

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Tuesday 27 September 2016 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

- PRESENT:** Councillor Renata Hamvas (Chair)
Councillor Lorraine Lauder MBE
Councillor Sandra Rhule
- OTHERS PRESENT:** Councillor Catherine Rose, observing
David Inzani, Legal Tilling Jacomb Driving Partners, legal representative
Councillor Adele Morris, ward councillor
Nathan Gee, Peckham Levels, applicant
Philippe Castaing, Peckham Levels, applicant
Dominic O'Rourke, local resident
Sally Alderman, local resident
- OFFICER SUPPORT:** Debra Allday, legal officer
Joanne Devlin, legal officer
Dorcas Mills, licensing officer
Wesley McArthur, licensing officer
Paul Newman, environmental protection officer (representing licensing as a responsible authority)
Carolyn Sharpe, public health authority 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

There were none.

The chair advised that the order of business would be varied to hear the request for an adjournment first, item 6 second and item 5 last.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

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

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

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

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

The public health authority officer addressed the sub-committee. Members had questions for the public health authority officer.

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

All parties were given five minutes for summing up.

The meeting went into closed session at 1.05pm. 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 2.10pm. The chair did not read out the decision as none of the parties were present.

RESOLVED:

That the application made by Peckham Levels Ltd for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Peckham Levels, Levels -1 to 6, Peckham Multi Storey Car Park, 95A Rye Lane SE15 4ST is granted as follows:

Licensable activity	Hours
Plays, films, indoor sporting events, live music, recorded music, performance of dance, supply of alcohol	Sunday to Wednesday from 10:00 to 00:00 (midnight) Thursday to Saturday from 08:00 to 01:00 the following day
Late night refreshment,	Sunday to Wednesday from 23:00 to 00:00 (midnight) Thursday to Saturday from 23:00 to 01:00 the following day

Opening hours	Sunday to Wednesday from 10:00 to 00:00 (midnight) Thursday to Saturday from 08:00 to 01:00 the following day
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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 agreed by the sub-committee:

1. That the licensable areas will be restricted to levels 5 and 6 only.
2. That the licensable area on level 5/6 is formed of two areas as follows:
 - a) A 'food-court' style offering expected to house a café, 2 bars, 3 food kiosks and 1 restaurant. The maximum capacity will be 600 customers.
 - b) A multi-use event space to be used for all of the licensable activities applied for. A moveable (i.e. non-fixed) bar is to be provided in this area. The maximum capacity will be 650 customers.
3. That the capacity of the entire licensable area shall be limited to 1250 during any licensable activity and shall be controlled by staff using clickers or appropriate counting devices and/or technology.
4. That there shall be no off sales of alcohol.
5. That the sale of alcohol will terminate 30 minutes prior to the closing hour.
6. That SIA door staff must be employed at a ratio of one door supervisor for each 100 guests (or part thereof) after 22:00.
7. That the premises licence holder and designated premises supervisor (DPS) will be responsible for ensuring the licensing objectives are promoted by tenants and operators.
8. That the premises licence conditions shall be outlined in all tenant contracts and a copy of the licence and the conditions therein provided to all tenants.
9. That the premises licence holder shall ensure that all promoters, contractors and any other operators involved in the provision of licensable activities shall be made aware of all the conditions of the premises licence and be provided with a copy prior to carrying out any licensable activities on the site.
10. That external waste handling, collections, deliveries and the cleaning of external areas shall only occur between the hours of 08:00 and 17:00.
11. That access shall be made available for emergency services at all times.
12. That 24 hour Security and CCTV will operate on the building and a minimum of three

SIA licensed door supervisors will operate within the licensed space during the hours of 22:00-01:00 hours or until all patrons have left the premises and immediate area on Friday and Saturday nights.

13. That Peckham Levels shall require any regular and external promoters or any other third parties hiring the premises who are to use the premises for the provision of regulated entertainment by way of DJ led music when the audience is to be 250 persons or over to complete the 'venue hire agreement' provided by Southwark Police Licensing Unit. Once completed the agreement shall be provided to the Metropolitan Police Central Licensing Unit (or its successor) as detailed on the Form 696 and to the local Southwark Police Licensing Unit at least fourteen days prior to the date of hire.
14. That all windows will be shut from 22:00 daily.
15. That the terrace area will be cleared of customers by 21:00.
16. That a minimum of 400 fixed seats will be supplied throughout the restaurants / food and bar areas as demonstrated by the plan titled 'Level 5/6 F&B Plan' as attached to this licence
17. That the premises licence holder will provide regular alcohol responsibility and drug awareness training and campaigns throughout the site including the implementation of Challenge 25 in all the licensed establishments.
18. That the DPS shall ensure that all tenants involved in the supply of alcohol under a tenancy agreement shall have a personal licence holder on site responsible for supervising all licensable activities in compliance with the terms of the premises licence and the Licensing Act 2003.
19. That a CCTV system shall be installed and maintained in good working order and there shall be a trained operative on site at all times during the operation of licensable activities.
20. That all CCTV recordings shall be kept on site for 31 days and made available for inspection by the relevant authorities.
21. That the security will have in place procedures whereby they work with the police and local authority to further their objectives with regard to prevention of crime and disorder and regular reviews will be conducted with the local police liaison officer to ensure the site takes a pro-active approach to these objectives.
22. That CCTV will be monitored and radio link used to assist security in preventing crime and disorder.
23. That all tenants in the building are to employ the same security firm and shall be linked via radio to ensure continuity of security throughout the site and the effective prevention of crime and disorder throughout the building and along the route for the dispersal plan as demonstrated by the plan titled Schedule B2 – Dispersal Map as attached to this licence.
24. That regular patrols by security and staff undertaken to ensure all entry and exit points are clean and clear of obstruction.

25. That a provision will be made with a local taxi firm for all late night guests are ferried away from the venue in a swift and safe manner.
26. That staff and security will monitor any queues for taxis or other travel methods to promote public safety and efficient dispersal of customers.
27. That all queues for entry will be controlled by staff and security to ensure public safety.
28. That suitable and sufficient lighting will be provided for all entry and exits from the building.
29. That CCTV will be used to monitor entry and exit points as well as the queues for transport and radio linkups used to assist security in identifying any potential public safety issues.
30. That suitable and sufficient fire plans will be placed throughout the complex to allow members of the public to easily identify exits and mustering points in case of fire.
31. That emergency exits shall be clearly marked with standard emergency exit signs (staircase and ramps).
32. That fire marshals and first aid trained staff will be present on site during all trading hours.
33. That security systems will be integrated so that the alarm, CCTV and lighting work together in an effective manner.
34. That caretaking and security staff will keep the premises and the vicinity clean and tidy, free of rubbish and debris.
35. That contracts for sustainable removal of waste shall be entered into and enforced throughout the complex to ensure prevention of any waste build up and removal of such waste in a sustainable and environmentally friendly manner.
36. That queues into the venue and for transport away from the venue will be monitored by security for both noise levels and anti-social behaviour.
37. That a comprehensive dispersal policy in regards to both customers and staff shall be devised in respect of the premises. The dispersal policy shall include (but not necessarily be limited to) the following rules and topics:
 - Emergency numbers shall be displayed for all members of staff where licensable activities are undertaken.
 - During the last 30 mins of any licensable activity that continues after midnight, alcohol sales will cease trading with staff relocated from service points to main floor and exits to assist with the safe and swift dispersal of patrons
 - We will ensure that the dispersal plan (attached) is strictly adhered to and managed for any licensable activity that continues after midnight.

- Managed transport call point will allow patrons to disperse in a speedy and orderly fashion.
- The Security staff on duty inside the complex will be moved to the outside of the venue during closing time to assist patrons and aid in the dispersal plan.
- Door supervisors and staff will remain in the area for 15 mins after the last patron has left to ensure patrons have all dispersed safely and to assist with rubbish clearance and barrier removal.
- Cloakroom will be operated with in an efficient manner with in order to assist in rapid dispersal of patrons.
- All exit lighting and notices shall be well lit and maintained.
- Door staff will ensure that no patrons exit the premises with Glass or bottles after midnight.
- Door supervisors, staff and signage placed at the exits will encourage patrons leaving the venue to keep the noise levels to a minimum and be respectful of neighbours.
- Security and staff will encourage patrons not to assemble outside the venue and details of public transport in the vicinity and how customers will be advised in respect of it.
- The management of taxis to and from the premises.
- The management of any 'winding down' period at the premises.
- The use of security and stewarding in respect of managing customer dispersal from the premises.
- Details of any cloakroom facility at the premises and how it is managed.
- Road safety in respect of customers leaving the premises.
- Management of ejections from the premises.
- Details of how refuse / waste in the local vicinity arising through the operation of the premises will be cleared up.
- Details as to how customer / staff egress at the premises shall be managed to minimise causing nuisance.
- The dispersal policy shall be kept / be accessible at the premises at all times that the premises are in use and shall be made immediately available to officers of the council or police on request. All staff at the premises shall be trained in respect of the dispersal policy, shall be aware of where it is kept / how it is accessed and shall have access to it at all times that the premises are in operation. Records of staff training in regards to the dispersal policy shall be kept / be accessible at the premises at all times that the premises are in

operation and shall be made immediately available to officers of the council or the police on request. Such training records shall include the capitalized name of the trainee and trainer, the date that the training was provided, a declaration that the training has been received and the signatures of the trainee and trainer.

38. That an evacuation plan shall be provided in regards to the premises and shall detail steps to be taken should all or any part of the premises need to be evacuated. The evacuation procedure will be supplied in writing to the relevant authority with documented staff training in place. Evacuation plans and procedures along with records of training will be made available to the council, police or fire officers on request.
39. That door staff and stewards should be easily identifiable by wearing a uniform, high visibility jackets or arm bands.
40. That an incident book will be kept at the operation of every licensable activity. This book shall record all the details of any attempts by underage persons to purchase alcohol and shall be available for inspection on demand in line with the Challenge 25 program.
41. That signage will be placed throughout the complex and specifically at every point carrying on licensable activities stating that alcohol will not be served to those under 18. Staff shall be trained (records of training available for inspection) to prevent the sale of alcohol to those under 18.
42. That persons under the age of 18 will not be permitted in the licensable areas beyond 20:00 unless accompanied by an adult and no person under the age of 18 will be permitted on site after 23:00 whatsoever.
43. That valid ID shall be required of anyone who is suspected of being under 25 prior to the sale of alcohol, staff to be trained on the Challenge 25 program and records to be kept for inspection by the relevant authorities. Approved forms of identification under this scheme shall include a driving licence, passport or a PASS approved proof of age card such as the Southwark Proof of Age (SPA) card.
44. That all films to be exhibited on the premises shall be as per the BBF classification and entry shall be monitored according to these classifications.
45. That a register of refused sales of alcohol and if applicable, cigarette sales which is clearly marked with details of the premises, address and name of licence holder shall be maintained in order to demonstrate effective operation of the policy. The register shall be available for inspection at the premises on request by the council's authorised officers or the police.
46. That the premises do sign up to the Women's Safety Charter in that it will:
 - Prominently display high visibility posters in their venue which discourage harassment and encourage reporting.
 - Take every report of harassment and sexual intimidation seriously and take appropriate action

- Take active steps to support persons who report harassment or sexual intimidation which might take place in their premises.
 - Train all front of house staff to address women's safety and harassment.
 - Take active steps to ensure females leave the venue safely.
47. That before the use commences, an acoustic report is to be carried out on the licensed areas (levels 5-6) by a recognised acoustic expert and served on the appropriate officer of the environmental protection team of the London Borough of Southwark detailing with:
- Sound reduction provided by the building envelope with:
 - Windows open
 - Windows closed
 - Distance to nearest noise sensitive receptors
 - Recommendations for sound-limiting devices.
48. That a noise limiter must be fitted to the musical amplification system set at a level to the satisfaction of an authorised officer of the environmental protection team, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the environmental protection team and access shall only be by persons authorised by the premises licence holder. The limiter shall not be altered without prior agreement with the environmental protection team. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised officer of the environmental protection team. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.

