

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 7 April 2022 at 10.00 am at Online/Virtual: please contact andrew.weir@southwark.gov.uk for a link to the meeting and the instructions for joining the online meeting

PRESENT: Councillor Renata Hamvas (Chair)
Councillor Jane Salmon
Councillor Ian Wingfield

OTHER MEMBERS PRESENT: Councillor Adele Morris (ward councillor)

OFFICER SUPPORT: Debra Allday, legal officer
Charlotte Precious, legal officer
Andrew Heron, licensing officer
Dorcas Mills, licensing officer
Andrew Weir, constitutional officer

1. APOLOGIES

This was a virtual licensing sub-committee meeting.

The chair explained to the participants and observers how the virtual meeting would run. Everyone then introduced themselves.

There were no apologies for absence.

2. CONFIRMATION OF VOTING MEMBERS

The voting members were confirmed verbally, one at a time.

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

There were no late and urgent items of business.

The chair advised that the order of business would be varied to hear item 6 first.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003: BANKSIDE OPEN SPACE FESTIVAL 2022, UNION STREET, FLAT IRON SQUARE, REDCROSS WAY, LONDON SE1 1HA

The licensing officer presented their report. They advised that the responsible authorities had conciliated with the applicant prior to the meeting. They advised that there were outstanding representations from other persons, objecting to the application. They also informed the sub-committee that the Southwark Council Events Team supported the application. Members had questions for the licensing officer.

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

Two other persons objecting to the application addressed the sub-committee. Members had questions for the other persons objecting to the application. All parties were given up to five minutes for summing up.

The meeting adjourned at 11.45am for the sub-committee to consider its decision.

The meeting reconvened at 12.17pm and the chair advised everyone of the decision.

RESOLVED:

That the application made by Bankside Open Space Trust for a time limited premises licence on 3 June 2022 to be granted under Section 17 of the Licensing Act 2003 in respect of Bankside Open Space Festival 2022, Union Street, Flat Iron Square, Redcross Way, London SE1 1HA be granted as follows:

- The entertainment shall consist of no more than three stage/areas which includes a small permanent bandstand for performing musicians, choirs, orchestras, and other musical entertainers. Main Stage located in Flat Iron Square, small acoustic band stand stage on Red Cross Gardens, small performance are for community groups in Marlborough Sports Garden.

- Live music (outdoors): 12:00 to 21:00
- Recorded music (outdoors): 12:00 to 21:00
- Performance of dance (outdoors): 12:00 to 21:00
- Anything of a similar description to the above (outdoors): 12:00 to 21:00
- The sale by retail of alcohol (on the premises): 12:00 to 21:00
- Opening hours: 12:00 to 21:00

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 and conditions agreed during the conciliation process.

Reasons

This was an application made under Section 17 Licensing Act 2003 made by Bankside Open Space Trust for a time limited premises licence to take place on 3 June 2022 called Bankside Open Space Festival 2022.

The applicant advised that the Bankside Open Space Festivals were a celebration of the Bankside open spaces and its role was help people get together safely following the pandemic and a celebration of the community and its resilience during that difficult time. The 2022 festival would bring people together again, the biggest street party since 2019.

The applicant prided itself on the level of consultation that had taken place explained and that a maximum of 10,000 people of the local community were expected that attend. The event would not take place in Borough Market and the Dean of Southwark Cathedral also supported The event would take place for nine hours on 3 June 2022 (17 hours in total including set-up and packing up). The Head of Security gave evidence on the arrangements with SIA security officers. Reference was also made to the approval given by the Safety Advisory Group (SAG):

“I am the Event Operations Officer working in the Culture and Events team, with responsibility for outdoor events taking place in the public realm in the Borough and Bankside area. Since 2017, I have processed and approved a number of event applications from this organisation for an annual community festival event. I undertake a pre event site walk and on the day monitoring of each approved events and can confirm that are no outstanding issues which would impact the current application”. (Anne Whyte, Events Operations Officer)

The ward councillor, Councillor Adele Morris, spoke as a witness for the applicant. She advised that ordinarily she objected to premises licence applications in the cumulative impact area (CIA) but she wholly supported the Bankside Open Space Festivals. She was saddened that one of the objectors (Party 2) had a personal grudge against the Trust and in turn was actively dividing the community. There were no outstanding objections from the responsible authorities, the event was well organised and being run on a single day would have no impact on the cumulative impact area. Councillor Adele Morris urged the sub-committee to grant the application.

The licensing sub-committee noted that there were now no outstanding objections from responsible authorities.

The licensing sub-committee noted four objections received from other persons, two of whom were not in attendance at the meeting. The representations concerned that the event planned for 3 June 2022 by a community organisation on the anniversary of the London Bridge Attack had the potential for a copycat terrorist attack, particularly when the police would be overstretched in the local area.

They also added that the application also undermined the licensing objectives, with particular reference to the greater availability of alcohol in a cumulative impact area. Local residents already experienced significant anti-social behaviour in the area and a street party with alcohol would encourage an increase of this.

One of the other persons concerns related to the location of stalls being outside the Red Cross Cottages. They advised that locating them at this site would impede residents' access and entry to their homes. The applicant confirmed that none of the stalls would be located at the site as suggested, but further away, outside the Trust's office. Since the positioning of these stalls had been clarified, no other objections were outstanding and the sub-committee considered the representation conciliated.

Party 2 raised a number of objections. They advised that there had been no direct and genuine consultation with residents in the area of the event site or the surrounding area. Those affected by the London Bridge attacks, including the families of those killed and injured, in addition to the traders and businesses at Borough Market had not been consulted.

Concerns were raised about more alcohol being permitted in a CIA. Whilst the applicant referred to the Platinum Jubilee in its application, the focus of the event is not celebrating the Platinum Jubilee.

The licensing sub-committee were reminded that the application had already been subject to statutory consultation and that the Licensing Officer had not raised any issues with it. The sub-committee were therefore not permitted to examine the extent of consultation as suggested by Party 2.

If there were real concerns regarding copycat or terrorist attacks, the police would have submitted an objection to the application, but they did not. The application had also been scrutinised by Southwark's Safety Advisory Group (SAG), who determine the feasibility of an event. External partners and public safety agencies were consulted as part of that process. Public safety agencies representatives of the SAG include: the Metropolitan Police Service (MPS), the London Ambulance Service (LAS), the London Fire Brigade (LFB) and Transport for London (TFL). The sub-committee had received an email from the SAG, as part of the applicant's written submissions (detailed above) which approved the event's arrangements.

When considering whether to refuse or grant a licensing applications, the licensing sub-committee must have regard to the Licensing Act 2003, the Home Office Guidance issued under Section 182 of the Act (April 2018), regulations issued under the Act, Southwark's own statement of licensing policy, the application (including the operating schedule) and relevant representations.

Party 2's written objection provided numerous reasons why the event should not take place. Ultimately, party 2 stated that if the event were to take place on a different date, he would not object. The date of the festival was the driving force of their objection.

The licensing sub-committee were reminded that the date an event was due to take place was not in itself a relevant consideration. Given that this was party 2's primary objection, the sub-committee concluded that that it was reasonable in all the circumstances to grant the application.

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: STEPHANIE'S, 134 THURLOW PARK ROAD, LONDON SE21 8HN

The licensing officer presented their report. The licensing officer advised that the responsible authorities had conciliated with the applicant prior to the meeting and that the Dulwich Society had withdrawn their representation. Members had no questions for the licensing officer.

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

The licensing sub-committee heard from one other person, a local resident supporting the application. Members had no questions for the local resident.

The licensing sub-committee noted the written representation of the other person objecting to the application and the written representations from other persons supporting the application.

Both parties were given up to five minutes for summing up.

The meeting adjourned at 10.32am for the sub-committee to consider its decision.

The meeting reconvened at 10.45am and the chair advised everyone of the decision.

RESOLVED:

That the application made by Raw and Juicy London Limited for a premises licence to be granted under Section 17 of the Licensing Act 2003 in respect of the premises known as Stephanie's, 134 Thurlow Park Road, London SE21 8HN be granted as follows:

1. The supply of alcohol (on the premises):
 - Monday to Friday: 12:00 to 21:30
 - Saturday and Sunday: 10:30 to 21:30
2. The supply of alcohol (off the premises):
 - Monday to Friday: 12:00 to 22:00

- Saturday and Sunday: 10:30 to 22:00

3. Opening hours:

- Monday to Sunday: 06:30 to 22:00

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 and conditions agreed during the conciliation process.

Reasons

On 3 February 2022 Raw and Juicy London Limited applied for a premises licence in respect of the premises known as Stephanie's, 134 Thurlow Park Road, London, SE21 8HN.

The applicant explained that the café was fairly new and had only been open for seven months. The intention was to build a café that would be a healing space during the pandemic, a calm nurturing environment that will bring people together and help them to socialise. They stated that it will not be run as a bar. They added that in the winter it only opened between 09:00 and 15:00.

Patrons vary throughout the day; mothers attend with children either side of dropping them off and collecting them from school, dog walkers visit at lunch times, some patrons attend after completing park run and the local retirement home visit for discounted cakes and coffee

On a weekday there were generally no more than 100 customers. On weekend days there could be up to 200 customers, but these were staggered throughout the day. Customers have spoken about their wish to have a beer with their pizza in the evening and the applicant stated that they would like to run a quiz night once or twice a month. Live music has been in the form of an acoustic set rather than loud bands.

The applicant was made aware of Southwark's policy in respect of single-use plastics and confirmed they would avoid using them wherever possible.

The sub-committee noted that all responsible authorities had withdrawn their representations after conditions were conciliated and the proposed hours for opening and the supply of alcohol were reduced. One nearby resident and a local society submitted representations against the application in advance of the hearing. The sub-committee was informed the local society had since withdrawn their representation.

Five residents submitted representations in favour of the applicant and one such

resident attended the hearing. They described the premises as a charming genteel edition to the community, particularly for people who would not typically go out but now do with their children.

The sub-committee noted the hours applied for were within those suggested by Southwark's statement of licensing Policy 2021-2026 for a café and outdoor areas. It is on this basis that the application was granted.

In reaching this decision, the sub-committee had regard to all of 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 desires to contend:

- a) That the licence ought not to have been granted; or
- b) That, on granting the licence, the licensing authority ought not 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.

The meeting ended at 12.19pm.

CHAIR:

DATED: