

LICENSING SUB-COMMITTEE MINUTES

Tuesday 10 May 2022 at 7.00 pm

Members Present: Councillor Fred Cowell, Councillor Irfan Mohammed and Councillor Timothy Windle (Substitute)

1 Election of Chair

MOVED by Councillor Tim Windle, SECONDED by Councillor Irfan Mohammed

RESOLVED: That Councillor Fred Cowell be elected Chair for the meeting.

2 Declaration of Pecuniary Interests

There were none.

3 Minutes

RESOLVED: That the minutes of the previous meeting held on 6 April 2022 be approved and signed by the Chair as a correct record of the proceedings.

4 Licensing Applications for the Grant / Review of a Premises Licence

4a Between The Bridges Public Car Park Belvedere Road London SE1 8XZ (Bishop's Ward)

Presentation by the Licensing Officer

The Sub-Committee was informed that this was an application for a time-limited premises licence under section 17 of the Licensing Act 2003 to operate between 25 April 2022 to 23 December 2022. The Sub-Committee's attention was drawn to chapters 2, 3, 8, 9, 10 and 16 of the Statutory Guidance, and to Sections 1, 3, 4, 5, 8, 13, 15 and 17 of the Statement of Licensing Policy, as the ones particularly relevant to this application. The options available to the Sub-Committee were set out in paragraph 6 of the report on page 15.

In response to questions from Members, the Licensing Officer confirmed:

- This was an application for a Time-Limited Premises Licence from 25 April 2022 to 23 December 2022 for Between The Bridges at Hungerford Car Park.
- The applicant sought authorisation for the provision of a range of regulated

entertainment.

- The applicant sought authorisation for the Sale of Alcohol on and off the premises on Monday to Sunday from 10:00 to 22:45.
- The opening hours for the premises were proposed as Monday to Sunday from 09:00 to 23:30.
- Representing the applicant, Mr Nathan Chambers, Mr Simon Taylor and Ms Meg John were in attendance.
- One representation has been received against the application from a local resident, Mr Simon Stewart, who was in attendance.
- Subsequent to the publication of the report, additional information had been shared with all relevant parties including a video to support the representation.
- Two separate Temporary Events Notices (TEN) applications had previously been submitted by the applicant.

Presentation by the Applicant

Mr Simon Taylor informed the Sub-Committee that:

- The application was for a capacity of 3000 persons, but this had been reduced to 2000 and was requested that the proposed condition be amended to reflect this.
- The first stage of the application was for the summer event, which developed into the autumn / winter session beginning at Halloween.
- There was a wide range of programming for the event, from mainly recorded music two days a week to a showcase cinema, comedy, sporting events and cabaret, particularly during half term.
- From Friday to Sunday were showcase primary music events.
- There was a food and drink offering available throughout the day and patrons were able to purchase food before moving on to other activities.
- There were two separate maximum music noise levels. The first was 59 decibel (dB) and the higher level was 64 dB which applied from Thursday to Saturday.
- These were maximum levels with target levels 3 dB below that, due to wind direction changes or other factors.

In response to questions from Members, the applicant confirmed that:

- Noise limiters had not been referenced within the conditions as they were not seen as appropriate for outdoor events, but controlled environments such as clubs.
- There was a noise management plan, in which the acoustic expert must respond if requested to by any complainant.
- Contact details would be made available to all residents and in the event of complaint, there would be immediate response with relevant notes in terms of address and time to assess to determine whether this was a recurring complaint.
- The process may conclude that the venue was not responsible for the noise, and this would then be referred to the Council.
- The manager would inform the sound engineer if activity created noise nuisance.
- A helpline and complaint procedure had been provided to residents as evident within the noise management plan.
- The two previous complaints emanated from the same building, yet the specific number of complaints made was not available.
- One of the complainants had not received a fast response and this was escalated.

- Ms Meg John provided her contact details to complainants promptly.
- In terms of the dispersal policy, it was not anticipated that 2000 patrons would disperse at the same hour, while a security team managed the outside area and encouraged people to disperse quietly and respect residents once they had finished their beverages.
- It was noted that no concerns had been raised by the Metropolitan Police regarding dispersal arrangements.
- Casson Square and the Shell building were considered two relevant positions for monitoring noise nuisance.
- Any data collected from Mr Stewart's premises would enable measuring noise frequencies at that height to then adjust levels accordingly.
- The applicant spoke to the acoustic expert about crowd noises and estimated that it was not possible to control, which may contribute an increase in one dB.
- In terms of containing small increases in dB levels, averages were calculated over a shorter period of five minutes, which gave an indication as to noise levels.