Reasons

The reasons for the decision are as follows:

The licensing sub-committee heard from the applicant who informed the sub-committee that the Peckham Levels was a project to support local jobs, training and enterprise. It would be a pioneering new space created with the local community in mind to showcase the best and most exciting independent start-ups and businesses from Southwark where they can share space, skills and ideas. The Peckham Levels will house the next generation of local food and drinks entrepreneurs, retail outlets, workspaces for local business and artists, tech enterprises and a community event space, to be enjoyed by all. The applicant advised that they would be providing an affordable space for start-ups and small businesses.

Since the application was submitted, it has been substantially reduced. Some 48 conditions have been offered to the responsible authorities and the local residents. The environmental protection team, Metropolitan Police Service and planning service have subsequently withdrawn their objections. In addition to these conditions, the applicant offered a further two conditions relating to the installation of a sound limiting device and the commission of an acoustic report in respect of levels 5 and 6. The applicant was of the view that all these conditions address the concerns of the remaining two responsible

authorities and other persons. Furthermore, the proposed conditions would rebut the presumption not to grant the licence in a cumulative impact zone and mitigate any impact the premises would have on the licensing objectives.

The licensing sub-committee heard from an officer from the environmental protection team, on behalf of the licensing officer representing the council as a responsible authority who objected to the application on all four licensing objectives. They stated that premises are located in the Peckham cumulative impact policy area and the proposed operating hours were not in line with the statement of licensing policy. They added that the applicant had failed to rebut the presumption to refuse the application and that the applicant had not shown that the proposed operation of the premises would not impact on the licensing objectives.

The licensing sub-committee heard from the public health authority officer who objected to the premises licence on the grounds of the prevention of crime and disorder, the prevention of public nuisance and the protection of public safety licensing objectives. The officer stated that the premises were located in the Peckham cumulative impact policy area and that the hours sought were inconsistent with the hours of operation suggested in the council's statement of licensing policy. Contrary to popular opinion the premises was not a located in transport hub, and were concerned that patrons would loiter in the area, disturbing local residents. To mitigate this, the officer suggested that this could be mitigated if the premises were to limit the number of times per month for vertical drinking events. The representative for public health did however acknowledge the benefits the premises would have to the local area.

The licensing sub-committee heard from a local resident and his witness who objected to the application on the basis of the prevention of public nuisance licensing objective. The local resident and his witness were concerned that the proposed hours of operation would give rise to noise nuisance to local residents. The local resident suggested that the opening hours should match those of other licensed premises in the building. The local resident noted that no acoustic report had been submitted in regards to the proposed operation levels 5 and 6 of the premises and they stated that they had no confidence in the proposed dispersal management at the premises. Due to the concerns of patrons accessing/dispersing from the premises on Moncrieff Street, it was suggested that a barrier be erected on Moncrieff Place to the east of the proposed entrance of the premises to stop this.

The licensing sub-committee noted that the environmental protection team, Metropolitan Police Service and planning service had withdrawn their representations objecting to the application having successfully conciliated with the applicant.

The licensing sub-committee noted the further written representation of one other person.

The licensing sub-committee considered all of the oral and written representations before it. The premises licence application has been considerably reduced. Regardless, the application has a proposed maximum capacity of 1250 people. This will have an impact on the local area. There is already a large concentration of licensed premises in this area and the committee is acutely conscious of the impact that all the licensed premises in the local area have on local residents, in terms of crime and disorder, anti-social behaviour and noise nuisance.

The Peckham Levels is located in Peckham's Multi Storey Car Park, which historically has been known to be crime riddled, in particularly with drug-taking and drug dealing. Plans

for the car park form part of a wider regeneration for the Peckham area and the applicant proposed to invest £5-6 million into the Peckham Levels.

Because the premises are in a cumulative impact zone, there is a presumption to refuse the application. However, it is also mindful that a balancing exercise needs to be undertaken, balancing the detriments of a proposed premises against the benefits to the local community. An additional 1250 customers in the local community will have an impact; however, it is accepted that in the case of this application, it is not necessarily negative. The regeneration and occupation of the car park is certainly a positive step, turning the disused car park into an asset for the local community creating approximately 600 job opportunities and a venue for business enterprise, social entertainment and arts, which was accepted as positive by public health.

The licensing sub-committee is satisfied that the conditions imposed will mitigate the negative effect the premises will have on residents people. To protect the residents of Moncrieff Street from any further disturbance, this licensing sub-committee recommends that the applicant liaise with Southwark's Highway's Team and obtain the necessary consent to allow them to erect a permanent barrier/structure that will prevent patrons accessing/dispersing the premises from Moncrieff Place.

Finally, the licensing sub-committee wish to remind residents that should either this or any other licensed premises have a negative impact on the local community and/or fails to promote the licensing objectives; they have a right to apply to this licensing authority for a review of the premises licence issued in respect of that premises.

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.

6. LICENSING ACT 2003: 68 MORLEY STREET, LONDON SE1 7QZ

The licensing officer presented their report. They advised that the applicant had informed them that they would not be in attendance. Members had no questions for the licensing officer.

The ward councillor, objecting to the application addressed the sub-committee. Members had questions for the ward councillor.

The meeting went into closed session at 10.50am. 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 11.11am. The chair did not read out the decision as none of the parties were present.

RESOLVED:

That the application made by Mujibul Islam for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as 68 Morley Street, London SE1 7QZ is granted as follows:

Licensable activity	Hours
Sale and supply of alcohol (off the premises)	Monday to Sunday from 11:00 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 conciliated conditions agreed with the responsible authorities and the following additional conditions agreed by the sub-committee:

1. That the waste collections, deliveries and external waste handling shall take place between the hours of 08:00 and 20:00 on any day.

Reasons

The reasons for the decision are as follows:

The licensing sub-committee were informed that the applicant had provided notification to confirm that he would not be in attendance at the sub-committee hearing.

In accordance with regulation 20 of the Licensing Act 2003 (Hearings) Regulations 2005, the licensing sub-committee agreed to proceed with the hearing in the absence of the applicant.

The applicant requested that the sub-committee were informed that they had conciliated with the responsible authorities and had agreed to the proposed conditions requested by the responsible authorities who had all withdrawn their representations.

The licensing sub-committee noted that all of the responsible authorities had conciliated with the applicant and had therefore withdrawn their representations.

The licensing-sub committee heard from a local ward councillor who expressed concern that the premises was on the ground floor of a residential building and in a primarily residential street. The ward councillor stated that the original objection was submitted in view of the original application for the hours to cease at 02:00. The ward councillor was now aware that the hours had been reduced to 23:00 and she was much happier with the amended proposed hours.

The ward councillor highlighted the residents concerns and in particular the concerns with regards to the potential noise as a result of waste collection during late hours and asked the sub-committee to consider the residents concerns within their determination.

The licensing sub-committee considered the representations from five local residents objecting to the application on the grounds of public nuisance and protection of children from harm. The residents concerns related to the fact that the premises are on the ground floor of a small and otherwise residential block. Residents are concerned that the proposed hours will be busy and noisy. They expressed concern that the premises would cause disruption and that the noise will go on outside these hours. They further expressed concern about the sale of snacks and drinks and alcohol in particular will encourage people to loiter around the building at all hours.

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.

7. LICENSING ACT 2003: TILLING JACOMB DRIVER PARTNERS, 11A STATION WAY SE15 4RX

The licensing officer advised that the applicant had requested for a postponement of the hearing in order to allow them to finalise the conciliation with the licensing responsible authority.

The applicant's representative addressed the sub-committee and requested that the hearing be postponed to allow his client to finalise the conciliation with the licensing authority.

The meeting went into closed session at 10.30am.

The meeting resumed at 10.35am and the chair advised all parties of the decision.

RESOLVED:

That the application for an adjournment of the hearing made by Tilling Jacomb Driver Partners Limited for a premises licence under the Licensing Act 2003 in respect of the premises known as Tilling Jacomb Driver Partners Limited, 11a Station Way, London SE15 4RX is granted. The hearing shall take place on 21 November 2016.

Reasons

The reasons for the decision are as follows:

The sub-committee considered the application to adjourn the hearing and noted the agreement by the Metropolitan Police Service. The sub-committee further noted that no objection to the application was received by any other responsible authorities.

The sub-committee considered under the circumstances an adjournment would be in the public interest and would allow the parties further time to finalise their conciliation process.

Meeting ended at 2.10 pm

CHAIR:

DATED: