

LICENSING SUB-COMMITTEE MINUTES

**Tuesday 21 September 2021 at 7.00 pm
Microsoft Teams**

Present: Councillor Fred Cowell, Councillor Rezina Chowdhury and Deputy Mayor, Councillor Pauline George

Apologies: None

Also present online: None

1 Election of Chair

MOVED by Councillor Pauline George, SECONDED by Councillor Rezina Chowdhury

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 20 August 2021 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 Impact Brixton, 17A Electric Lane, SW9 8LA (Coldharbour ward)

Presentation by the Licensing Officer

The Sub-Committee was informed that this was an application for a new premises licence. The Sub-Committee's attention was drawn to Chapters 2, 3, 8, 9, 10 and 16 of the Statutory Guidance, and to Section 5, Policies 1, 3, 4, 8 and 16, and Appendices 1-6 and 8 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 paragraphs 5.10 and 5.11 of the report on page 24 of the agenda papers.

The Licensing Officer confirmed:

- This was an application submitted by Impact Brixton.
- The application was seeking the sale of alcohol Monday to Sunday 17:00-23:00.
- Twelve representations had been received against the application. These were from the Licensing Authority, two local councillors, Helen Hayes MP, and eight members of the public. The representations were based on all four licensing objectives, the prevention of public nuisance, prevention of crime and disorder, public safety and the protection of children from harm. The representations could be found at Annex B, pages 43-80 of the agenda papers.
- To address concerns raised within the representations, the applicant agreed to reduce the sale of alcohol to end at 23:00; reduce their licensable area outlined on the amended plan at Annex D (page 83 of the agenda papers); and agreed all conditions proposed by the Licensing Authority within their representations, outlined on pages 85-86 of the agenda papers.
- Since drafting the report, two further Temporary Event Notices (TENs) had been applied for 24 and 29 September 2021.

A map and photographs of the premises was circulated to Members.

Presentation by the Applicant

In response to questions raised by the Chair in relation to the application, Mr Gerald Vanderpuye and Mr Gareth Essein, applicants informed the Sub-Committee that:

- Mr Vanderpuye had resided in Brixton for the past 25 years.
- Impact Hub was started by Lambeth Council eight years ago. As the company wished to close, Mr Vanderpuye decided to take over the management the company which offered a diverse space in London and was very valuable for the community. As a result, Impact Brixton was created in February 2020.
- The premises was considered to be the only black co-working space in Europe which created work spaces for black, diverse and female founders of businesses.
- The premises primarily provided space for co-working and educational events for the community.
- An event space had been created in memory of the Black Lives Matter movement and for George Floyd and was an important space for black entrepreneurs to use.
- The business had previously assisted 40 young people to start their own business and continued to provide support to others.
- The premises would not be used as a nightclub but rather, as a space for people to come and work together.
- For some events people tended to bring their own wine and beer. However, to monitor how much alcohol was being consumed, the decision was taken to have a licensed bar.
- Only members and their invited guests would be allowed to consume alcohol at the premises between 17:00-23:00.
- Although mostly educational events took place, some profitable social events were held to prevent the business having to close.

In response to questions from Members, Mr Vanderpuye and Mr Essein informed the Sub-Committee that:

- The premises was a member-only space and was not open to the public. The front door had an automated lock to prevent the public from entering the premises.
- People must apply to become members and were also required to sign-in when they

visited the premises. However, if a tour of the premises was being conducted, guests of members could attend.

At this point, the Chair asked the applicants, if they would be willing to have an extra condition to define who guests were and the need for them to sign-in to control patrons attending events. In responses, both Mr Vanderpuye and Mr Essein agreed.

In response to further questions, Mr Vanderpuye and Mr Essein informed the Sub-Committee that:

- Every trace of alcohol was removed for under-18 educational events. For other events, children were refused entry to the bar area when alcohol sales took place.
- They did not feel it was necessary to consult residents regarding the premises, as it was felt that residents would not be affected, although concerns had been raised from residents. They appreciated that publicity regarding the premises should have been made to alleviate residents' concerns.
- The premises consisted of business spaces for people to work. Desks were available throughout the building that were used during the day.
- The alcohol licence had been applied for educational and social events.
- The space would not be used for parties.
- Whilst the space had previously been hired out for private events, this was not part of the business model.
- The concept of the business was to provide a teaching environment for people who also wished to partake in cocktails etc. during their learning and, to earn money to sustain the business.
- In relation to the TEN held on 25 June 2021, some acoustic musicians performed and played music until 22:30. Music was also played from a sound system and the windows were open. Whilst it was recognised that the music was loud, the event ceased at 23:00.
- On 26 June 2021, a staff member (Mr Essein's sister) hired the premises to celebrate her birthday and music was played until 23:00. However, the loud music emanating from Electric Avenue that night, was not from the party as alleged by residents.
- The 'Black Bar' was a venue for educational events streamed live for people to view.

At this point, the Chair asked the applicants if they would be willing to accept a condition that required them to publish a phone number for residents to contact regarding noise complaints. In response, the applicants agreed.

In response to an additional question from Members, Mr Vanderpuye and Mr Essein informed the Sub-Committee that they wished to apply for a TEN only when live music events would take place.

