premises concerned 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.

## **6. LICENSING ACT 2003: THE HIDE, GROUND FLOOR, 39 – 45 BERMONDSEY ST, LONDON SE1 3XF**

The licensing officer presented their report. Members had questions for the licensing officer.

The applicant addressed the sub-committee. Members had questions for the applicant.

The sub-committee heard from local residents. Members had questions for the local residents.

Both the applicant and the local residents took the opportunity to sum up.

The sub-committee went into closed session at 11.54am.

The sub-committee resumed at 12.40pm and the chair read out the decision of the sub-committee.

### **RESOLVED:**

That the application by Blood and Sand Limited for a premises licence variation in respect of the premises known as The Hide, Ground floor, 39 - 45 Bermondsey Street London SE1 3XF be granted as follows:

<b>Licensable Activity</b>	<b>Monday and Tuesday</b>	<b>Wednesday to Friday</b>	<b>Saturday</b>	<b>Sunday</b>
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Recorded music	08.00 – 01.00	08.00 – 02.00	11:00 – 02:00	11:00 – 00:00
Late night Refreshment	23.00 – 01.00	23.00 – 02.00	23:00 – 02:00	23:00 – 00:00
Supply of Alcohol on the premises	08.00 – 01.00	08.00 – 02.00	08:00 – 02:00	08:00 – 00:00
Supply of alcohol off the premises	08.00 – 22.00	08.00 – 22.00	08:00 – 22:00	08:00 – 22:00
Opening hours	08.00 – 01.30	08.00 – 02.30	08:00 – 02:30	08:00 – 00:30

### Conditions

The operation of the premises under the licence shall be subject to relevant mandatory conditions, conditions from the operation schedule highlighted in Section M of the application form and the following conditions:

- b) All mandatory conditions set out in the Licensing Act 2003 relating to:
  - (i) Authorisation of the retail sale of alcohol
- c) The following additional special conditions developed through discussion from the original operating schedule attached to the application as follows:
  - (i) That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV system must be capable of capturing a clear facial image of every person who enters the premises.
  - (ii) That all CCTV footage shall be kept for a period of 31 days and shall, upon request, be made immediately available to officers of the police and the council.
  - (iii) That all staff are trained in their responsibilities under the Licensing Act 2003 and training records to be kept and updated every six months and shall, upon request, be made immediately available to officers of the police and council.
  - (iv) That suitable notices shall be displayed requesting people to leave the premises in a quiet and orderly manner so as not to disturb local residents.
  - (v) That customers shall use no outside area after 23.00 other than those who temporarily leave the premises to smoke a cigarette and no more than five people at any one time.
  - (vi) That all licensable activities shall cease 30 minutes prior to the terminal hour.

- (vii) That there are no off sales beyond 22.00 each day.
  - (viii) That no drinks are to be taken outside at any time. Signs will be displayed to this effect.
- d) Subject to the following additional condition agreed by the sub-committee:
- (i) That the premises shall display a contact telephone number in order that local residents can raise any concerns or issues they may have with the management of the premises.

## **Reasons**

The licensing sub-committee heard evidence from the applicant who informed the sub-committee that this was a single venue operation of approximately seven years and the clientele required an extension of hours. The original application to vary was more substantial: originally they requested 16 additional hours per week, which had now been reduced through the conciliation process to five. They advised that several premises within the vicinity had more extensive licensing hours. The applicant had no intention of setting a precedent for other venues to increase their hours rather, they sought to come in line with their competitors. During the course of The Hide's operation no complaints had been received by them relating to noise, public nuisance or crime and disorder. In view of this, the applicant's were confident that they could continue to operate with these reduced extension of hours peacefully and without complaint.

The licensing sub-committee noted the police had withdrawn their representation following conciliation with the applicant.

The sub-committee noted that there were ten representations lodged by other persons which concerned the prevention of public nuisance, noise and anti-social behaviour. Three local residents who submitted representations attended the hearing.

The local residents complained of late night noise from people leaving the area when no public transport was available, causing additional traffic noise through the night. The residents were of the view that there were many bars and restaurants within the area and customers would leave the venues inebriated and making a lot of noise, shouting through the night and on occasion, urinating in doorways. It was noted in particular that one of the residents complained of being disturbed at 1.00am on the morning of the hearing. However, it was also accepted that The Hide was closed at this time, therefore, this complaint can not be attributed to them.

The sub-committee were sympathetic to the concerns and the complaints of the local residents. However, it was noted that all the complaints were general in nature and could not be associated directly with The Hide. Neither the Metropolitan Police Service nor the council's noise team had raised complaints about these premises relating to noise, anti-social behaviour or crime and disorder. In view of the fact that there were no substantiated complaints against the premises, this application was granted.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives.

The licensing sub-committee considered that it was appropriate and proportionate to attach these conditions in order to address the licensing objectives.

### **Appeal rights**

Any appeal must be made to the Magistrates' Court for the petty sessions area (or any such area) in which the premises concerned 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.

## **7. LICENSING ACT 2003: DOG KENNEL HILL ADVENTURE PLAYGROUND, DOG KENNEL HILL, LONDON SE22 7AA - TEMPORARY EVENT NOTICE**

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

The applicant addressed the sub-committee. Members had questions for the applicant.

The sub-committee heard from the environmental protection officer. Members had questions for the environmental protection officer.

The sub-committee went into closed session at 1.03pm.

The sub-committee resumed at 1.24pm and the chair read out the decision of the sub-committee.

### **RESOLVED:**

That a counter notice not be issued under section 105 of the Licensing Act 2003 in respect of the temporary event notice given by Mr Patrick Pierre-Powell in respect of the premises known as Dog Kennel Hill Adventure Playground, Dog Kennel Hill, London SE22 8DA.

### **Reasons**

This was temporary event notice given by Mr Patrick Pierre-Powell in respect of the premises known as Dog Kennel Hill Adventure Playground, Dog Kennel Hill, London SE22 8DA.

The licensing sub-committee heard evidence from the council's environmental protection team officer who objected to the application as officers from the noise team had witnessed a substantial statutory nuisance due to noise from amplified music without the appropriate temporary event notice (TEN) being in place, on 24 July 2013. The officer stated that with the exception of this incident there had been only one historical complaint of noise nuisance back in 2008.

The licensing sub-committee heard evidence from the premises user, Mr Patrick Pierre-Powell, who advised that he had managed the premises for 17 to 18 years and that the bonfire night event had taken place for the previous four years without complaints. Concerning the incident on 24 July 2013, which was the cause of over 20 complaints and

resulted in the environmental protection team objecting to this application, the applicant submitted that he had hired out the premises to the tenants/residents' association in good faith and that it was not an event that he had any control over. It was expected that the association would apply for a TEN if required, but they failed to do so. Since this date, the applicant has only hired out the premises subject to an amended venue hire agreement. He advised that no similar incident would occur again.

The sub-committee accepted that the incident of 24 July 2013 was an isolated incident and that the applicant had assured that no similar incident would occur as a result of the rewording of the venue hire agreement.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives.

### **Appeal rights**

Where the relevant counter notice under Section 105(3) is given the premises user may appeal against the decision. Where counter notice is not given, the chief officer of the environmental protection team may appeal against that decision. The appeal must be made to the Magistrates' Court within a period of 21 days beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against. No appeal may be brought later than five working days before the day on which the event begins.

The meeting closed at 1.27pm.

**CHAIR:**

**DATED:**