Presentation by Interested Parties

Mr Simon Stewart, representing local residents, stated that:

- The concerns were specific to the loud music and bass, not crowds, food or drink.
- The public address system (PA) also caused some disturbance.
- Mr Stewart and his family moved into the property in December 2020, before Between The Bridges opened in May 2021, when they started experiencing noise disturbance.
- Management responded to his concern, but this had not made much difference.
- Seeing the licence application advertised, Mr Stewart raised his objections and the mediation process had been constructive.
- The proposals had not made much difference to noise levels of the opening night, yet compared to the previous year, volumes were at lower levels.
- Bass was intensive on Saturday between 21:30 and 23:00.
- Mr Stewart remained concerned noise levels would return to those experienced in the previous year.

In response to questions from Members, Mr Simon Stewart confirmed:

- There was no pattern to the noise disturbance during the day, but between 21:00 and 23:00 levels increased.
- Mr Stewart had a young son who needed to be put to bed.
- The family was already at an inconvenience and didn't want a private company to install sound monitoring technology in their flat. It was suggested that the balcony could be used as an alternative.
- The litigations were not seen to have addressed concerns as noise could still be heard while all windows and doors were closed.
- The sound level on the ground floor was considerably lower and it was thought that sound was travelling upward and reverberating around the buildings.

In response to questions, Mr Taylor informed the Sub-Committee that:

- The applicant could address the concerns with the personal address system.
- Obtaining data from the tenth floor by installing a device on the balcony would make addressing these concerns more efficient.

- The applicant did not want to cause more disturbance to Mr Stewart's life.
- The 59 dB limit for Sunday to Wednesday was at a level of background noise and 64 dB for Thursday to Saturday was the minimum noise level for entertainment. Therefore, a uniform noise limit was not seen as appropriate in this case.
- The sound equipment was sophisticated and could adapt bass frequencies, but the issues experienced on the tenth floor would need to be assessed before they could be addressed.
- Non-commercial events were subsidised by commercial events and the music entertainment at this venue was not bass driven.

Adjournment and Decision

At 20:01, the Sub-Committee withdrew from the meeting together with the legal advisor and clerk to deliberate in private.

The Sub-Committee had heard and considered representations from Mr Simon Stewart.

Legal advice was given to the Sub-Committee on the options open to them and the need for any decision to be proportionate. The Sub-Committee decided to grant the time-limited premises licence with the following additional conditions:

- Where appropriate, the licence holder will liaise with local residents on the location of monitoring stations and all such negotiations shall be conducted in good faith.
- The capacity was reduced from 3000 to 2000, at the request of the applicant.

The reasons for granting the time-limited premises licence were as follows:

- The Sub-Committee was mindful of Mr Stewart's complaints and the detailed evidence revealed a level of discomfort.
- Due to this disturbance being concentrated in the upper floors of buildings meant the location may have been more susceptible to noise disturbance and could be seen as a matter of private nuisance rather than public nuisance.
- The new condition encouraged an ongoing spirit of mediation in order to resolve ongoing issues causing Mr Stewart distress.
- While light in touch, if either party started to act in bad faith, there was ample ground for the Sub-Committee to review the application in future.

RESOLVED: To grant the time-limited premises licence with the additional conditions as detailed above.

Announcement of Decision

Members returned to the meeting and the Chair informed those present of the decision to grant the time-limited premises licence and provided reasons for the decision as outlined above. The Sub-Committee had considered all the options available to them and ultimately felt that the conditions met the concerns which had been raised. The Chair confirmed that written notification of the decision would be sent in due course.

5 Consideration of Objections to Temporary Event Notices

5a 65 - 67 Clapham High Street London SW4 7TG (Ferndale Ward)

This application was withdrawn.

5b 20 Brixton Road London SW9 6BU (Oval Ward)

Presentation by the Licensing Officer

The Sub-Committee was informed that this was an application for a. The Sub-Committee's attention was drawn to chapters 7, 9 and 15 of the Statutory Guidance, and to Sections 1, 3, 4, 5, 8, 13, 15 and 17 of the Statement of Licensing Policy, as the ones particularly relevant to this application. The options available to the Sub-Committee were set out in paragraph 6 of the report on page 15.

Mr Ola the Licensing Officer confirmed:

- This was an application by the Council's Public Protection Service for a counter-notice to be issued against a Temporary Event Notice (TEN).
- Mr John Ferreira submitted a TEN to the Licensing Authority on 12 April 2022 and was in attendance.
- The Notice would authorise the sale by retail of alcohol for consumption on the premises and the provision of regulated entertainment and late-night refreshment to 200 persons at the premises on 4 June 2022 from 18:00 to 01:00 and 5 June 2022 from 13:30 until 20:00.
- Details of the TEN could be found on pages 9 to 14 of the report.
- Mr Henry Umeh was in attendance representing Public Protection.

Presentation by the Applicant

Mr Henry Umeh, representing Public Protection, informed the Sub-Committee that:

- While the venue had been used for a long time for social events, the first complaint of noise nuisance was received in November the previous year.
- Prior to investigating two noise disturbance at the venue, the music had stopped and there were two further complaints following this incident.
- Following a complaint from a local resident on the 27 November 2021, Public Protection attended the venue at 00:45 and witnessed loud music.
- The second visit took place on 4 December 2022 at 21:50 and Public Protection witnessed a cultural event with loud music and ensured the sound level was reduced.
- One further official complaint that the Council had not adequately dealt with an issue that had been submitted by a local resident in January. An official response was issued, and the resident assured that Public Protection was investigating and that adequate notice was needed to investigate the noise disturbance in real time.
- The local resident sent an email to the Leader of the Council at 18:45 on 2 April 2022 regarding noise reverberating around property, specifically in the bathroom and bedroom and a recording had been attached as evidence.
- Public Protection liaised with the Licensing Authority and a further discussion took place with Scalabrini Fathers which uncovered that the club licence had lapsed and they were

invited to apply or another licence.

- Public Protection had been in receipt of approximately eight TENs applications at the venue and this application had been submitted to negate the impact of noise nuisance on the residents.
- The venue owner was encouraged to submit a full premises licence application and it was noted that further noise complaints could impact on this application.

In response to questions from Members, the applicant confirmed:

- One complaint had been received from a resident who lived in the adjoining building, which had been built recently.
- Residents were aware of the responsive complaints service operated by Public Protection.
- TENs notices were not displayed outside the property as was not a requirement.
- The club licence had expired in 2018 due to the death of the licence holder.
- Constructive conversations had taken place with the owners at Scalabrini Fathers, while the application of the full premises licence was in the control of their agent.

Presentation by Interested Parties

Mr John Ferreira said that:

- This was a Portuguese cultural event, which had been at the venue since 2021.
- The event involved a community dinner, entertainment artists from Portugal and the UK, as well as folklore dancing.
- The aim of the event was to raise funds for future events and the community, such as sponsoring a local children's football team.

In response to questions from Members, Mr John Ferreira confirmed that:

- It was clarified that this group was separate to the others and the focus of this hearing was the event in question, not the expired premises licence.
- AJ Productions was responsible for the sound system and was able to control the sound levels with a decibel reader.
- The back and front door would always remain closed to prevent music travelling outside.
- The applicant also looked to hang curtains in front and back to isolate the sound.
- The music would be turned off at closing hour and patrons would be dispersed slowly in groups of 15.
- There would be one member of staff outside.
- The event would have a mixture of recorded music, live performances and traditional folklore music towards the end of the evening. There would be no DJs or club music.
- This event was organised to celebrate Immigrant Day, a day that celebrated immigrants from Portugal to the UK and around the world.
- The community dinner was a ticketed event and customers were allocated seats.

Mr Henry Umeh, representing Public Protection, clarified that he did not have the information available as to which group was responsible for noise disturbance at this venue at each date.

Adjournment and Decision

At 20:42, the Sub-Committee withdrew from the meeting together with the legal advisor and clerk to deliberate in private.

The Sub-Committee had heard and considered representations from Public Protection.

Legal advice was given to the Sub-Committee on the options open to them and the need for any decision to be proportionate. The Sub-Committee decided to reject the application for a counter application to the Temporary Event Notice.

The Chair informed the applicants that:

- The Sub-Committee understood the strategic purpose of submitting a counter notice to every Temporary Event Notice by Public Protection, but in this case, the applicant had responded positively, and the Sub-Committee were assured that measures in place upheld the Licensing Objectives.
- Public Protection may have to continue bringing counter notices to each Temporary Event Notice at this venue, to assess each event on its own merits.
- The Licensing Authority would be contacted as well as the owners of the venue to reach an agreement for a new premises licence.

RESOLVED: To grant the Temporary Event Notice and reject the counter notice.

Announcement of Decision

Members returned to the meeting and the Chair informed those present of the decision to reject the application for a counter application to the Temporary Event Notice and provided reasons for the decision as outlined above. The Sub-Committee had considered all the options available to them and ultimately felt that the Notice giver met the concerns which had been raised. The Chair confirmed that written notification of the decision would be sent in due course.

The meeting ended at 20:56

CHAIR
LICENSING SUB-COMMITTEE
Friday 20 May 2022

Date of Despatch: Wednesday 18 May 2022

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