Presentation by Interested Parties

Ms Karin Christiansen, resident, informed the Sub-Committee that:

- She had resided in Electric Avenue for over 20 years.
- She welcomed the concept proposed by the applicants. However, she had concerns regarding the application and felt that it should not be granted.
- The premises was situated in a highly residential area and the applicants failed to engage with residents before submitting their application, which was against Lambeth's Licensing Policy.
- Considering the pre-existing track record of issues that existed in the area it was

essential that local residents and compliant businesses did not suffer as a result of poorly managed operators.

- This premises appeared to be poorly managed as a result of events held under previous TENs applications that breached licensing legislation.
- She had video evidence regarding noise emanating from the premises in June, which was confirmed by staff.
- She had been working with other venues such as Pop Brixton and Sleepless Brixton to comply with the licensing policy by having limiters installed.
- The premises had moved from providing educational events to music events that appeared to be inconsistent with what had been said by the applicants.
- The additional conditions proposed by Members should be included on the licence.
- Events should only take place on Thursdays and Fridays and be completed by 21:00.
- She queried the membership arrangements, as it appeared that anybody would be allowed to rent space at the premises.
- If the licence was agreed she felt that a sound limiter should be installed and also a mobile number made available on the applicant's website for residents to contact in case of any issues.

Mr Dan Hardie, resident, informed the Sub-Committee that he felt the applicants would be tempted to hold events on a regular basis as an income generation stream, especially if the licence was granted for seven days a week.

Mr Stephen Ellis, resident, informed the Sub-Committee that he had concerns regarding how the members only event space would be managed.

In response to questions from Members, Ms Christiansen and Mr Hardie, informed the Sub-Committee that:

- It was appreciated that patrons took time to disperse following an event but, as events concluded at 20:30, it was queried why a 23:00 terminal hour was proposed.
- Residents had difficulty sleeping in Electric Avenue as a result of anti-social behaviour. Consequently, Ms Christiansen felt that a Cumulative Impact Zone in Electric Avenue should be imposed.
- Whilst it was appreciated that numerous issues already existed in Electric Avenue, which was no fault of Impact Brixton, Ms Christiansen believed that the licence should be reviewed after a certain timeframe if granted.
- Although educational events were welcomed, Mr Hardie suggested that a limitation on events for Thursday and Friday possibly to two or three events per week, should be imposed on the licence, to deter revenue being generated.

Councillor Scarlett O'Hara, ward councillor for Coldharbour, informed the Sub-Committee that:

- The premises would add to the high number of drinking establishments already in the area. Also, there was a need to consider the vast majority of people that walked through Electric Avenue to access public transport.
- The premises was situated close to residential properties.
- She had visited Impact Brixton and was impressed with the concept of the business. However, there was a need to be mindful of the area.
- Better engagement with residents should have taken place and suggested a contact number on the applicant's website for residents would be welcome on the conditions.
- She expressed concern that the private birthday held on 26 June 2021 could be repeated. However, she was reassured that those types of authorised events would

not continue and the applicants were willing to build working relationships with residents to prevent issues.

- She expressed concerns regarding access/egress to the building. The business had a very narrow staircase and single door exit which could cause health and safety issues. Also, noise from queuing outside the building could cause noise disturbance to residents.
- She queried whether measures could be made to mitigate smoking issues at the premises.

Miss Bina Patel, Licensing Manager, informed the Sub-Committee that:

- The conditions suggested by the Licensing Authority had been agreed and she welcomed the added conditions proposed by Members to mitigate issues.
- In relation to previous events held, she felt that a noise condition would be viable to assist with further issues.
- The hours had been reduced to 23:00 to accord with Lambeth's Licensing Policy. Therefore, the Licensing Authority was satisfied as to the way the premises would be operated by the applicants.

In response to questions from Members, Miss Patel informed the Sub-Committee that:

- The applicants did not propose to operate the premises as a drinking establishment which would require the need to monitor patrons attending the premises.
- If premises was used as an event space for bookings, a condition limiting a certain number of patrons at any one time in a designated area at the front of the premises could be imposed.
- She was uncertain whether the venue had a rear location to deter any noise to residential properties. The back of the premises might be appropriate to move people for smoking. In relation to the layout of the premises, a description of what was at the rear of the premises to determine whether people could be accommodated at the rear or the front of the premises from the public highway, could be asked for.
- If concerns remained as a result of previous events that had taken place, a re-admission time could be imposed for future TEN applications. However, it would be difficult to impose a re-admission condition on this licence because of the way the applicants wished to manage the premises. Adding a re-admission condition would be too onerous and additional staff would be required to manage the premises which could be costly for the applicants.
- The applicants could offer a condition when events were taking place for a set number of people. Also, where there were a maximum number of people in the event space at any time for when pre-booked events were taking place for members, no re-entry after a certain time could be suggested.

In response to a question, the Legal Adviser to the Sub-Committee confirmed that:

- The applicant would give notice of a TEN which would provide an opportunity for the responsible authorities to object.
- In the event that the objection was maintained, the matter would go to a hearing whereupon conditions on the premises licence could be added to the TEN to address those objections/issues.
- He had suggested some conditions pertaining to members; requirements for name and addresses to be kept on the premises; and alcohol sales to be discussed with the applicants.

The applicants was recalled to address matters arising and the Chair read out the conditions proposed by the Legal Adviser. In response, Mr Vanderpuye and Mr Essein informed the Sub-Committee that:

- The 'Black Bar' was not located on Electric Avenue but on Coldharbour Lane.
- The exit location for smokers was located approximately 10 metres from Coldharbour Lane and no residents would be affected.
- They would not be willing to ask members to provide their address but would agree to asking for their name, telephone number and email address for events.

At this point, the Chair explained that the condition could be amended to remove persons addresses being supplied. In response, the applicants agreed to all the additional conditions suggested by the Legal Adviser.

In response to the suggestion made to reduce the terminal hour on the alcohol licence until 22:00 to prevent overlap of dispersal from other premises and to limit events to two a week, the applicants responded that:

- The business was a not-profit organisation aimed to serve the community. Therefore, they would not agree to limit events to only Thursdays and Fridays, as the premises would not be able to run successfully.
- Impact Brixton was the largest business on Electric Avenue and therefore a terminal hour of 22:00 as suggested was considered unreasonable.

Adjournment and Decision

At 8.28 pm, the Sub-Committee withdrew from the meeting together with the Legal Adviser and Clerk to deliberate in private.

The Sub-Committee had heard and considered representations from Ms Vanderpuye, Mr Essein, Ms Christiansen, Mr Hardie, Mr Ellis and Miss Patel.

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 licence, subject to the agreed conditions contained on pages 85-86 of the agenda papers, five additional conditions and one (condition 13) being amended. The terminal hour for the sale of alcohol had been amended to 22:00 Monday to Sunday for the reasons outlined below.

Additional Conditions

1. A list of phone numbers or email addresses of members shall be kept on the premises at all times together with a book showing the dates of attendance of any guests introduced by members (and the guests phone number or email address). Both the list and the book shall be produced on demand for inspection by the police or an authorised officer of the Council.
2. A phone number is to be made publicly available for noise complaints.
3. A noise limiter must be fitted to the musical amplification system and set at a level determined by and to the satisfaction of an authorised officer of Public Protection, so as to ensure that no noise nuisance is caused to local residents or businesses. The limiter shall not be altered without prior agreement with Public Protection. No alteration or modification to any existing sound system(s) should be affected without prior knowledge of an authorised Officer of Public Protection. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.

4. In relation to events - alcohol shall only be sold for consumption by persons attending a pre- booked and bona-fide event to which general members of the public are not admitted (unless as a guest of a member). A register of persons attending the event shall be kept at the premises and made available for immediate inspection by police or an authorised officer of the Council.

Amendment

5. An amendment to be made to condition 13 so that any organisations renting the premises are to follow all of the conditions on the premises licence. The licence holder must ensure this happens with any organisation utilising the space on the licence and the licensable activities' functions.

Terminal Hour

6. There was disagreement amongst the Sub-Committee for the reasons outlined below. It was considered to be a proportionate restriction to reduce the terminal hour for the sale of alcohol to 22:00 rather than 23:00. The reason it was determined to be proportionate by the Sub-Committee was that existing problems on Electric Avenue meant that there was a higher danger of an additional licensed premises in that location adding to problems arising from egress and entry after a particular time.

The Sub-Committee came to the conclusion that although other conditions could be imposed to manage the licence, for example, a condition regarding egress or a condition on re-admission, these would likely be far too onerous, given the not-for-profit objectives being proposed by the applicant. Therefore, in the Sub-Committee's determination, the more appropriate and proportionate approach would be to impose a terminal hour that was slightly earlier than that proposed by the applicant in order to enable better dispersal of egress and to hopefully avoid any conflict with the public nuisance or crime and disorder strands of the licensing objectives.

The Sub-Committee admires the work of the applicant, which was considered to be an incredibly valuable project and, which clearly had an enormous degree of scope for improvement. Therefore, the Sub-Committee recommended to the applicant that in six months, the applicant should apply for a variation of the licence to 23:00 hours based on the track record operating to the hours under the proposed licence. This would be used to assess whether or not this had led to any particular problems and whether or not the holding of events until 22:00 had added to any wider problems in the vicinity of the premises.

The Sub-Committee did discuss other conditions proposed by the residents including reducing the number of events. However, the Sub-Committee was clear this was not a proportionate restriction and would pose an undue burden on the licence holder to maintain the business. The existing conditions agreed by the applicant and subsequently agreed and amended during the course of the meeting would be more than appropriate for meeting these objectives engaged and any further restrictions would unnecessarily constrain the applicant's business.

RESOLVED: To grant the application with the agreed conditions and amendments detailed above.

Announcement of Decision

Members returned to the meeting and the Chair informed those present of the decision to grant the application with agreed conditions and amendments 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 applicant, conditions and amendments 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 9.05 pm

CHAIR
LICENSING SUB-COMMITTEE
Tuesday 19 October 2021

Date of Despatch: Wednesday 30 September 2021

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