LICENSING SUB-COMMITTEE

Thursday 2 August 2018 at 7.00 pm

MINUTES

PRESENT: Councillor Linda Bray, Councillor Rezina Chowdhury and Councillor Emma Nye

APOLOGIES:

ALSO PRESENT:

1 ELECTION OF CHAIR

Moved by Councillor Rezina Chowdhury, SECONDED by Councillor Emma Nye and

RESOLVED:
That Councillor Linda Bray chair the meeting.

2 DECLARATION OF PECUNIARY INTERESTS

None were declared.

3 LICENSING APPLICATIONS FOR THE GRANT / REVIEW OF A PREMISES LICENCE

3a BEACONSFIELD GALLERY, 22 NEWPORT STREET, LONDON, SE11 6AY (PRINCE’S)

Presentation by the Licensing Officer

The Sub-Committee was informed that this was an application for a variation of a premises licence. The Sub-Committee’s attention was drawn to chapters 2, 3, 8, 9, 10 and 15 of the Statutory Guidance and Sections 8 and 16 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 6.2 of the report on page 11 of the agenda papers.

The Licensing Officer confirmed:

- The application sought the terminal hour of 00:00 for the sale of alcohol and playing of recorded music Monday-Saturday (with a terminal hour of 23:30 on
The application also sought the playing of live music from 11:00-23:00.

A representation against the application had been made by the Licensing Authority.

The application could be found on pages 13 to 32 on the agenda papers.

Supporting documents could be found on pages 33 to 46 of the agenda papers.

The representation from the Licensing Authority could be found on page 47 of the agenda papers.

**Presentation by the applicant**

Mr David Crowforth, Ms Sarah Jane Williams and Mr Simon Williams, representing the applicant, informed the Sub-Committee that:

- The applicant was applying for an additional hour to the licence already held by the applicant.
- The applicant ran a charity called ‘Beaconsfield’ which operated as an educational charity.
- The applicant had a community café which was open 7 days a week and held exhibitions at the premises.
- Licensable activity was held at the premises so that the applicant could support the charity by hosting occasional events.
- The charity needed more funding.
- Many potential clients were not being obtained (largely for weddings and corporate events) by the applicant as they were unable to offer a premises which operated licensable activity at a later hour.
- The applicant had a very good relationship with the local residents and also generally within the Vauxhall area.
- The premises had been operating for over 23 years.
- The organisation was still run by the people who set it up originally.
- The applicant had a long-term commitment with the community and had obtained written support from residents living opposite the premises.
- Support had been given by residents in the area partly because they recognised the history of the premises and felt apart of it. Residents felt that the premises was something they wanted to support in the long term.
- The current licence had a robust policy for managing events. This had led to a good relationship with residents in the area.
- The premises had a robust dispersal and noise control policies and was proposing even more robust policies to manage the additional hour being requested.
- The applicant and the I Do Festivals Group have worked together to ensure...
that the policies and procedures proposed by the applicant would be robust.

- It was important to emphasise that the applicant had built good operational policies as a licence holder.
- The I Do Festivals Group had approached the premises last year and did not wish to operate at any premises before properly considering it, particularly its operations in relation to the residential area.
- The I Do Festivals Group was in its fourth year of operating as a business.
- The I Do Festivals Group worked hard with communities to mitigate risks and were proposing to further engage with the community.
- The applicant wanted to keep clear communications with residents in relation to all events held at the premises. If at any time there was a situation where the applicant did not meet the necessary standards, then they would want to work with the Council to ensure that the standards would be met.
- The applicant was in discussions with acoustics experts to make sure the decibel noise levels did not disturb residents and met the right standards in general.
- Ms Williams was a personal licence holder and had never received a complaint for any event she had run.
- Both the I Do Festivals Group and the applicant had adequate policies in place to make sure that the licensing objectives would be met.
- The I Do Festivals Group had worked with the applicant in the past and the applicant had a good track record generally.

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

- Managing the flow of patrons in order to ensure that no impact would be made to the residential area was something that was achieved at the New Year’s Eve event held at the premises. The premises was an enclosed site and a wall separated it from the highway. This operated as an additional sound barrier and meant that no ‘external’ queuing took place.
- At corporate events, an organised timed entrance would be implemented so that there would be no build-up of a queue at the entrance. They would be brought into reception and put elsewhere on the premises.
- One reason the applicant wanted to be able to play live music until 23:00 and recorded music until 00:00 is because patrons who attended to see a live band were likely leave earlier but patrons listening to recorded music were likely to stay until later. This would ensure that large numbers of patrons would not leave the premises at the same time.
- At previous events, the premises had employed a number of SIA guards who escorted patrons away from the premises into Black Prince Road so no nuisance could be caused. When the applicant did this, organised transport would be made available in specific areas near the premises. Patrons could use coaches that would be made available to them. The applicant would also work with local taxi firms who could assist with dispersal of patrons and patrons could also be pointed towards public transport and towards the Albert
Sometimes coaches would be used to transport patrons from Black Prince Road depending on the scale of event held at the premises. The Albert Embankment was a good dispersal point.

The New Year’s Eve event was arranged to be held for under 500 patrons. Ordinarily, the premises did not organise events for over 500 people. Generally, the premises held events for 300 patrons, which although was quite a large number, was a manageable scale for the premises.

For corporate events, the applicant would aim to have at least 15 members of staff for an event not exceeding 300 patrons.

The premises had blinds which were ‘blackout’ blinds so no bright light would escape the premises.

The applicant’s existing policy of the smoking area was to maintain control of the area via general and consistent monitoring. If there was a large group occupying the smoking area, then the security staff would inform others wishing to smoke to return at a later time. There had been a general decrease in smoking activity in any case.

There were no residents situated near the arches at the back (near where the smoking area was located). There was an old fire station which would be redeveloped in the future.

The applicant hosted global corporate clients. The applicant was due to host McLaren over the coming weekend. Other clients included Lucozade, Ribena and Bill’s Restaurant amongst other top end corporations. The applicant would also look to host law firms and branding companies.

The applicant was applying to vary its licence because the events it held were its main income for the charity. The charity was not publically funded and the applicant was not asking to hold events 7 nights a week. The licence would help further the outreach of the charity. At present time, events held at the premises were sporadic and might occur a few times in a month and at times, the premises would get busier for wedding events.

Events would be held throughout the year, but these would be occasional and not on a daily basis.

As the premises was a gallery, it would not be possible to hold an event if the premises held an exhibition. It would not be possible to hold events more than occasionally even if the applicant wanted to. It was only when the gallery was not being used for its primary purpose that an event could be held. Events held at the premises could generally be held in the months of December and June.

In the past, the applicant had worked with various partners for holding events during the month of December. Events had been held for the I Do Festivals Group and at times corporate events would be held.

The premises had not previously been able to run a series of events with one company and doing so had many advantages. Having different events companies holding events at the premises caused complications and created many issues due to the size and potential variation of the activity.

Holding several events in partnership with just one organisation could help manage the activities and any noise issues with greater consistency. Therefore, it made sense to partner with one organisation for holding events.
This would also help to reduce any impact on the neighbourhood and the applicant wanted to have a positive relationship with the residents.

- The applicant would agree to a condition which stated that the removal and emptying of bottles banks would not be done until after 09:00 the following day.
- The premises had held private parties in the past including specific party events which related to the activities of the gallery itself.
- For fundraising, the applicant had held corporate events at the premises as it brought greater funding and the nature of the events were sophisticated and manageable. There was also less at risk of causing any damage to the premises.

**Presentation from interested parties:**

Mr Peter Agbley from the Licensing team informed the Sub-Committee that:

- The hours sought by the applicant were beyond the recommended hours in the policy as the premises was located in a residential area.
- If the hours sought by the applicant were granted then it could operate like a vertical drinking premises and could cause disturbance to residents.
- Noise nuisance was intrusive at night, particularly when ambient noise was lower so it was the duty of the applicant to demonstrate how they would manage the dispersal of patrons.
- There was an issue regarding the exit and dispersal of patrons and the noise of patrons in the queue and the smoking area. There were also issues regarding noise caused by patrons using cars and the surrounding area.
- The applicant had said that they would lead patrons onto Black Prince Road but this was still a residential area.
- Although the applicant had said they would occasionally hold events for licensable activity and specifically during the Christmas period, but if the application was granted, then there was nothing preventing the applicant operating licensable activity on a regular basis between Monday-Sunday.
- The applicant appeared to have been directed by I Do Festivals Group.
- It was not known how the premises would operate if a different applicant took over the premises.
- The applicant had offered conditions - 103 in total. It appeared that the applicant could only perceive things going wrong and that was why they proposed the conditions that they did.

In response to questions from Members, Mr Agbley informed the Sub-Committee that:

- The conditions appeared to suggest that the applicant was not fully satisfied that they would be able to control the patrons in relation to noise nuisance.
- The use of Black Prince Road had not appeared to be fully considered. It was not clear that the applicant would be able to control or maintain the patrons coming into the premises.
The applicant was recalled to address matters arising. In response to questions from Members, Mr Crowforth, Ms Williams and Mr Williams informed the Sub-Committee that:

- Many of the conditions proposed were practices that were already carried out by the applicant.
- Within the application, an emphasis had been made regarding licensable activity in the month of December but the applicant had asked for a change in the existing licence so that the hours of licensable activity would be 11:00-00:00.
- The applicant already held events which involved licensable activity, but only until 23:00. The only other way for the applicant to hold an event which involved licensable activity past 23:00 was to apply for a temporary event notice.
- If a couple approached the applicant to hold a wedding event, the premises would be hired to them but managed by the applicant.
- The applicant also received contact from people who organised corporate events. These events would also be managed by the applicant.
- Working collaboratively with the I Do Festivals Group would allow the applicant to work with the group for a prolonged period in the month of December.
- It may be the case that the I Do Festivals Group may only hold two events in December and then the applicant would work with other events organisers wishing to hold events. The only difference between the licence already held by the applicant and the licence being applied for was that the premises would operate licensable activity until 00:00. The premises was already licensed and had been running successfully for the last 15 years.
- In past, the applicant had guided patrons away from residential areas. If there were fewer patrons attending the premises, then they could be guided to Black Prince Road or to the Albert Embankment. If there were more patrons in attendance, then they would be picked up from the Albert Embankment and not Black Prince Road. Generally if there were a considerable amount of patrons attending the premises, then no vehicles picking up patrons would be directly situated in front of a residential areas.

At this point in the proceedings, the Legal Officer advised the Sub-Committee that the applicant was not required to show why they should be an exception to the policy. The premises were not located in a cumulative impact zone and it should only be refused if the Sub-Committee considered that granting application would undermine the licensing objectives. Furthermore, as Mr Crowforth was the premises licence holder and the DPS, he would be liable for prosecution in the event of breaches of the premises licence.

Mr Crowforth informed the Sub-Committee that when the premises held events, premises staff managed the events themselves. The managing of the events was not handed over to those who had requested to hold the event at the premises. The premises would always have its staff present at any event held at the premises and would always have the final decision making capability over anything that occurred at the premises.
Adjournment and Decision

At 7.45pm, 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 all those who spoke. 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 application with conditions set out on pages 59-64 of the agenda papers.

Condition 79 would be amended to include a requirement that there would be no moving or emptying of bottle banks between the hours of 23:00 – 09:00.

Announcement of Decision

The Sub-Committee considered the evidence and the submissions made by all parties and came to the decision to grant the premises licence with conditions. The licence would include all the conditions agreed with the applicant and set out on pages 59-64 of the agenda papers. However, Condition 79 would be amended to include a requirement that there would be no moving or emptying of bottle banks between the hours of 23:00 – 09:00. The precise wording would be confirmed in the full written reasons for the decision, which would be issued in due course.

The meeting ended at 8:00pm

CHAIR
LICENSING SUB-COMMITTEE
Tuesday 14 August 2018

Date of Despatch: Friday 10 August 2018
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