

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Tuesday 21 March 2023 at 10.00 am at Ground Floor Meeting Room G01A - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Renata Hamvas (Chair)
Councillor Barrie Hargrove
Councillor Margy Newens

OFFICER SUPPORT: Debra Allday (Senior Solicitor)
Jayne Tear (Principal Licensing Officer)
Gerald Gohler (Constitutional Officer)

1. APOLOGIES

There were no apologies for absence.

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.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

The following members declared an interest in item:

5. Licensing Act 2003: Peckham Rye Park and Common, Peckham Rye, Peckham, London SE15 3UA

Councillor Barrie Hargrove, non-pecuniary, during his time as Mayor of Southwark from September 2020 to May 2022, the Southwark Day Centre for Asylum Seekers was his nominated charity, and during that time he had helped the day centre with a fund raising event at the GALA Festival, purely to fundraise. Since that time and before he or the day centre were aware that he was on the sub-committee, the day centre had sent him an email asking him to support the application on the agenda today, but he had informed them that he was a member of this sub-committee and that his decision would be based only on the information contained in the agenda pack and on the submissions made at this meeting.

Councillor Renata Hamvas, non-pecuniary, as she was a ward councillor, and had received a few representations which she had forwarded directly to the licensing team and which were included in the agenda pack. There had been a number of meetings between the organisers of the events and different stakeholder groups, the first one of which she had attended prior to this application being submitted, but had only participated for the first few minutes, as she had stated at the start of that meeting that she would not be able to take part in any discussions in relation to this application. In addition to this, last year, there had been an application by We Are The Fair for an additional three-day event in the summer holidays, to which she had objected, but had withdrawn the objection before the hearing. However, today's hearing was on a different matter, and she therefore felt that she was in no way prejudiced and would remain as the chair of the meeting.

5. LICENSING ACT 2003: PECKHAM RYE PARK AND COMMON, PECKHAM RYE, PECKHAM, LONDON SE15 3UA

The licensing officer presented their report. Members had questions for the licensing officer.

The licensing officer informed the meeting that the environmental protection team (EPT) had withdrawn its objections, but this had been less than 24 hours before the meeting, so the licensing officer read out a statement on their behalf.

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

The sub-committee then heard from five local residents who had made written representations. Members had questions for the residents.

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

The meeting adjourned at 12.55pm for the sub-committee to consider its decision. The meeting reconvened at 1.47pm and the chair advised everyone of the decision.

RESOLVED:

That the application made by Assembled Gala Limited for a premises licence to be granted under Section 17 of the Licensing Act 2003 in respect of the premises known as Peckham Rye Park and Common, Peckham Rye, Peckham, London SE15 3UA be granted.

1. Hours

As applied for, with the exception of any day followed by a school day, when alcohol shall finish by 21:30 hours and all other licensable activities terminated by 22:00 hours.

2. 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 Metropolitan Police Service, licensing as a responsible authority, environmental protection team and trading standards and the following additional conditions agreed by the sub-committee:

1. That the six days of events take place in a 10-day period.
2. That only one premises licence held by Assembled Gala Limited or We are the Fair for the premises known as Peckham Rye Park and Common, Peckham Rye, Peckham, London SE15 3UA may be used in the same calendar year.

3. Reasons

This was an application for a premises licence in respect of Peckham Rye Park and Common, Peckham Rye, Peckham, London SE15 3UA. The application was described as *".....This application will apply to a specific area of the park and will be identified on a site plan to be agreed with the Local Authority in advance of events taking place. This application will permit a maximum of 6 days events per year"*.

The Licensing Sub-Committee heard from the representative for the Applicant who advised that the purpose of the application was to present a family festival day and two live concert days to take place in Peckham Rye Park in May/June within the existing site operated by We are the Fair/Assembled Gala. The Applicant would work in collaboration with the Peckham Festival on the events falling on the weekend after GALA. GALA normally is held on the late May Bank Holiday Weekend.

The Licensing Sub-Committee were informed that there was a premises licence, number 878787 in the Applicant's name, Assembled Gala Limited dated 31 May 2022 that permitted regulated entertainment Sunday and

Monday 11:00 hours and 22:00 hours and Fridays and Saturdays 11:00 hours to 22:30 hours with the sale of alcohol ending 30 minutes earlier.

There was also a time limited premises licence, number 875212 in the name of We are the Fair Ltd dated 21 July 2021 that permitted regulated entertainment Sunday and Monday 11:00 hours and Friday and Saturday 11:00 hours to 22:30 with the sale of alcohol ending 30 minutes earlier, with the exception of Sundays and Monday being until 21:30 hours. This time limited premises licence was due to expire on 21 December 2025.

The representative for the applicant advised the members that should the application be successful, these premises licences would be surrendered.

For completeness, the London Borough of Southwark also holds a premises licence number 10891 issued on 16 January 2007 that provides for regulated entertainment until 21:00 on Sunday to Thursday and 22:00 on Fridays and Saturdays. This premises licence was not the subject of the application.

The purpose of the application was to add three event days the week after GALA. In the interim period between GALA and these three days the site would be open for additional community/local events, some of which would be sponsored by GALA using the same infrastructure. The objective of these additional event days was to make better use of the festival site by broadening the programming to be more inclusive and family friendly; the genre of music will be mainstream and age inclusive, providing the opportunity for Peckham residents to see globally recognised artists in the park.

Without the premises licence in place, permitting the additional weekend, the Applicant was in difficulty in securing any artists. During the additional event days there would be active fundraising on site and guestlist ticket contributions for charity. The inclusive ticketing programme included discounted tickets for residents, discounted tickets for NHS workers, free tickets for local charities, and discounted/free tickets made available via the Tickets for Good Platform for people on the cost-of-living government payment system.

For the family festival day, children 12 and under would be free, and there would also be a large allocation of free/low cost tickets for local residents. In addition to all regular stakeholder consultation, stakeholders will be consulted on how they wish to use the site in the interim period between GALA and the 3 event days. GALA would sponsor some community events to be decided upon and organised by the local community. Stakeholders would also be consulted in terms of what type of events and activities will be in the family day. Any local charity or community group is welcome to get in touch to be part of the family event.

The Applicant had submitted additional documentation on 15 March 2023

which included: Crowd Management Plan, Event Safety Management Plan, Sustainability Plan, Noise management Plan, Site Layout Plans, Key action plan, Second weekend document, SDCAS Letter, Noise Complaint Records, Positive Information on Gala and Summary of events. Comprehensive conditions to the licence were set out in the operating schedule and all of these documents that had been agreed between the Applicant and responsible authorities.

It was noted that the objectors had not made any critical comments of the proposed conditions. All of the responsible authorities had conciliated their representations. Of note, the applicant had agreed with licensing as a responsible authority to reduce the hours of the event. The applicant's representative also emphasised the significant pre-application consultation with all of the responsible authorities and local residents.

The Applicant also accepted of the issues that could have been better from the 2022 GALA such as litter picking. To address this, the Applicant had appointed new contractors for the collection of waste/litter picking. When asked by the committee, the Applicant said that the part of the park used for this license application would result in the section of the park being fenced off for 25 days versus 20 days for GALA alone.

The Licensing Sub-Committee noted that the representation from the Environmental Protection Team was conciliated.

The licensing sub-committee heard from other persons objecting to the application. Parties 2, 4, 6, 7 and 16 argued that the application to extend the licence would result in a rise in noise complaints. It was also argued that the licence application for GALA should be made on an annual basis. Reference was also made to ecological issues such as the impact that the event would have on local wildlife.

Party 16 asserted that the application did not satisfy the necessary consultation requirements and that the rules of natural justice were not being complied with in that they thought that 200-300 people had objected to the application and had a right to attend the sub-committee, so that their objections could be heard. Allowing GALA to proceed was an attempt to privatise the park and common.

The licensing officer confirmed the actual number of representations received during the 28-day consultation period, which was 23. The licensing officer also confirmed that the statutory consultation concerning the advertisement of applications had been complied pursuant to regulation 25 of Advertisement of applications Licensing Act 2003 (Premises Licences and Club Premises certificates) Regulations 2005. The Applicant also confirmed that 55 blue A3 notice posters advertising the application had been posted around the site. The suggestion made by the other persons concerning the lack of consultation for both the licensing application (and indeed, the consultation

involving the SAG) was therefore not be accepted.

The Chair of the sub-committee requested the list of streets where both the objectors and supporters of the application were from. Both supporters and objectors were predominantly from the hyper-local area close to the park. In some instances, streets had both objectors and supporters. Many of the supporters lived in close proximity to the park. Indeed, even if the supporters who lived a little further away were discounted, the number of supporters from local streets was higher than the number of objectors.

The licensing sub-Committee also noted the representations from 74 other persons (18 objectors and 56 supporters of the application) who were not in attendance at the sub-committee meeting.

The Licensing Sub-Committee explained that the application for the premises licence was governed under the Licensing Act 2003. The evidence relevant for the sub-committee was whether the application/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 was 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 on whether the licensing objectives could be promoted or undermined.

It was important for the Licensing Sub-Committee to make clear that quite separately to the licensing application, the application to hire Peckham Rye Park and Peckham Common was a process that was administered by the Events Team and subject to its own public consultation. Details of the event would be sent to ward councillors, residents and tenants associations and other local stakeholders such as park friends groups as appropriate.

Because applications for large events such as GALA (and the weekend after the GALA event) may have a significant impact on a location and/or its surroundings are scrutinised by the Safety Advisory Group (the SAG), which included representatives from the various authorities/agencies such as: highways, licensing, police, fire service, environmental health, building control. With a proposed capacity of 9,999, GALA would be classed as a major event and required nine months consultation via the SAG. The application to hire Peckham Rye Park and Peckham Common did not come within the remit of the Licensing Sub-Committee and was not a relevant consideration for the sub-committee. The specific details agreed by the SAG concerning the licensable activities was however a matter for the sub-committee.

The remit of the Licensing Sub-Committee is to consider the premises licence application submitted under the Licensing Act 2003. The Licensing Act 2003 was a permissive regime and the Licensing Sub-Committee *must* grant a premises licence if an application is made in accordance with statutory requirements. The 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 (December 2022).

Paragraph 2.1 of the s.182 Guidance provides that: "*Licensing authorities should look to the police as the main source of advice on crime and disorder*". The sub-committee noted that there was no objection submitted by the Metropolitan Police Service. It was therefore reasonable to conclude that the police had no reason to believe the application/event would undermine the crime and disorder licensing objective.

Licensing as a responsible authority as the gatekeeper of Southwark's Statement of Licensing Policy 2021-2026, did not submit a representation. It was therefore reasonable to conclude that licensing as a responsible authority was satisfied that the application/event would not undermine any of the licensing objectives.

The Environmental Protection Team (EPT), whose responsibilities relate to the prevention of nuisance licensing objective, submitted a representation. It was not however, an objection to the application/event, but sought clarification on some matters. It was also noted that within the agenda papers nine complaints had been received by the Licensing Unit concerning the 2022 GALA. The Applicant accepted that they had recorded 19 noise complaints from the 2022 GALA. The representation was subsequently conciliated in any event. EPT were therefore satisfied that the Applicant would not undermine the prevention of public nuisance licensing objective.

The Licensing Sub-Committee, as a quasi-judicial body is required to consider each application on its 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 raised their legitimate concerns, however, this licensing sub-committee are of the view that it would be far beneficial to the local residents to have a properly organised event with considerable appropriate control measures that can be enforced by the responsible authorities if necessary. The other persons are also reminded that should the local residents have serious concerns of 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 this Notice of Decision.

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.

4. 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 have 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 1.50 pm

CHAIR:

DATED: