

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 1 June 2023 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 Sunny Lambe (reserve)
Councillor Andy Simmons

OFFICER SUPPORT: Debra Allday, legal officer
Jayne Tear, licensing officer
Andrew Weir, constitutional officer

1. APOLOGIES

This was a virtual licensing sub-committee meeting.

The meeting opened at 10.06am.

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

Apologies were received from Councillor Ian Wingfield. Councillor Sunny Lambe was in attendance, as the reserve member.

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 none.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003: SOUTHWARK PARK, GOMM ROAD, LONDON SE16 2ET

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

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

The licensing sub-committee noted the written representation from one other person, objecting to the application, who was not present at the meeting.

The licensing sub-committee also noted the representations from eight other persons supporting the application, none of whom were in attendance at the sub-committee hearing.

The applicant was given up to five minutes for summing up.

The meeting adjourned at 10.52am for the sub-committee to consider its decision.

The meeting reconvened at 11.20am and the chair advised everyone of the decision.

RESOLVED:

That the application made by Assembled Gala Limited for a time limited premises licence for the period of 5 August 2023 until 31 December 2025 under Section 17 of the Licensing Act 2003 in respect of the premises known as Southwark Park, Gomm Road, London SE16 2ET be granted.

Hours

Plays, films, live music, recorded music, performances of dance and anything similar to live or recorded music (both indoor and outdoor):	<ul style="list-style-type: none">• Thursday to Saturday: 11:00 to 22:30• Sunday and Monday: 11:00 to 22:00• Sundays preceding Bank Holiday Mondays: 11:00 to 22:30
N.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.	
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

Live music may be performed in open air or within tented structures. Live performances of both amplified and un-amplified music on stages

Recorded music may take place in open air or within tented structures. Performances of recorded music by artists. Recorded music may also be played between other entertainments and may also accompany other entertainments.

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.

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.

The sale of alcohol to be consumed on the premises:	<ul style="list-style-type: none">• Thursday to Saturday: 11:00 to 22:00• Sunday and Monday: 11:00 to 21:30• Sundays preceding Bank Holiday• Mondays: 11:00 to 22:00
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Opening hours:	<ul style="list-style-type: none">• Thursday to Saturday: 11:00 to 23:00• Sunday and Monday: 11:00 to 22:30• Sundays preceding Bank Holiday• Mondays: 11:00 to 23:00
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The wider park is generally open to the public from dawn to dusk. Public access to the area of the park that this licence specifies during build and break periods, access will be restricted. Sound checks may take place in advance of the event with permission from the local authority.

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 the conditions and the following additional conditions made by the licensing sub-committee:

1. That the hours granted are as applied for, with the exception of any day followed by a school day, when alcohol shall finish by 21:30 and all other licensable activities terminated by 22:00.
2. That the premises licence runs on a maximum of three consecutive days per annum.
3. That the location of the licensable activities shall be limited to the northern quarter (to the north of the arterial road) of the park.

Reasons

This was an application made by Assembled Gala Limited for a time limited premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Southwark Park, Gomm Road, London SE16 2ET (“the Park”).

The licensing sub-committee heard from the representative for the applicant who informed the sub-committee that the application was for a time limited premises licence which if granted, would permit a maximum of three days of licensable activity per year, This year however, there would only be two days of activities on 5 and 6 August 2023, when the inaugural Rally Festival, organised by GALA. If granted, the licence would always be for the northern section of the park, away from the children’s playground.

In terms of the access the general public would have to the park, the applicant’s representative advised that they would be on site for 12 days; five days building, the event(s) would take place over three days and then four days de-rigging.

For 2023, the first day would be for an event known as Rally, and the second, for the Bermondsey Carnival. The Bermondsey Carnival would utilise the infrastructure and equipment the applicant paid for. Without this, the Bermondsey Carnival would not be able to take place. If the licence was granted, the proposed three day events in 2024 and 2025 the applicant was hopeful of a three day Rally or similar event under the licence, gifting the Bermondsey Carnival use of the site and the infrastructure under their own licence, subject to their funding arrangements.

The applicant informed the sub-committee that Rally was a totally new concept managed and produced by the same people as those behind the GALA Festival. They would be collaborating with a London based music promoter and producer called Bird on a Wire who produce and promote events nationwide for new and upcoming artists, up and coming grassroots underground, with different influences and genres including electronic, dance, jazz, and indie music. The ethos was very similar to GALA, being very community focused, but a slightly different musical offering, with a similar collaborative approach. The applicant was also in discussions with the Art Gallery in the Park about potentially sponsoring a mural with Goldsmiths College.

Rally had raised £18,000 funds for the Southwark Daycare Centre for asylum seekers. It also sponsored local community art projects, offers free tickets for hyper local residents, discounted tickets for locals and free tickets for local charity workers, and offers collaborations between local community groups.

Extensive consultation had been conducted and there had been three separate stakeholder meetings: one with ward councillors, one with the Southwark Park Association and one with local residents. Approximately 3,000 resident letters had been sent out to people in the vicinity advising them of the events that will be taking place. The proposals had been well received with the majority recognising

the benefits the applicant would provide in terms of being able to allow Bermondsey Carnival to return.

With regard to noise concerns, the applicant advised that they worked with experienced and independent noise consultants who would produce a site specific noise management plan, which would be approved by Southwark's environmental protection team (EPT). Acoustic consultants would be on site throughout the duration of each event monitoring noise levels, ensuring compliance with the noise management plan (NMP) approved by EPT at Safety Advisory Group (SAG). The NMP would detail the likely direction of speakers on site and the decibel levels. A hotline telephone number would be made available to all local residents and raise any concerns.

When questioned by members about reinstating the park, the representative for the applicant advised that the council's park hire process required a huge commitment on event organisers to sign up to the council's strategy regarding sustainable sustainability and environmental impact. A significant amount had been paid to the council to hire the park and also as a 'damage deposit'. This deposit amount would not be refunded to the Applicant until the Park was returned to the same state it had been hired in. Repairs would be carried out as soon as is practical, following the event. In terms of wildlife, prior to the event taking place we will be undertaking an ecological survey to ensure none of the event activities disturb bats or ground nesting birds.

The licensing sub-committee noted the written representation opposing the application from another person who was not in attendance at the sub-committee hearing.

The licensing sub-committee also noted the representations from eight other persons supporting the application, none of whom were in attendance at the sub-committee hearing.

This was an application for a time limited premises licence for the period of 5 August 2023 until 31 December 2025 in respect of the premises known as Southwark Park, Gomm Road, London SE16 2ET ("the Park"). The park is located in Rotherhithe and covers an area of 25 hectares. The park features a bandstand, a bowls club, playground and cafe. The application applies to a specific area of the park to be identified on a site plan, agreed with the council in advance of events taking place. The application seeks a maximum of three days of events per year

The sub-committee noted that following the necessary consultation under the Licensing Act 2003, none of the responsible authorities submitted objections. Consultation posters had been displayed around the whole perimeter of Southwark Park. Albeit under the remit of the SAG, some three thousand letters were also sent to local residents.

Only one objection to the application was received. The objection raised concerns of noise, crime and disorder (through potential drugs use), the impact of event(s) would have animal wildlife and how the local community would be deprived from the use to the park.

Under Southwark's statement of licensing policy 2021-2026, the park is situated in a residential area, but not in one of the three cumulative impact areas. The recommended closing time within the area is 23:00. There is not a carte blanche to applicants seeking an operation beyond these policy hours and each application is based on its own merits. However, none of the responsible authorities' submitted representations objecting to the hours. This sub-committee is also familiar with the GALA operation and the hours sought are in line with those at other events in the borough.

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.

The remit of the licensing sub-committee is to consider the premises licence application submitted under the Licensing Act 2003. The Licensing Act 2003 is 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)).

The other person's concerns of crime and disorder (by way of potential drug taking), 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". 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.

The single representation opposing the application referred to potential noise issues and made reference to historical Korean pop events that took place in the Park. This was an entirely different event, with different organisers and it is believed took place in a different section of the Park. The environmental protection team (EPT), whose responsibilities relate to the prevention of nuisance licensing objective, did not oppose the application.

As a quasi-judicial body, the licensing sub-committee 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 sub-committee is obliged to give fair consideration to the contentions of all persons entitled to make representations to them. Unfortunately, because the conservation of the park and wildlife neither promote or undermine the licensing objectives, very little weight, if any, can be given to them, by this sub-committee. The sub-committee has however, considered measures in safeguarding both contained in the event management plan.

Under Southwark's Night Time Plan, the council seeks a diverse entertainment industry with niche entertainment and social outlets, particularly for LGBTQIA+ and grassroots live music and this sub-committee is satisfied that view the application supports this Plan and the benefits to the local residents outweigh the disadvantages to have a properly organised event with considerable appropriate control measures that can be enforced by the responsible authorities if necessary.

The sub-committee also remind any person 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.

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 11.25am.

CHAIR:

DATED: