

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 30 June 2016 at 10.00 am at Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Renata Hamvas (Chair)
Councillor David Hubber
Councillor Adele Morris

**OTHERS
PRESENT:** Councillor Bill Williams (observing)
Hannah Barry, applicant, Bold Tendencies
Diana Cordoba, Bold Tendencies
Frank Boxer, applicant, Frank's Café
James Dye, applicant, Frank's Café
Andy Grimsen, legal representative, Frank's Café
Philippe Castaine, applicant, Peckham Levels
Nathan Gee, applicant, Peckham Levels
Gary Grant, legal representative, Peckham Levels

**OFFICER
SUPPORT:** Debra Allday, legal officer
Wesley McArthur, licensing officer
David Franklin, licensing officer as a responsible authority
Victoria Lewis, planning office
Richard Pinder, public health authority
Sarah Newman, environmental protection officer
Andrew Weir, constitutional officer

1. APOLOGIES

There were none.

2. CONFIRMATION OF VOTING MEMBERS

The members present were confirmed as the voting members.

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

The chair advised that the order of business would be varied to hear a request for a postponement in relation to item 8 on the agenda, first. The chair also advised that items 5, 6 and 7 on the agenda would be heard together.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003: FRANK'S CAFÉ, LEVELS 9 & 10, PECKHAM MULTI STORY CAR PARK, 95A RYE LANE, LONDON SE15 4ST

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

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

The licensing officer representing the council as a responsible authority addressed the sub-committee. Members had questions for the licensing officer.

All parties were given an opportunity for summing up.

The meeting went into closed session at 2.10pm. Prior to going into closed session the chair informed the parties that they would be informed of the full decision in writing.

The meeting resumed at 2.25pm and the chair advised all parties of a summary of the decision.

RESOLVED:

That the application by Frank's Café Limited for a variation of the premises licence issued under the Licensing Act 2003 in respect of Frank's Café, Level's 9 – 10, Peckham Multi Storey Car Park, 95A Rye Lane, London SE15 4ST granted as follows:

- That condition 341 is amended to read:
"That a capacity limit of 1,500 persons shall not be exceeded at any time and will be controlled by the use of clickers."

Reasons

The reasons for the decision are, as follows:

The Licensing sub-committee heard submissions from the applicant who advised that the application was simply to vary condition 341 of the current premises licence to allow an increase in capacity of 500 persons, to that of 1500. The applicant was not seeking to add another licensable activity and the licence did not include any regulated entertainment and the operation of the premises would remain the same. The applicant sought to

increase capacity as since changes to the entrance/exit arrangements, queuing had become an issue. During the course of any one day, there could be 1500 visitors to the premises, but when the premises was at the current 1000 capacity, the queue to the premises would be held at level 6. These arrangements have now been altered as level 6 is now a building site, the queue is now on the ground level. For the benefit of the local residents, it is preferred to increase the capacity, rather than have a queue of patrons on the ground level in the street.

The licensing sub-committee heard submissions from this councils licensing responsible authority who referred to Southwark's statement of licensing policy 2016–2020 concerning the prevention of crime and disorder and the prevention of public nuisance licensing objectives. Licensing as a responsible authority were concerned that the applicant has not addressed how the increased capacity would not adversely effect and/or local residents.

The licensing sub-committee noted that it was only licensing as a responsible authority that had submitted a representation against the variation application. The applicant had sufficiently explained the need to increase capacity was due to the changes to the entrance and also, the fact that level 6 was no longer available to allow for the queuing to be held there. Prior to the premises licence becoming permanent in 2015, there ha been a previous capacity of 1200. Furthermore, risk assessments allowed for a capacity of 1800. On this basis, the increase in capacity by 500 was acceptable.

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.

6. LICENSING ACT 2003: FRANK'S CAFE, LEVELS 7 & 8, PECKHAM MULTI STOREY CAR PARK, 95A RYE LANE, LONDON SE15 4ST

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 Metropolitan Police Service representative addressed the sub-committee. Members had questions for the police representative.

The licensing officer representing the council as a responsible authority addressed the sub-committee. Members had questions for the licensing officer.

It was noted that the environmental protection officer had conciliated with the applicant.

All parties were given an opportunity for summing up.

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

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

The licensing officer representing the council as a responsible authority addressed the sub-committee. Members had questions for the licensing officer.

All parties were given an opportunity for summing up.

The meeting went into closed session at 2.10pm. Prior to going into closed session the chair informed the parties that they would be informed of the full decision in writing.

The meeting resumed at 2.25pm and the chair advised all parties of a summary of the decision.

RESOLVED:

That the application by Frank's Café Limited for a grant of a premises licence issued under the Licensing Act 2003 in respect of Frank's Café, Levels 7 & 8, Peckham Multi Storey Car Park, 95a Rye Lane, London, SE15 4ST is granted as follows:

Licensable Activity	Hours
Sale and supply of alcohol	Tuesday to Friday 17:00 to 23:00 Saturday 12:00 to 23:00 Sunday 12:00 to 22:00
Opening hours	Tuesday to Friday 17:00 to 23:30 Saturday 11:00 to 23:30 Sunday 11:00 to 22:30

Conditions

That 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 and the following additional conditions:

1. That the premises may hold a maximum of 15 major events per annum with a maximum capacity of 800 patrons. The applicant will notify residents and responsible authorities 14 days in advance of each event.

2. That the premises may hold a maximum of 35 events with a maximum capacity of 150 held in the auditorium.
3. That SIA door supervisors and suitably qualified stewards will be employed at the premises in line with the Bold Tendencies visitor management strategy.
4. 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.
5. That all CCTV footage will be kept for a period of 31 days and shall on request be made immediately available to officers of the police and the council. There will be at least one person on duty at all times that is familiar with the operation of the CCTV and able to download the footage upon request.
6. That the documents provided in the application namely, the Bold Tendencies visitor management strategy, the fire safety policy and fire evacuation plan, fire risk assessment, auditorium noise assessment (and any amendments to these documents) shall be adhered to and kept at the premises.
7. That all staff are trained in their responsibilities under the Licensing Act 2003 in addition to the Bold Tendencies visitor management strategy, the fire safety policy and fire evacuation plan, fire risk assessment, auditorium noise assessment and training records will be kept and signed and updated every 6-months. The records shall, upon request be made immediately available to Officers of the police and the council.
8. That a personal licence holder is on the premises and on duty at all times when intoxicating is supplied.
9. That no alcohol will be supplied unless an event is held at the premises by Bold Tendencies.

Reasons

The reasons for the decision are as follows:

The licensing sub-committee heard from the applicant who stated that Frank's Cafe would be responsible for the sale of alcohol at events that are run by Bold Tendencies, a not for profit creative enterprise. Levels 7-8 of the Peckham multi-Storey Car Park would be an extension of the work and licence that it already had on levels 9-10 of the same premises. The applicant also agreed that they would hold a maximum of 15 major events (with patron capacity of between 150-800) and 35 smaller events (with a patron capacity of up to 150).

The licensing sub-committee heard from the Metropolitan Police Service who stated that having considered the additional documentation presented, a number of conditions had been agreed with the applicant (conditions 3-8 above)

The licensing sub-committee heard from this council's licensing officer representing the council as a responsible authority who had, in their representation, referred to the council's statement of licensing policy 2016 - 2020 relating to the prevention of crime and disorder,

prevention of public nuisance and the protection of public safety licensing objectives. Their representation advised that the premises are local within the Peckham cumulative impact policy (CIP) and it was felt that applicant had not sufficiently rebutted the presumption that the operation would not add to the cumulative impact. However, having digested the additional material provided by the applicant, in addition to the applicant's agreement to hold a maximum of 15 major events and 35 smaller events per annum they confirmed that this would not have an effect on cumulative impact.

It was noted that the environmental protection team's representation was withdrawn, having conciliated with the applicant.

The licensing sub-committee were initially concerned the licence application would have a negative effect on cumulative impact however, having read and heard all the representations, the sub-committee were satisfied that there would be a maximum of 50 events per year with a restricted capacity and on that basis, allowed the licence application with the conditions agreed.

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 appropriate and proportionate.

Appeal rights

The applicant may appeal against any decision:

- a) To impose conditions on the licence
- b) To exclude a licensable activity or refuse to specify a person as premises supervisor.

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

- a) The licence ought not to be granted; or
- b) That on granting the licence, the licensing authority ought to have imposed different or additional conditions to 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.

7. LICENSING ACT 2003: BOLD TENDENCIES, LEVELS 7 & 8, PECKHAM MULTI STOREY CAR PARK, 95A RYE LANE, LONDON SE15 4ST

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 Metropolitan Police Service representative addressed the sub-committee. Members

had questions for the police representative.

The licensing officer representing the council as a responsible authority addressed the sub-committee. Members had questions for the licensing officer.

It was noted that the environmental protection officer had conciliated with the applicant.

All parties were given an opportunity for summing up.

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

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

The licensing officer representing the council as a responsible authority addressed the sub-committee. Members had questions for the licensing officer.

All parties were given an opportunity for summing up.

The meeting went into closed session at 2.10pm. Prior to going into closed session the chair informed the parties that they would be informed of the full decision in writing.

The meeting resumed at 2.25pm and the chair advised all parties of a summary of the decision.

RESOLVED:

That the application by Bold Tendencies Community Interest Company for a grant of a premises licence issued under the Licensing Act 2003 in respect of Bold Tendencies, Levels 7 & 8, Peckham Multi Storey Car Park, 95a Rye Lane, London, SE15 4ST is granted as follows:

Licensable Activity	Hours
Provision of live music and recorded music	Tuesday to Friday 17:00 to 23:00 Saturday 12:00 to 23:00 Sunday 12:00 to 22:00
Opening hours	Tuesday to Friday 17:00 to 23:30 Saturday 11:00 to 23:30 Sunday 11:00 to 22:30

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 and the following additional conditions:

1. That the premises may hold a maximum of 15 major events per annum with a maximum capacity of 800 patrons. The applicant will notify residents and responsible authorities 14 days in advance of each event.

2. That the premises may hold a maximum of 35 events with a maximum capacity of 150 held in the auditorium.
3. That SIA door supervisors and suitably qualified stewards will be employed at the premises in line with the Bold Tendencies visitor management strategy.
4. 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.
5. That all CCTV footage will be kept for a period of 31 days and shall on request be made immediately available to officers of the police and the council. There will be at least one person on duty at all times that is familiar with the operation of the CCTV and able to download the footage upon request.
6. That the documents provided in the application namely, the Bold Tendencies visitor management strategy, the fire safety policy and fire evacuation plan, fire risk assessment, auditorium noise assessment (and any amendments to these documents) shall be adhered to and kept at the premises.
7. That all staff are trained in their responsibilities under the Licensing Act 2003 in addition to the Bold Tendencies visitor management strategy, the fire safety policy and fire evacuation plan, fire risk assessment, auditorium noise assessment and training records will be kept and signed and updated every 6-months. The records shall, upon request be made immediately available to Officers of the police and the council.
8. That a personal licence holder is on the premises and on duty at all times when intoxicating is supplied.
9. That no alcohol will be supplied unless an event is held at the premises by Bold Tendencies.

Reasons

The reasons for the decision are as follows:

The licensing sub-committee heard from the applicant who stated that levels 7-8 of the Peckham multi-storey car park would be an extension of the work and licence that it already had on levels 9-10 of the same premises. They heard that Bold Tendencies was a not for profit creative enterprise. Levels 7-8 would be a dedicated space to hold live performance, committed on delivering a world class programme of classical music and music education. The applicant also agreed that they would hold a maximum of 15 major events (with patron capacity of between 150-800) and 35 smaller events (with a patron capacity of up to 150).

The licensing sub-committee heard from the Metropolitan Police Service who stated that having considered the additional documentation presented, a number of conditions had been agreed with the applicant (conditions 3-8 above).

The licensing sub-committee heard from this council's licensing officer representing the council as a responsible authority who had, in their representation, referred to the council's

statement of licensing policy 2016 - 2020 relating to the prevention of crime and disorder, prevention of public nuisance and the protection of public safety licensing objectives. Their representation advised that the premises are local within the Peckham cumulative impact policy (CIP) and it was felt that applicant had not sufficiently rebutted the presumption that the operation would not add to the cumulative impact. However, having digested the additional material provided by the applicant, in addition to the applicant's agreement to hold a maximum of 15 major events and 35 smaller events per annum they confirmed that this would not have an effect on cumulative impact.

It was noted that the environmental protection team's representation was withdrawn, having conciliated with the applicant.

The licensing sub-committee were initially concerned the licence application would have a negative effect on cumulative impact however, having read and heard all the representations, the sub-committee were satisfied that there would be a maximum of 50 events per year with a restricted capacity and on that basis, allowed the licence application with the conditions agreed.

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 appropriate and proportionate.

Appeal rights

The applicant may appeal against any decision:

- a) To impose conditions on the licence
- b) To exclude a licensable activity or refuse to specify a person as premises supervisor.

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

- a) The licence ought not to be been granted; or
- b) That on granting the licence, the licensing authority ought to have imposed different or additional conditions to 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.

8. LICENSING ACT 2003: PECKHAM LEVELS, LEVELS 1 TO 6, PECKHAM MULTI STOREY CAR PARK, 95A RYE LANE, LONDON SE15 4ST

The applicant and their legal representative made their case for an adjournment. All of the responsible authorities indicated that they would also support an adjournment.

The meeting adjourned at 11.55am to allow the applicant, the responsible authorities and the local residents an opportunity to conciliate.

The meeting reconvened at 12.53pm. The applicant, the responsible authorities and the local residents advised that they had not been able to conciliate and that they all supported the applicant's request for a postponement.

RESOLVED:

That the item, Licensing Act 2003: Peckham Levels, Levels 1 to 6, Peckham Multi Storey Car Park, 95A Rye Lane, London SE15 4ST, be postponed to 27 September 2016.

Meeting ended at 2.27 pm

CHAIR:

DATED: