

## Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 19 May 2022 at 10.00 am at Online/Virtual: please contact [andrew.weir@southwark.gov.uk](mailto:andrew.weir@southwark.gov.uk) for a link to the meeting and the instructions for joining the online meeting

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**PRESENT:** Councillor Kath Whittam (in the chair)  
Councillor Sunil Chopra  
Councillor Margy Newens (reserve)

**OTHER MEMBERS PRESENT:** Councillor Renata Hamvas, ward councillor  
Councillor Maggie Browning, ward councillor

**OFFICER SUPPORT:** Debra Allday, legal officer  
Wesley McArthur, licensing officer  
Raymond Binya, environmental protection team officer  
Andrew Weir, constitutional officer

### 1. ELECTION OF CHAIR

The clerk opened the meeting.

Councillor Margy Newens nominated Councillor Kath Whittam to chair the meeting. This was seconded by Councillor Sunil Chopra.

### 2. 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 apologies for absence from Councillor Ian Wingfield. Councillor Margy Newens was in attendance as the reserve member.

### **3. CONFIRMATION OF VOTING MEMBERS**

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

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

There were no late and urgent items of business.

### **5. DISCLOSURE OF INTERESTS AND DISPENSATIONS**

There were none.

### **6. LICENSING ACT 2003: PECKHAM RYE PARK AND COMMON, PECKHAM RYE, PECKHAM, LONDON SE15 3UA**

The licensing officer presented their report and updated the sub-committee. They advised that the police and licensing authority had conciliated with the applicant and had now withdrawn their objections. Members had questions for the licensing officer.

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

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

Councillor Renata Hamvas, one of the ward councillors for Peckham Rye ward addressed the sub-committee. Members had no questions for the ward councillor.

The sub-committee heard from other persons objecting to the application. Members had no questions for the other persons.

Councillor Maggie Browning, one of the ward councillors for Dulwich Hill ward addressed the sub-committee. Members had no questions for the ward councillor.

Councillor Hamvas had a question for the applicant, which the chair allowed.

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

The meeting adjourned at 12.32pm for the sub-committee to consider its decision.

The meeting reconvened at 1.12pm and the chair advised everyone of the decision.

**RESOLVED:**

That the application made by We Are The Fair Limited for a premises licence to be granted under s.17 of the Licensing Act 2003 in respect of the premises known Peckham Rye Park and Common, Peckham Rye, Peckham, London SE15 3UA is granted.

**Hours**

<b>Activity</b>	<b>Hours</b>
Plays, films, live music, recorded music, performances of dance and anything similar to live or recorded music (both indoor and outdoor):	<p>Thursday to Saturday: 11:00 to 22:30</p> <p>Sunday and Monday: 11:00 to 22:00</p> <p>Sundays preceding Bank Holiday Mondays: 11:00 to 22:30</p> <p><b>NB:</b> Plays may be performed in open air or within tented structures. Plays may be stand-alone entertainment or performed as part of a wider programme. Plays may be accompanied by amplified music.</p> <p>Films may be shown in open air or within tented structures. Events and performances may be filmed and shown on screens. Screens may also show artist supporting material. Short films, live visual/video performances, feature films and may be accompanied by amplified music.</p> <p>Live music may be performed in open air or within tented structures. Live performances of both amplified and un-amplified music on stages</p>

	<p>Recorded music may take place in open air or within tented structures.</p> <p>Performances of recorded music by artists. Recorded music may also be played between other entertainments and may also accompany other entertainments.</p> <p>Dance may be performed in open air or within tented structures. Dance may or may not be performed as part of the events. Other entertainments may encourage the audience to participate in dance. Dance may be accompanied by amplified music.</p> <p>Anything of a similar to live music, recorded music and dance to the type of entertainment that will be provided has been described as "Funfair, comedy, MC, host, compere and the like" to take place both inside and outside.</p>
<p>The sale of alcohol to be consumed on the premises:</p>	<p>Thursday to Saturday: 11:00 to 22:00</p> <p>Sunday and Monday: 11:00 to 21:30</p> <p>Sundays preceding Bank Holiday Mondays: 11:00 to 22:00</p>
<p>Opening hours:</p>	<p><del>Thursday to Saturday: 11:00 to 23:30</del></p> <p><u>Thursday to Saturday: 11:00 to 23:00</u></p> <p><del>Sunday and Monday: 11:00 to 23:00</del></p>

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<p>Non-standard timings for plays, films, live music, recorded music, performances of dance and anything similar to live or recorded music:</p>	<p>The extension of the terminal hour by 15 minutes on any given day in accordance with condition 7 as stated in part 'M' of the application form.</p>

## 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 recommended in the representations from trading standards, the Metropolitan Police Service and licensing as a responsible authority during the consultation process detailed in the document provided by the applicant "Current Application and Amendments (1)(003) circulated to all parties on 16 May 2022, with the following amendments additional conditions agreed by the sub-committee:

1. That the environmental and social management plans (ESMP) will consider any actual or potential service disruptions to local rail services and any subsequent rail replacement bus services.
2. That the premises licence holder shall have in place an arrangement (contract) with a reputable waste management company to manage the event site and externally affected areas for the duration of the event and a post event clean up paying particular attention is to be given discarded plastic cable ties.
3. That the exact site will be no more than 39,000m<sup>2</sup> in size.

## Reasons

The licensing sub-committee heard from the applicant's legal representative who advised that the application was amended to read the maximum capacity would be 9,999 and would take place over for a maximum of three days for each calendar year. The application was similar as that of the current 2021 licence. The difference being that this application was for a permanent licence and included

Thursdays to account for the bank holidays. It also contained better conditions (contained in the environmental and social management plan - ESMP), with the same capacity, same times and Sundays, when there was no Thursday bank holidays (but Monday bank holidays as an alternative).

The 2021 licence was for a specific part of the park. Because of site works, to address flood alleviation, it was meant the licence would need to be amended to allow for the event to take place in a different part of the park. This application allowed the flexibility to move GALA, in the event that a similar need arose, which would be approved by Safety Advisory Group (SAG). There had already been four applications for GALA and the cost of each application would be better spent on the users of the park, charity and event safety.

There had been significant consultation with local residents, which amongst other things, included 10,000 letters being sent to the residents. The permanence of a licence would still allow for residents and responsible authorities a right to review the licence if required.

Southwark's statement of licensing policy (SoLP) recommends outside areas to stop all licensable activity at 22:00, but this was discretionary. The proposed 22:30 finish time allowed for the financial viability of the event. Whilst there had been a few complaints in previous years, the complaints were no concentrated in the later hours. There had been approximately 125 representations from other persons, 85 of which were positive. This was a testament to GALA and the successful running of the event in previous years. There had been no incidents of crime, disorder or antisocial behaviour and the Metropolitan Police Service had never been required to attend an event in the past.

The licensing sub-committee heard from the environmental protection team (EPT) officer who stated that they needed to review the noise management plan for future events, in the event of substantiated noise complaints, and also to consider other measures which could ensure that events taking place, under any premises licence granted in respect of the premises, would not cause nuisance in the locale.

The EPT officer also noted that that section 10 of SoLP 2021- 2026 recommended a finishing time of 22:00 hours for outdoor events, and that an earlier finish time may be requested, subject to local circumstances

The licensing sub-committee then heard from Councillor Hamvas, a local ward councillor, who welcomed the changes to the application. She advised that her primary concern was that the application was for the whole of the park and common. It was unclear why the applicant wanted a licence for this entire area and she wanted to see a condition limiting the size for each year.

Councillor Hamvas also spoke of the noise from a previous event that could be heard further afield and a reading from a mobile phone application, recorded 70 decibels a good distance from the event location. 70 decibels would make normal speech in a resident's home difficult. The applicant was requested to ensure noise

monitoring was conducted further afield and Councillor Hamvas suggested that the letter drop be increased to residents beyond the immediate vicinity.

The licensing sub-committee then heard from a representative from Friends of Peckham Rye Park (FoPRP) who objected to the application, in particular to the use of the Common area. If the event proceeded in this area, then it was the intention of FoPRP to refer the matter to the Secretary of State. The area was densely residential and event if the event ceased at 22:00, the dispersal of festival goers could continue until 00:00. The applicant's representative spoke of the financial viability of the festival, but this was irrelevant. Each application was considered on its own merit and the licensing objectives.

The licensing sub-committee then heard from a representative from the Dulwich Society who also spoke of the legality of the erection of a structure on the Common. The representative also echoed the ward councillor's suggestion of a licensing condition limiting the size of the event in terms of acreage.

The licensing sub-committee then heard from Councillor Browning, a local ward councillor, who was concerned that the event would expand beyond three days and also raised the issue of the length of time the Park/Rye would be out of use for the general public. In terms of the site of the event, this should be limited to either the Park or the Rye, but not both.

The licensing sub-committee considered all of the written representations from other persons (both objecting and supporting the application) who were not in attendance at the meeting.

It was noted that licensing as a responsible authority had withdrawn their representation. As gatekeeper for Southwark's statement of licensing policy 2021-2026, it was reasonable to conclude that licensing as a responsible authority was satisfied that the application/event would not undermine the licensing objectives.

It was noted that the Metropolitan Police Service had also withdrawn their representation. It was reasonable to conclude that the police as a responsible authority were satisfied that the application/event would not undermine the prevention of crime and disorder licensing objective.

The sub-committee considered the representation from the EPT, whose concerns relate to the prevention of nuisance licensing objective. This sub-committee recommends strongly that at least one officer from EPT is on site during the course of the event, to allow for the independent monitoring of noise levels, in addition to being in the vicinity to deal with any resident complaints, concerning noise levels and/or statutory noise nuisance.

It was noted that this application had been considered by the Safety Advisory Group (SAG). The application was an evolving/living plan that had/would receive final approval from the SAG and included an event management plan, crowd management plan, event safety management plan, sustainability report, noise

management plan, site layout plan (2022) and consultation timeline.

Comprehensive conditions to the licence were set out in all of these documents and had been agreed between the applicant and responsible authorities. The Metropolitan Police Service and licensing (as a responsible authority) had conciliated their representations.

The applicant's representative also emphasised the significant pre-application consultation with all of the responsible authorities and local residents. The applicant also confirmed that they were committed the council's commitment not to use single use plastics and confirmed that protection of bats would be addressed in the sustainability plan.

The licensing sub-committee also aware that this event was subject to two different application processes that the council considers:

- a. An application to hire Peckham Rye Park and Common
- b. The premises licence application.

The application to hire Peckham Rye Park and Common was a process that was administered by the council's events team and subject to a level of public consultation. Details of the event had been sent to ward councillors, residents and tenants associations and other local stakeholders such as FoPRP as appropriate.

Consultation was for 28 days during which time concerns and/or objections could be submitted. Applications for large events, or those events that may have a significant impact on a location and/or its surroundings are scrutinised by the SAG, which includes representatives from the various authorities/agencies such as: highways, licensing, police, fire service, environmental health, building control.

The application to hire Burgess Park did not come within the remit of the licensing sub-committee. Whilst the application process for the hire of the park was not a relevant consideration for the sub-committee, the specific details agreed by the SAG, could be.

The consultation period for the Licensing Act 2003 application is 28 consecutive days from the day after a valid application is made. The licensing officer confirmed that the statutory consultation concerning the advertisement of applications had been complied with, pursuant to regulation 25 of Advertisement of applications Licensing Act 2003 (Premises Licences and Club Premises certificates) Regulations 2005.

The remit of the licensing sub-committee is to consider the premises licence application submitted under the Licensing Act 2003. As a permissive regime, the licensing sub-committee *must* grant a premises licence if an application is made in accordance with statutory requirements. Determination of applications are required to be evidence-based and justified as being "appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve"

(paragraph 9.43, Home Office, Revised Guidance issued under section 182 of the Licensing Act 2003 (April 2018)).

The evidence relevant for this sub-committee was whether the application or event would undermine the licensing objectives, namely: the prevention of crime and disorder; the promotion of public safety and the prevention of public nuisance, the protection of children from harm. It is a matter for this sub-committee to consider the balance between the rights of the applicant and those other persons making representations to the application, when making its decision that the licensing objectives could be promoted or undermined. This licensing sub-committee is satisfied that the applicant can sufficiently promote the licensing objectives, with the conditions detailed above added.

The sub-committee noted that the Metropolitan Police Service and licensing as a responsible authority had conciliated with the applicant and had subsequently withdrawn their representations. Paragraph 2.1 of the Section 182 Guidance provides that "Licensing authorities should look to the police as the main source of advice on crime and disorder". Given that that the police had withdrawn its representation, it would be reasonable to conclude that the police had no reason to believe the application/event would undermine the crime and disorder licensing objective.

The licensing sub-committee is a quasi-judicial body and is required to consider each application on its own merits. It must take into account only relevant factors, and ignore irrelevant factors. The decision is based on evidence, which shows the existence or non-existence of relevant facts, or the likelihood or unlikelihood of the occurrence of some future event, the occurrence of which is relevant. The licensing sub-committee is obliged to give fair consideration to the contentions of all persons entitled to make representations to them.

The other persons are also reminded that should the local residents have serious concerns regarding the management of the event, they have a right to call the premises licence in for a review, when ultimately, the licensing sub-committee could revoke the premises licence. The residents were also reminded, that they had a right to appeal the decision at the Magistrates' Court, the details of which are provided.

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.

The meeting ended at 1.20pm.

**CHAIR:**

**DATED:**