

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 4 August 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 Barrie Hargrove
Councillor Sunny Lambe

OFFICER SUPPORT: Debra Allday, legal officer
Steve Warby, legal officer (observing)
Andrew Heron, 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.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003: GRIFFIN SPORTS CLUB, 12 DULWICH VILLAGE, LONDON SE21 7AL

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

It was noted that the police had withdrawn their representation. It was also noted that the licensing responsible authority officer was unable to attend this meeting.

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

The meeting adjourned at 11.17am for a comfort break. The meeting reconvened at 11.25am.

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 12.02pm for the sub-committee to consider its decision.

The meeting reconvened at 12.33pm and the chair advised everyone of the decision.

RESOLVED:

That the application made by London Youth Sports Trust for a premises licence to be varied under Section 34 of the Licensing Act 2003 in respect of the premises known as Griffin Sports Club, 12 Dulwich Village, London SE21 7AL be granted as follows:

The sale by retail of alcohol (both on and off sales):	<ul style="list-style-type: none">• Sunday to Thursday: from 10:00 to 23:00• Friday and Saturday: from 10:00 to 01:00
The provision of late night refreshment (indoors):	<ul style="list-style-type: none">• Sunday to Thursday: from 23:00 to 23:30• Friday and Saturday: from 23:00 to 01:00
The provision of regulated entertainment in the form of,	<ul style="list-style-type: none">• Sunday to Thursday: from 23:00 to 23:00

recorded music (indoors):	<ul style="list-style-type: none"> • Friday and Saturday: from 23:00 to 01:00
Opening hours:	<ul style="list-style-type: none"> • Sunday to Thursday: from 10:00 to 23:30 • Friday and Saturday: from 10:00 to 01:30

Conditions

1. That condition 340 be removed and amended to read: "The premises shall only operate on a Friday or Saturday night beyond 11pm on no more than twenty (20) occasions per calendar year. The premises licence holder shall notify the local authority licensing department of any such occasion at least five days in advance of any event. On any such occasions the personal licence holder shall be present for the duration of the event. Any patrons attending such an event must be pre-booked in advance and there shall be no members of the public permitted".
2. That the written dispersal policy shall be kept at the premises with the licence and made available for inspection by authorised council officers or the police. All relevant staff shall be trained in the implementation of the dispersal policy.
3. That the capacity of the premises shall not exceed 150 persons (including staff) at any one time.
4. That all 'off sales' of alcohol shall be provided in sealed containers and taken away from the premises.
5. That clear legible signage shall be prominently displayed where it can be easily seen and read, requesting that 'off sales' of alcohol are not to be opened and consumed in the vicinity of the premises.
6. That a challenge 25 scheme shall be maintained at the premises requiring that staff selling alcohol request that any customer who looks under 25 years old, and who is attempting to purchase alcohol, provides valid photographic identification proving that the customer is at least 18 years old. Valid photographic identification is composed of a driving licence, passport, UK armed services ID card and any Proof of Age Standards Scheme (PASS) accredited card such as the Proof of Age London (PAL) card.
7. That the operation of the premises on Friday or Saturday night until 01.30 will take place no more than on 20 occasions per year.
8. That signage shall be displayed in the premises and parking area that patrons should leave quietly and not to disturb residents.

9. That all staff involved in the sale of alcohol shall be trained in the prevention of sales of alcohol to underage persons, and the challenge 25 scheme in operation at the premises. A record of such training shall be kept / be accessible at the premises at all times and be made immediately available for inspection at the premises to council or police officers on request. The training record shall include the trainee's name (in block capitals), the trainer's name (in block capitals), the signature of the trainee, the signature of the trainer, the date(s) of training and a declaration that the training has been received.
10. That clearly legible signs shall be prominently displayed where they can easily be seen and read by customers stating to the effect that a challenge 25 policy is in operation at the premises, that customers may be asked to provide proof of age and stating what the acceptable forms of proof of age are. Such signage shall be displayed at all entrances, points of sale and in all areas where alcohol is displayed for sale. The signage shall be kept free from obstructions at all times.
11. That a register of refused sales of alcohol shall be maintained in order to demonstrate effective operation of the challenge 25 policy. The register shall be clearly and legibly marked on the front cover as a register of refused sales, with the address of the premises and with the name and address of the licence holder. The register shall be kept/ be accessible at the premises at all times. The register shall be made immediately available for inspection at the premises to council or police officers on request.
12. That all windows and doors will be closed after 23:00, with the exception of ingress and egress.
13. That a regular meeting takes place with residents on an at least biannual basis.

Reasons

This was an application made by London Youth Sports Trust to vary a premises licence under s.34 Licensing Act 2003 in respect of the premises known as: Griffin Sports Club, 12 Dulwich Village, London SE21 7AL.

The licensing sub-committee heard from the representative for the Applicant who advised that the Griffin Sports Club was home to the Lambeth Tigers and other football clubs, including, Battersea Park Rangers and several other women's clubs. It was also the first club standard cricket ground in the UK that gave priority to female players and teams and was home to Dulwich Cricket Clubs female section and the home base for Carnegie Cricket Club which had strong West Indian heritage and a close relationship with the African Caribbean Cricket Association. The premises licence was previously administered by Kings College and the conditions relevant at the time that the licence was granted no longer applied.

The purpose of the application was mainly financial; to raise revenue for the charity and any usage of the premises would fund the charity and the facilities that the sports clubs provided. The applicant made it clear that they had no intention of operating a regular late night venue. They wished to utilise the licence to have events such as 40th and 50th birthdays, weddings etc.

It was hoped that the prime users would be the local residents as the applicant wanted the club to be a community facility and the local residents would be key to making the venture a success.

The licence was very much ancillary to the operations of the charitable function. None of the licensable activities would take place outdoors. A bespoke dispersal policy would set out the details and specifics on the running of the premises, regulating how dispersal would take place. They would all take place indoor at the clubhouse itself.

It was submitted, if the sub-committee were minded to grant the variation application, the residents could feel reassured at the applicant not causing any disturbance under the premises licence as the applicant could potentially be subject to a review by either the responsible authorities or the local residents.

The licensing sub-committee noted the representation from licensing as a responsible authority who were not in attendance at the meeting. It was also noted that the representation from the Metropolitan Police Service had been conciliated.

The licensing sub-committee heard from other person H who advised the sub-committee that their garden home shared the boundary with the Griffin Sports Ground and that they had not been consulted in respect of the application. The only notification that had been erected was on the gate to the sports ground itself, which was approximately 50 metres from the road so it would only be visible to those that approached the ground.

The legal advisor to the sub-committee reminded members that the application was subject to a statutory consultation and any defects to the consultation, were a matter for the licensing officer administering the application. If defects had been identified, the statutory consultation period would start again.

Other person H clarified that it was expected that the applicant should consult with local residents as they would be significantly affected by the proposed late licensing to 01.00 hours on Fridays and Saturdays. The applicant started to engage with residents, but given that many residents would be on holiday in late July/early August, it was considered too late.

Other person H was in favour of the new tenants at the sports ground and felt that it was an admirable venture promoting sport to a number of less fortunate people and giving them a chance to participate in sports.

However, the residents were not in support of the variation because it was felt that it would significantly impact residents. This feeling was based on the experience of the activities of the previous tenants. The previous tenants were extremely noisy, especially during the summer evenings. Other person H had concerns that residents would be unable to enjoy their homes and garden spaces and windows and doors would have to be shut.

Other person H also raised concern that the dispersal policy had not been written, nor had residents been consulted on it. It was felt that the application was premature and until there had been consultation with residents, the sub-committee was requested to reject the application.

Other person H was asked to comment on whether they thought regularising the late night events (as opposed proceeding under temporary Even Notices (TENs)) would mean greater control of the potential for public nuisance more control much more mitigation for residents against disturbance and noise. Other person H stated that regardless, they were not convinced this was a good idea.

The licensing sub-committee heard from a representative from the Dulwich Society (party G) who had also submitted a petition (other party O). They informed the sub-committee that in March 2022 the Dulwich Estate had granted a 30 year lease of the Griffin Sports Club ground to the applicant, a charity providing community sports facilities to young people.

The premises and its grounds were close to Roseway and Dulwich Village. The current licence does not permit playing of live or recorded music on the premises and the variation application sought to extend the hours of operation on Friday and Saturday nights until 01.30 the following day and until 23.30 on Sundays to play recorded music in addition to selling alcohol off-sales. The Dulwich Society questioned whether the income from licensed activities was compatible with the charity's objective. The Dulwich Society also raised concern that the application neither contained much detail, nor how the applicant would promote the licensing objectives.

The Griffin Sports Club was located in a residential area and in accordance with Southwark Statement of Licensing Policy (SoLP) framework hours, there was a recommended closing time of 23:00. The variation application exceeded those hours. The Dulwich Society objected to the proposed extended opening hours as it would inevitably cause disturbance and nuisance to local residents.

Concern was also raised that the applicant could apply for 12 temporary event notices (TENs) and this was not consistent with Southwark's SoLP. Regarding the TENs, the Dulwich Society requested that the applicant gave 10 days' notice to residents of any TENs so residents could plan ahead.

The sub-committee noted that under the Licensing Act 2003, there was no statutory requirement to consult with residents in respect of TENs. Statutory consultation was only with the police and the environmental protection team. If either had concerns of crime and disorder or public nuisance, they would submit a

counter-notice.

Other person A was present at the meeting, but due to technical difficulties, could not be heard by members. Party A did however indicate that they maintained their representation and that the premises was noisy. The chair of the sub-committee questioned whether it was in relation to the sports activities which other person A nodded it was.

Other person A's representation was however noted by the sub-committee. It stated that the premises was a sports ground facility and not a licensing/entertainment venue set in a residential area. The sports ground was already open later than other local sports clubs and the noise from the venue would cause a public nuisance and have a detrimental effect on residents.

Representations have been received from 12 other persons (which included a petition) that all stated that the hours applied for are excessive and may lead to public nuisance.

The licensing sub-committee was satisfied that the primary purpose of the licence was ancillary to the applicant's charitable functions and it would be utilised to generate income for the charity. The increase in the number of occasions the later night use of the licence would allow the applicant to generate more funds for the charity. It would also allow the applicant to forward plan events for the benefit of the charity, the club's users and local residents. The grant of the application also regularises matters, there would be more control, more consideration and more mitigation for residents against disturbance and noise.

Licensing is a permissive regime which means that licences must be granted in the absence of evidence showing the licensing objectives would be undermined. The sub-committee are sympathetic to the concerns of the residents that the grant of a licence may cause a nuisance.

It was noted that the police withdrew their representation and that the environmental protection team (being the lead agencies for the prevention of crime and disorder and the prevention of public nuisance licensing objectives respectively (Home Office Revised Guidance issued under Section 182 of the Licensing Act 2003 (April 2018)). did not submit a representation. This sub-committee can therefore be satisfied that neither of the responsible authorities were of the view that the applicant will undermine the licensing objectives.

It is also this sub-committee's view that the concerns of the residents are speculative, based on the previous management of the premises. It is neither right, nor lawful to refuse this application based on the previous licence holder's actions.

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 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) The variation ought not to be been granted; 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.

The meeting ended at 12.33pm.

CHAIR:

DATED: