

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 20 October 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 Sabina Emmanuel
Councillor Jane Salmon

**OTHERS
PRESENT:** P.C. Mark Lynch, Metropolitan Police Service

**OFFICER
SUPPORT:** Debra Allday, legal officer
Wesley McArthur, licensing officer
Jayne Tear, licensing responsible authority officer
Andrew Weir, constitutional officer

1. APOLOGIES

This was a virtual licensing sub-committee meeting, reconvened from 18 August 2022.

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 urgent items of business. However, there were some documents, which had been omitted from the agenda in error. These included representations from other persons supporting the application and an updated list of temporary events notices.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003: CORSICA STUDIOS, ARCHES 164-166, REAR OF 115 PECKHAM RYE LANE, LONDON SE15 4ST

The licensing officer presented their report. They advised that due to a technical error that representations from other persons supporting the premises had been omitted from the agenda in error. In addition there was an updated list of temporary events notices. The licensing officer also advised that the environmental protection team had conciliated with the applicant.

The meeting adjourned at 10.30am for all parties to read the documents.

The meeting reconvened at 10.46am.

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 licensing responsible authority officer addressed the sub-committee. Members had questions for the licensing responsible authority officer.

The Metropolitan Police Service officer addressed the sub-committee. Members had questions for the police officer.

The sub-committee also considered the written representations of the other persons objecting to the application, but who were not present.

Other persons supporting the application addressed the sub-committee. Members had questions for the other persons supporting the application.

The sub-committee also considered the written representations of a number of other persons supporting the application, but who were not present.

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

The meeting adjourned at 12.12pm for the sub-committee to consider its decision.

The meeting reconvened at 12.45pm and the chair advised everyone of the decision.

RESOLVED:

1. Decision

That the application made by Corsica Studios for a premises licence to be granted under Section 17 of the Licensing Act 2003 in respect of the premises known as Corsica Studios, Arches 164-166, Rear of 115 Rye Lane, London SE15 4ST be granted.

2. Hours

Plays (indoors):	Sunday to Thursday: 09:00 - 00:00 Friday and Saturday: 09:00 - 06:00
Films (indoors):	Sunday to Thursday: 09:00 - 00:00 Friday and Saturday: 09:00 - 06:00
Live music (indoors):	Sunday to Thursday: 09:00 - 00:00 Friday and Saturday: 09:00 - 06:00
Recorded music (indoors):	Sunday to Thursday: 09:00 - 00:00 Friday and Saturday: 09:00 - 06:00
Performance of dance (indoors):	Sunday to Thursday: 09:00 - 00:00 Friday and Saturday: 09:00 - 06:00
Entertainment similar to Live/recorded music/performance of dance: (indoors):	Sunday to Thursday: 09:00 - 00:00 Friday and Saturday: 09:00 - 06:00
Late night refreshment (indoors):	Sunday to Thursday: 23:00 - 00:00 Friday and Saturday: 23:00 - 05:00
Sale of alcohol (on the premises):	Sunday to Thursday: 09:00 - 00:00 Friday and Saturday: 09:00 -

	06:00
Opening hours:	Sunday to Thursday: 00:30 Friday and Saturday: 09:00 - 06:30

3. 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 agreed with the environmental protections team and trading standards, the proposed conditions detailed in the document “Premises Licence Conditions” and the following additional conditions agreed by the sub-committee

1. That the premises must employ Club Scan electronic identification system (or an alternative electronic identification system if agreed in writing with Southwark Police Licensing Unit in advance). All customers must have their identity verified using the system before entry, except at times agreed in advance in writing by the Southwark Police Licensing Unit.
2. That any faults with the electronic identification system shall be repaired as soon as possible and in any case within two working days after which time, if the system is still inoperative no licensable activities shall take place until the fault is rectified or an alternative system agreed with the Southwark Police Licensing Unit.
3. That the premises licence holder must ensure that all data recorded on Club Scan (or alternative electronic identification) system is kept for at least 31 days and not deleted during that period.
4. That data recorded by Club Scan (or alternative electronic identification) system shall be made immediately available upon request by a police officer providing that such request is in connection with the prevention or detection of crime.
5. That a direct telephone number for the manager at the premises shall be publicly available at all times the premises is open.

4. Recommendation

1. The licensing sub-committee recommended that the premises licence holder specify on its website and in all publicity that patrons use public transport.

5. Reasons

This was an application Corsica Studios for a premises licence to be granted under Section 17 of the Licensing Act 2003 in respect of the premises known as Corsica Studios, Arches 164-166, Rear of 115 Rye Lane, London SE15 4ST.

The licensing sub-committee heard from the licensing officer who confirmed that due to administrative and/or technical errors, the representations from other persons supporting the applicant had not been included in the agenda. These had been circulated and the other persons supporting the applicant were invited to the meeting, albeit late. The representative for the applicant advised his client was keen for the meeting to proceed, even if the other persons were not present.

The licensing sub-committee heard from the applicant's legal representative who advised that the premises was a multi-disciplinary arts centre and events venue, offering valuable facilities and resources for the development and presentation of a diverse range of projects. Corsica Studios was an internationally acclaimed, award winning, not for profit arts and music venue, based at Elephant and Castle for 20 years. It operated a 24-hour premises licence and had never drawn attention to the responsible authorities. It was a much respected club, live music and arts destination and was widely acknowledged as being at the cutting edge of programming electronic and live music in the UK and internationally.

Corsica Studio were leaders in their field and have been identified as one of London's grassroots music venues with a peerless reputation as a platform for both emerging talent and industry legends. Its sustainability was based on running arts, live music and community projects on weekdays while focusing the weekends on more commercial club ventures that would bring in revenue needed to support the weekday activities.

The applicant saw the importance of "community", working with local organisations, groups, colleges and individuals. It also saw the premises as playing a key role in shaping the future of communities and had a positive impact on the regeneration of urban areas. Its aim was to create a nurturing, sustainable environment for enterprise, creativity and culture.

The applicant had transformed three derelict railway arches into a thriving multi-functional arts space and had created a sustainable platform for the arts. A programme of arts events had been created, which would merge both art and music in a new, flexible environment, which would be open seven days a week. It would encourage new audiences into the area via its arts and music programmes and contribute to the redevelopment of the area (by creating an arts hub for Peckham town centre).

There would be the creation of new jobs in the hospitality and creative industries that would provide training and new career opportunities to young people through mentorship and work opportunity schemes; offering a varied program of live music, talks, workshops, film screenings and private hire events

that would attract international guest artists as well as local creatives and producers.

The applicant's legal representative highlighted to the sub-committee that a substantial level of agreement had been reached with responsible authorities, notwithstanding the fact that these premises was located in the Peckham cumulative impact area. However, the applicant had shown it could trade to the hours sought whilst promoting the licensing objectives, which was detailed in the proposed conditions that also recognised the importance of Peckham's cumulative impact area provided in paragraph 154 of Southwark's statement of licensing policy (SoLP).

In terms of the objections received, the premises had no immediate neighbours and the site was secluded, set some way off the main road. The premises were previously in a poor state of repair that had been stripped out, waterproofed and re-lined. The arches were still in a basic shell condition and need further soundproofing works that were to commence. The space to was expected to be a busy, daytime hangout area for both the creatives in the rea as well as the local community that will then gradually transform into an after-work social space for drinks and relaxing later on.

It was accepted that there had been three occasions of noise complaints from music played at the premises. The complaints were before the soundproofing work had been completed, which the applicant unreservedly apologised for.

The applicant had proposed conditions that would guarantee it could not happen in the future; it would be impossible for any disturbance caused by any activity at the premises and noise levels from amplified music would be capped below 85 decibels, until comprehensive soundproofing was completed. The total cost for the soundproofing works was approximately £80,000, which the applicant was content to pay to ensure no disturbance were caused to neighbors.

The premises had run 49 temporary event notices (TENs), which neither the police nor environmental protection team had objected to. There had also been no crime and disorder associated with the premises.

Concerning TENs, a diverse programme had been developed by the applicant including Languid Hands, an art collective working with persons of color and LGBT+ groups in order to provide a platform for them; Pollination a local not-for-profit collective that provides a platform for underrepresented groups, and in particular, worked with refugees and also, The Daytimers, a collective working with South Asian artists in music and dance events and needs as a not-for-profit collective.

The applicant offered something genuinely different for the Peckham local community. Corsica Studios was a not for profit organisation, with a proven track record of working with groups who were not properly represented within the community. There was a considerable level of local support as demonstrated with

the number of representations that were received in support of the premises.

The licensing sub-committee heard from licensing as a responsible authority, who stated that the premise was in the Peckham cumulative impact area (CIA). They advised that the recommended closing times, based on the SoLP, for event type premises where alcohol was included in and ancillary to a range of activities including meals in this area was Sunday to Thursday 00:00 and Friday and Saturday until 01:00.

With regard to the four licensing objectives, the applicant has provided a robust operating schedule. The reason why licensing as a responsible authority had not withdrawn was because the premises were located in a cumulative impact area and the hours were in excess of that recommended in the statement of licensing policy.

The licensing sub-committee heard from the Metropolitan Police Service officer, who advised that the police had not withdrawn its objection was due to the premises being in Peckham's cumulative impact area. They advised that the hours were quite extensive, far beyond those recommended in SoLP and also when the application was submitted, the operating schedule lacked conditions.

Since that time, the police had worked with the applicant and achieved a considerable number of conditions and these reduced the police's concerns with regard to the licensing objectives, in particular the crime and disorder. The sub-committee were asked to grant the licence, with the hours sought.

The licensing sub-committee then heard from other person 15 who informed the members that they were a radio presenter broadcaster for the BBC, in addition to a writer and an art curator who had worked in several institutions and theatres. Other person 15 was also a local resident, having resided in the Peckham area for 15 years.

They advised that Corsica Studios had an amazing international reputation as an arts organisation. The premises would be a multi-disciplinary space and when they heard that the applicant intended to open in Peckham, they were excited at the prospect of the Corsica team bringing something to the local area.

They were of the view that the premises would not be another type of live music venue; it would be more ingrained into the local community, developing a grassroots platform, for nurturing new talent and a creative hub for the area. It would be a safe space from any kind of marginalised communities. Other person 15 referred to Languid Hands a well-respected black arts organisation, black focused arts organization and the Daytimers, a South Asian music and dance platform.

They stated that the applicant placed marginalised communities very much within the weekend programming. It was other person 15's view that there was space for this organisation in the Peckham community and that the premises would be a valuable asset to Peckham.

The licensing sub-committee noted the representations from two other persons objecting to the application that were not in attendance at the meeting.

The licensing sub-committee noted the representations from 21 other persons supporting the application that were not in attendance at the meeting.

The sub-committee considered that Corsica Studio is a multi-disciplinary arts centre and events venue, offering valuable facilities and resources for the development and presentation of a diverse range of projects. The venue would operate as an arts and culture venue and small grassroots music venue. As a grassroots venue, it will rely on income generated from late night events that will take place at the weekends, as these events ensure the financial viability of its community orientated operation. The premises will not operate as a conventional drinking establishment it is not a nightclub. The patrons expected to attend the venue specifically to enjoy the music, arts and culture.

The application is also in conformity with Southwark's Night Time Plan, and should benefit from a number of the pronouncements in that Plan, e.g.: "We will support businesses to adapt to the changing economy throughout the 24-hour city cycle by sympathetically considering changes to opening times and uses."

The sub-committee are required to exercise its Public Sector Equality Duty, under the provisions of the Equality Act 2010. In accordance with the Brown Principles, [R (Brown) v Secretary of State for Work and Pensions [2008] EWHC 3158]. The Court set out some general principles about the steps a public authority should take to comply with the duty to give 'due regard' to the relevant equality needs, including (but not limited to):

- a. Making decisions that may affect an equality group, it must be made aware of its duty to have due regard to the equality goals in the Equality Duties.
- b. The 'due regard' must be exercised with rigour and an open mind. It is not a 'tick box' exercise and involves a conscious and deliberate approach to policy-making and needs to be thorough enough to show that 'due regard' has been paid before any decision is made.

Having considered the submissions made, it was felt that the applicant has promoted facilities for a niche clientele and this would be a key consideration for the members when determining the application. Southwark is looking for a diverse entertainment industry with premises that provide such niche entertainment and social outlets, particularly for LGBTQ+ and grassroots live music.

The premises is located in Peckham's CIA and it is a matter for the applicant to rebut the presumption to refuse the application. Paragraph 162 of Southwark's SoLP provides examples of factors that this authority may consider as demonstrating that there will be no impact on the CIA. Members may take steps to grant a premises licence outside of the recommendations of the policy to promote

the use of licensed premises by groups that are not well serviced with licensed premises within the borough. Whilst members found no reason why this premises licence should not be granted, they are acutely conscious and concerned of the level of crime and disorder in the Peckham ward and for this reason the sub-committee decided to add the additional conditions, as listed in the conditions section of this notice of decision, to the licence.

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.

6. 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 12.50pm.

CHAIR:

DATED: