

## Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 15 September 2016 at 10.00 am at Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

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**PRESENT:** Councillor David Hubber (in the chair)  
Councillor Sunny Lambe  
Councillor Bill Williams

**OTHERS PRESENT:** A Fanzola, applicant, L'Emporio  
Lindsay McNamara, resident  
J O'Brien, resident  
A Locke, resident  
Ian Clemens, Metropolitan Police  
Mark Lynch, Metropolitan Police  
Russell Gray, applicant, Black Swan Yard  
Harley Gray, Black Swan Yard  
Councillor Charlie Smith (observing)  
Baroness Grender MBE  
Baroness Henig CBE  
Baroness McIntosh of Pickering  
Lord Smith of Hindhead CBE  
Ben Taylor, House of Lords  
Michael Collon, House of Lords  
Tansy Hutchinson, House of Lords  
Andrew Woollatt, House of Lords  
Sarah Clover, House of Lords

**OFFICER SUPPORT:** Debra Allday, legal officer  
Rachel Millardship, legal officer  
Joanne Devlin, legal officer  
Dorcas Mills, licensing officer  
Alexander Lisowski, licensing officer  
Jayne Tear, licensing officer  
Ken Andrews, environmental protection officer  
Gerald Gohler, constitutional officer

### 1. ELECTION OF CHAIR

In the absence of the chair, Councillor David Hubber was nominated by Councillor Sunny

Lambe. This was seconded by Councillor Bill Williams.

**2. APOLOGIES**

There were none.

**3. CONFIRMATION OF VOTING MEMBERS**

The members present were confirmed as voting members.

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

The chair informed the meeting that item 7 had been conciliated and would therefore not be heard, and that the meeting would also hear a late temporary events notice (TEN) application under item 9, which had been circulated as a late item in supplemental agenda No.1.

The chair advised items would be heard in the following order:

Licensing Act 2003: L'Emporio Ltd, 134 Druid Street, London SE1 2HH

Licensing Act 2003: 1 Black Swan Yard, London SE1 3XW

Licensing Act 2003: Application for a personal licence

**5. DISCLOSURE OF INTERESTS AND DISPENSATIONS**

There were none.

**6. LICENSING ACT 2003: L'EMPORIO LTD, 134 DRUID STREET, LONDON SE1 2HH**

The licensing officer presented their report and informed the meeting that all parties had conciliated, except for the residents. Members had no questions for the licensing officer.

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

The representative of the police addressed the meeting explaining that their concerns had been addressed via the conciliation process. Members had no questions for the police representative.

The representative of the council's environmental protection team addressed the meeting explaining that their concerns had been addressed via the conciliation process. Members had no questions for the environmental protection officer.

The licensing officer representing the council as a responsible authority addressed the sub-committee explaining that their concerns had been addressed via the conciliation process. Members had no questions for the licensing officer.

Three residents from Druid Street objecting to the application addressed the sub-committee, and submitted a video to support their claims of excessive general noise levels in the street on weekends. Members had questions for the local residents.

All parties were given an opportunity for summing up.

The meeting went into closed session at 10.50 am.

The meeting resumed at 11.10am. The chair did not read out the decision of the sub-committee, as none of the parties were present any longer.

**RESOLVED:**

<b>Licensable Activity</b>	<b>Hours</b>
The supply of alcohol (on premises)	Sunday to Wednesday from 11:00 to 21:40 Thursday to Saturday from 11:00 to 22:40
The supply of alcohol (off the premises)	Sunday to Wednesday from 11:00 to 22:00 Thursday to Saturday from 11:00 to 23:00
Opening hours	Sunday to Wednesday from 08:00 to 22:00 Thursday to Saturday from 08:00 to 23:00

**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 conciliated with the responsible authorities and the following additional conditions:

1. That the accommodation limit of the premises (excluding staff) shall not exceed 50 people.

**Reasons**

The reasons for the decision are as follows:

The licensing sub-committee heard from the applicant who stated that L'Emporio had a different model of operation from the other licensed premises on Druid Street. The premises was very much food-led and would bring Italian food culture to the area with cheese tasting, curing and wine tasting events. They had also withdrawn all regulated entertainment from the application. All responsible authorities had conciliated and it was felt that the conditions agreed with them also addressed the concerns the local resident had.

The licensing sub-committee noted that the applicant conciliated with the responsible authorities: Metropolitan Police, licensing and environmental protection team.

The licensing sub-committee noted the representation submitted by the ward councillors.

The licensing sub-committee heard from other persons who stated that they lived very close to the premises and the other existing licensed premises. The area was already densely populated with licensed premises and there were already well-known and long-running issues concerning, noise nuisance, anti-social behaviour littering and urinating. A further licensed premises in the area would only add to problems. The other person accepted that they had not had any reason to complain about the L'Emporio when they had temporary events.

The licensing sub-committee are extremely sympathetic to the concerns of the local residents in that there had been a noticeable increase of licensed premises in Druid Street. This would naturally have an impact on residents in the area. However, L'Emporio was a food-led business, the sale of alcohol would not be primary. The business had been running for four years during which time, the residents had no reason to complain and for this reason, the premises license is granted.

This licensing sub-committee are concerned about the number of licensed premises opening in the Druid Street area and the cumulative impact that it is having on residents. It is therefore recommended that a site visit to the area is made by the full Licensing Committee with the view that there is discussion on imposing a saturation zone in this area. The residents also raised concerns that their complaints were not being followed up with any enforcement. This licensing sub-committee recommend that Druid Street is carefully monitored and appropriate enforcement action taken by all responsible authorities for the next six months and their findings reported to the licensing committee.

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: MRH NEWINGTON, 197-209 NEW KENT ROAD, LONDON SE1 4AG**

The licensing officer advised the sub-committee that the item had been conciliated prior to the meeting.

**8. LICENSING ACT 2003: APPLICATION FOR A PERSONAL LICENCE**

The sub-committee noted the open report and considered the information in the closed agenda.

**RESOLVED:**

That the application for a personal license issued under the Licensing Act 2003 be refused.

**9. LICENSING ACT 2003: 1 BLACK SWAN YARD, LONDON SE1 3XW**

The licensing officer presented their report and informed the meeting all parties had conciliated, except for the residents. Members had no questions for the licensing officer.

The premises user and their witness addressed the sub-committee. Members had questions for the premises user and their witness.

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

All parties were given an opportunity for summing up.

The meeting went into closed session at 11.45am.

The meeting resumed at 12noon. The chair did not read out the decision of the sub-committee, as none of the parties were present any longer.

**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 Harley Gray in respect of the premises known as 1 Black Swan Yard, London SE1 3XW.

**Reasons**

This was temporary event notice given by Mr Harley Gray in respect of the premises known as 1 Black Swan Yard, London SE1 3XW.

The Licensing Sub-Committee heard evidence from the premises user Mr Harley Gray and his Father, Russell Gray. They supported the written application by providing a map, on which they had highlighted where the fire exits and all regulation compliant fire fighting equipment would be located. They also were able to confirm the location of the seating and that this would be fixed seating. Finally they confirmed that no straw bales would be

used during the event at all.

In addressing the concerns raised by the environmental protection team regarding noise controls, the applicant highlighted that a similar event had been held last year and no complaints about noise had been made. He also stated that whilst the application was for the supply of alcohol until 22:30, in reality most people left by 21:00. The applicant was further able to allay concerns by stating that the event would have security to monitor the flow of patrons and that the applicant and other stewards would be in attendance.

The licensing sub-committee heard evidence from the council's environmental protection team who stated that there had been similar events over the same period, coinciding with the Bermondsey festival, in previous years. They reported that there had previously been concerns relating to the use of straw bales for seating and inadequate fire safety precautions and measures in force. They also raised concerns regarding the lack of detail in the application as to how noise would be controlled.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives. They considered that the applicant had been able demonstrate that the concerns raised by the environmental protection team had been reviewed and that adequate measures were in place to deal with this event.

The sub-committee felt that the applicant would have benefitted from co-ordinating with the Bermondsey Street festival in their temporary event notice application as the sub-committee would then have been able to consider the event and its effect on the local community and the event patrons more fully. The sub-committee would invite the applicant to consider making such efforts for any future applications.

### **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.

## **10. CONFIDENTIAL: LICENSING ACT 2003: APPLICATION FOR A PERSONAL LICENCE**

### **EXCLUSION OF PRESS AND PUBLIC**

It was moved, seconded and agreed that the press and public be excluded from the meeting.

### **RESOLVED:**

That the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in categories 1 and 2 paragraph 10.4 of the Access to Information Procedure Rules of the Southwark Constitution.

The following is a summary of the decisions taken in the closed section of the meeting.

The licensing sub-committee considered the closed information relating to this report.

The meeting ended at 1.30 pm.

**CHAIR:**

**DATED:**