

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Wednesday 1 June 2016 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Adele Morris (in the Chair)
Councillor David Hubber
Councillor Sandra Rhule

OTHERS PRESENT: John Schofield, applicant
Susan Muir, applicant, The Brunel Museum
Adrian Ford, witness for the applicant, The Brunel Museum
Camilla Patrick, witness for the applicant
Elizabeth Jones, local resident
Hilary McCallum, local resident
Donna Gallagher, local resident
Catherine Goodley, local resident
James McConnell, applicant, The Rye
Charlie Buchan, designated premises supervisor, The Rye

OFFICER SUPPORT: Rebecca Millardship, legal officer
Wesley McArthur, licensing officer
Andrew Weir, constitutional officer

1. APOLOGIES

There were none.

2. CONFIRMATION OF VOTING MEMBERS

The members present were confirmed as the voting members. In the absence of the chair, Councillor Adele Morris chaired the meeting in her capacity as vice-chair of the licensing committee.

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

There were none.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003: THE BRUNEL MUSEUM, RAILWAY AVENUE, LONDON SE16 4LF

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

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

A local resident objecting to the application addressed the sub-committee. Members had questions for the local resident.

Both parties were given an opportunity for summing up.

The meeting went into closed session at 11.27am.

The meeting resumed at 12.57pm. The chair did not read out the decision of the sub-committee as none of the parties were present.

RESOLVED:

That the application by The Brunel Museum or a variation of a Premises Licence issued under the Licensing Act 2003 in respect of The Brunel Museum, Railway Avenue, London SE16 4LF be granted as follows:

- That condition 341 be varied to read "That licensable activities will not take place in the outside areas after 17:30 except for Thursdays, Fridays and Saturdays for the sale or supply of alcohol until 23:00.
- That the licensable area of the premises be extended as per plan number BMR_JTA_PR_AL_020 C1 provided in the application.

Conditions

The operation of the premises under the licence shall be subject to relevant mandatory conditions, conditions derived from the operation schedule highlighted in Section M of the application form, the conditions agreed between the applicant and the environmental protection team during the conciliation process and the following additional conditions:

1. That a direct telephone number for the management at the premises shall be publicly available at all times that the premises are open. This telephone number is to be made available to residents and businesses in the vicinity.

2. That there shall be no amplified music or entertainment in any outside areas.

Reasons

The reasons for the decision are, as follows:

The licensing sub-committee heard evidence from the applicant who advised that their application was to extend the licensable areas as per the plan submitted with the application and to allow alcohol to be sold in the outside areas after 17:30 until 23:00 on Thursday, Friday and Saturdays.

They specified that the events that would be held would be ticketed with a maximum of 200 tickets being sold. They explained that one of these events is the 'Midnight Apothecary' which currently takes place each Saturday in the summer months. At these events the applicant stated that alcohol is not served after 22:00 and all patrons leave the garden area by 22:30.

The applicant acknowledged the content of the complaints that had been submitted as a result of this application and expressed a willingness to work and engage with local residents to address their concerns directly.

The application was endorsed by two witnesses for the applicant.

The sub-committee noted that the environmental protection team representations were withdrawn as a result of the conciliation statement from the applicant.

The licensing sub-committee noted the written representations from seven local residents. Two of the local residents had written to confirm that they had withdrawn their representations prior to the hearing.

The sub-committee heard from one local resident objector (also representing one other objector) who expressed concerns in relation to the noise and the location of the premises in a residential environment. They expressed dissatisfaction with the manner in which the museum had policed its previous events. They drew comparison from the operation of the Mayflower pub.

The local resident objector also suggested that the hours applied for in the variation could be shorter than the hours that already existed in the current licence. They also discussed options of how to monitor sound emitting from the premises.

The licensing sub-committee, having considered all the written and oral evidence before it agreed to the conditions set out in the decision above. The licensing sub-committee did consider the suggestion put forward by the local resident objector relating to limiting the hours for licensable activities, however, it was considered that it would be too difficult to both adhere to and enforce, especially considering the nature of the proposed events.

In respect of the local resident objector's comments relating to noise control, the licensing sub-committee decided not to vary the existing condition 342 as it would be unduly onerous, considering the nature of the activities taking place. However, the sub-committee were mindful that noise nuisance from patrons may have an impact on neighbouring residents without satisfying the criteria for a statutory nuisance. As such, the licensing sub-committee ask that the applicant is responsive to any complaints made by

local residents.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives and considered that this decision was necessary and proportionate.

Appeal rights

The applicant may appeal against any decision to modify the conditions of the licence; and

Any person who made relevant representations in relation to the application who desire to contend that:

- a) That variation ought not to have been made; or
- b) That, when varying the licence, the licensing authority ought not to have modified the conditions of the licence, or ought to have modified them in a different way

may appeal against the decision.

Any appeal must be made to the magistrates' 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' 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 RYE, 31 PECKHAM RYE, LONDON SE15 3NX

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.

All parties were given an opportunity for summing up.

The meeting went into closed session at 1.19pm.

The meeting resumed at 2.47pm. The chair did not read out the decision as none of the parties were present.

RESOLVED:

That the application by Greene King Brewing and Retailing Ltd for a variation of a Premises Licence issued under the Licensing Act 2003 in respect of The Rye, 31 Peckham Rye, London SE15 3NX is granted as follows:

- That the licensable area of the premises shall be altered as per the drawing named 'Proposed Layout – Licensing' and dated 22 March 2016 submitted with the above application.

Conditions

1. That regular inspections of the garden area shall be undertaken by a member of the management team whilst the premises are in operation to assess the level of noise being caused due to the operation of the premises.
2. That staff shall be trained in respect of the terms and conditions of this licence and in respect of the operation and management of the garden area. A record of such training shall be kept / be accessible at the premises at all times and will be made immediately available to council or police officers on request. The training record shall include the trainee's name (in block capitals), the trainer's name (in block capitals), the signature of the trainee, the signature of the trainer, the date(s) of training and a declaration that the training has been received.
3. That the sale of alcohol shall cease by 21:45 in the garden area and the garden area shall be cleared of patrons by 22:00.
4. That notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly. That any groups of customers found to be loitering outside the premises after closing time will be politely asked by staff to disperse from the area.
5. That the extraction systems at the premises shall be maintained in full working order at all times that the premises are in operation. The extraction systems shall be inspected at least once annually by a person qualified to do so to ensure that they are in full working order. Any record or certification of such inspections shall be kept at / be available at the premises and shall be made available to officers of the council or police on request.
6. That any barbeques in use at the premises shall be gas powered and include a hood. The barbeque shall only be in operation up until 21:00 on each day.
7. That the bar in the garden area must be manned by trained staff at all times whilst in use. It must be secured, in such a way as to prevent public access, at all other times.
8. That only single measures of spirits shall be sold at bar in the garden.
9. That a direct telephone number for the management team at the premises shall be publically available at all times that the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
10. That condition 122 (c) be amended to read: 'They are in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to and from which there is no other convenient means of access or egress.' This does not apply to the garden area up until 19:00 each day.

Reasons

The reasons for the decision are, as follows:

The licensing sub-committee heard submissions from the applicant who stated that generally the premises had a good relationship with local residents and that it was not a destination pub.

They further explained the contents of their conciliation statement which had been circulated on 31 May and sought to explain how they had addressed the concerns raised by the objector.

The licensing sub-committee considered the representation submitted by a local resident who was unable to attend the hearing. The written representation raised concerns regarding increased noise and odour levels as the plans will incorporate a BBQ facility. A request was made asking for a condition to be added to prevent the impact of the proposed works on the local residents.

Having considered all the information before it, the sub-committee agreed that the conditions provided by the applicant in the conciliation statement sufficiently safeguarded the interests of local residents.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives and considered that this decision was necessary and proportionate.

Appeal rights

The applicant may appeal against any decision to modify the conditions of the licence; and

Any person who made relevant representations in relation to the application who desire to contend that:

- a) That variation ought not to have been made; or
- b) That, when varying the licence, the licensing authority ought not to have modified the conditions of the licence, or ought to have modified them in a different way

may appeal against the decision.

Any appeal must be made to the Magistrates' Court for the area in which the premises 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.

Meeting ended at 2.48 pm

CHAIR:

DATED: