LICENSING SUB-COMMITTEE

Tuesday 14 August 2018 at 7.00 pm

MINUTES

PRESENT: Councillor Fred Cowell (Chair), Councillor John Kazantzis and Councillor Joshua Lindsey

APOLOGIES:

ALSO PRESENT:

1 ELECTION OF CHAIR
Councillor Joshua Lindsey replaced Councillor Philip Normal on the Sub-Committee.

MOVED by Councillor Joshua Lindsey, SECONDED by Councillor and John Kazantzi

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

2 DECLARATION OF PECUNIARY INTERESTS
None were declared.

3 MINUTES
RESOLVED: That the minutes of the previous meeting held on 19 July 2018 be approved and signed by the Chair as a correct record of the proceedings.

5 LICENSING APPLICATION FOR THE ADJOURNMENT OF A REVIEW APPLICATION FOLLOWING A CLOSURE ORDER

5a KWIK STOP FOOD AND WINE, 72 BRIXTON HILL, LONDON, SW2 1QW (BRIXTON HILL)

Special circumstances justifying urgent consideration

On 8 August 2018, the Authority received notice from Camberwell Green Magistrates’ Court of a closure order having been made in respect of the premises. The Licensing Authority must review the premises licence and a hearing must be commenced within ten
working days of the day after the notice is received. The Authority must reach a
determination no later than 28 days after the day on which the notice is received. The
Licensing Sub-Committee was already scheduled to meet on 14 August 2018.

The Chair was of the opinion that although the meeting has not been convened with at
least five clear days’ notice, it should proceed now as a matter of urgency to consider the
expedited review because of the special circumstances of the need to comply with the
statutory requirements of the Licensing Act 2003.

**Presentation by the Licensing Officer**

The Sub-Committee was informed that this was an application for a review of the current
premises licence. The Sub-Committee’s attention was drawn to Chapter 11 of the
Statutory Guidance, and to Appendices A and B of the Statement of Licensing Policy, as
the ones particularly relevant to this application.

The Sub-Committee noted that:

- On 27 July 2018, the Council’s licensing department received a copy of a Closure
  Order certificate, made by the Metropolitan Police, from the Camberwell Green
  Magistrates’ Court on 27 July 2018 in respect of the premises.
- The imposition of a Closure Order upon a licensed premises triggered a review of
  the premises licence under Section 167 of the Licensing Act 2003.
- The Closure Order was delivered by hand to the premises on 9 August 2018 by the
  Licensing Authority. A copy of the Closure Order could be found on pages 9 of the
  second despatch agenda pack.
- The consultation period for representations to be made expired on 15 August
  2018.
- One representation had been received in support of the review from the Licensing
  Authority.
- The premises licence holders, Mr Mazar and Zaffar Khan had been invited to
  attend the hearing. An invitation letter was hand delivered to the premises on 10
  August 2018.
- The Licensing Authority has requested the Sub-Committee to adjourn the hearing
to a later date.
- The licensee’s agent had been contacted but confirmed they would not be
  attending this hearing until a date for the review had been determined.

A map, plan and photographs of the premises were circulated to the Sub-Committee.

The Chair explained that as the consultation was still on-going, the Sub-Committee were
not in a position to commence substantive consideration of the review. Therefore, the
LSC had determined that it was in the public interest to adjourn the review hearing until 4
September 2018 so as to allow all parties to attend and provide evidence at that hearing.

**RESOLVED:** To adjourn the review hearing until 4 September 2018.
The Chair explained that no representations from responsible authorities had been submitted against the application. However, representations from the public had been received. A representative from Lambeth Events Team was in attendance solely to answer any questions posed by the Sub-Committee and for clarification purposes.

Presentation by the Licensing Officer

The Sub-Committee was informed that this was an application for a new time-limited premises licence. The Sub-Committee's attention was drawn to Chapters 2, 3, 4, 8, 9, 10 and 15 of the Statutory Guidance, and to Sections 4, 5, 6, 7, 8, 9, 16 and Appendices 3, 3, 5, 6, 7, 8, 9, 10 and 11 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 5.9 of the report on page 12 of the main agenda pack.

The Sub-Committee noted that:

- This was an application for a time-limited licence received from FriendsFest.
- The application was seeking permission to show films, play live and recorded music, the performance of plays and dance and the supply of alcohol between the 21st - 30th September 2018, on Sunday to Wednesday from 11.45 to 21:00 hours and Thursday to Saturday 11.45-22.30 hours.
- The application also proposed to open the premises to the public on Sunday to Wednesday 11.45-21.00 hours and Thursday to Saturday on 11.45-22.30 hours. Copies of the application and plans could be found on pages 21-43 of the main agenda pack.
- 42 representations about this application had been received. Two were from resident community groups – Cleaver Street and Bowden Street Residents’ Association and Neighbourhood Watch and The Friends of Kennington Park. The remainder were from local residents. One of the residents supported the application, the rest opposed it. All representations received were based on all four licensing objectives (prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm). Copies of the representations could be found on pages 51-79 of the main agenda pack.
- Three objectors were present at the meeting and wished to address the Sub-Committee.
- On 8 August 2018, the applicant submitted additional materials which had been circulated to the Sub-Committee and objectors. These could be found on pages 1-41 of the additional agenda pack.

A map and photographs of the premises were circulated to help Members put the premises into context.

Presentation by the Applicant

Elinor Barnet, Project Manager and George Wood, Managing Director, Luna Cinema, informed the Sub-Committee that:

- Luna Ventures Ltd specialised in managing open air and cinema events in London. The first cinema event was held in Dulwich Park and also in Brockwell Lido.
- Since 2015 the Company produced FriendsFest, another open air event held in...
green spaces such as city centre parks and occasionally in Manor House.

- FriendsFest celebrated the “Friends” TV show that started 24 years ago. Fans had the opportunity to tour replica sets, view memorabilia from the show, recreate the iconic titles sequences and famous scenes from the show and enjoy coffee in a full-scale “Central Perk” set.
- The event was part exhibition and museum where fans participated and could believe they were on the actual TV show.
- The event had been signed off by Warner Brothers.
- During the past three years over 125,000 tickets had been sold and no one had ever been ejected from the event.
- Capacity on the site would be managed by people attending the set at allocated times and 240 people per hour would be allowed entry.
- A professional team of production staff with extensive experience were available to manage the event’s build and de-rig.
- Security staff would remain at the site overnight and 27 stewards and ambassadors would be available to manage people attending the event.
- The bar area on site was small and capable of serving approximately 10 people at any one time. Alcohol sales were a small part of the overall event and people only tended to purchase one drink.
- Mainly background music would be played and an Acoustic Consultant had been engaged to carry out a pre-event risk assessment.

In response to questions from Members, the applicants confirmed:

- The first event held at Brick Lane in 2015 by Comedy Central was a marketing stunt to promote the show’s 21st anniversary that was very successful. The decision was made to consider holding an open air event. Therefore, events were held in 2016 at Haggerstown Park and Clissold Park in 2017, both situated in the London Borough of Hackney. Kennington Park had been chosen to prevent people travelling to East London to attend the event. As a result of the good transport links, it was decided that Kennington Park would be suitable to hold the event due to its accessibility.
- Events were also currently taking place in Glasgow, Manchester and London. Management had always adhered to the four licensing objectives. At the events, only TV episodes of the show would be shown. No loud music at the event would be played. All events held had operated with no reported incidents to police and no noise complaints received by residents.
- The terminal hour of 22:30 on Thursday, despite being a weekday, had been introduced due to unmet high demand for the event. However, they were confident no noise issues would result for residents, regardless of being a school night. At later times, less than 240 persons per hour would be admitted, as they preferred to arrive earlier for the event. Also extra management and stewards were repositioned during the later hours to assist with dispersal.
- Transport for London (TfL) had been contacted regarding the event but a response had not yet been received. However, TfL had also been consulted last year and no impact on infrastructure had occurred.
- NuKleen a specialist event cleaning and waste company had been contracted for the event. NuKleen were tasked to ensure all waste generated from the build, de-rig and catering concessions, were disposed correctly. Additionally, three persons would be available to pick up litter or dispose of waste throughout the event to ensure waste was kept to a minimum. People would be encouraged by stewards to dispose of any waste into bins provided around the site to prevent littering on
site or on surrounding streets. Staff would also be advised to go outside of the site to pick up litter, which they agreed could be conditioned. Discussions with the Parks Teams would be held regarding preparation of the site and any necessary work to be undertaken by Luna following the event.

- 16 portaloos plus two disabled facilities would be available around the site which was considered adequate to cope with the capacity.
- 2,000 tickets had been sold for each day. If all persons turned up at the site they would be advised to return at the set time allocated on their ticket. During the busiest period, only 500 people were allowed on site at any one time.
- Queues on the site only occurred at the start of opening time which consisted of the first 240 people for their set tour. However, extra staff were on site to scan tickets to ensure people were given access on the site as quickly as possible.
- 8.30 pm was the last entry for people to access the site. For the last tour, people were advised to arrive earlier to ensure their tour could be completed by 9.00 pm.
- The speaker arrays at the main stage were designed to be directional, pointing down to ground level. Event organisers were currently liaising with the Lambeth Noise Environmental Health Officer and independent acoustic consultants to set aggregated operating noise levels for the event.
- All marquees would be covered to ensure sound was contained within the site. The marquees situated at the 10 o'clock and 11 o'clock positions contained two sets. One for people to recreate the titles of the sequence and another to recreate a scene from the actual TV show. Also photo opportunities for people existed and background music would be played.
- The small marque situated at the 8 o'clock position consisted of a café and a set for people to walk around with music played in the background. Also the other small marque at the 5 o'clock position contained merchandise and a shop but no background music.
- The Noise Report provided in the agenda papers was based on the Glasgow FriendsFest event held on 6-15 July 2018 and noise levels had not exceeded 78dB. The report also showed that the noise level at the closest dwelling in Glasgow was recorded at 48dB, despite resident’s properties being in close proximity to the event and had no major main road between it and the park. However, as a main road existed at Kennington Park, the noise level was expected to be lower.
- Noise monitoring from residential properties inside and outside of the site would be carried out during the build period to check sound levels. Also an independent consultant would be on site the day before the event commenced to measure background noise. In response to a question from the Chair regarding noise issues, they agreed to have this conditioned to alleviate resident's concerns regarding noise at the event.
- Nine security personnel would be available to monitor gates, carry out searches and patrols. Once the park closed, a clearly defined exit route would be designed by security staff to ensure guests did not enter the wider park area.

Presentation by Interested Parties

The Chair stated that the Sub-Committee were required to only consider the four licensing objectives detailed on page 16 of the main agenda pack. Although policy concerns had been raised by objectors regarding the nature of the park and its usage, those were not properly matters that could be taken into account by the Sub-Committee when the application was being determined. Those matters were currently being reviewed by the
Cabinet Member for Equalities and Culture, Councillor Sonia Winifred, and resident’s concerns would be considered and discussed at the appropriate forum in due course.

Alison Barbour, resident, said that:
- Her major concern related to the prevention of public nuisance and prevention of crime and disorder.
- Parking issues existed in St Agnes Place with cars parked on double yellow lines on the pavements and in the development blocking resident’s spaces. This issue occurred on a daily basis before any events took place and regardless of good transport connections.
- She questioned why alcohol was being sold at the event, especially as it was alleged that alcohol sales were normally small.
- Resident’s bedrooms within the area overlooked the site and additional noise from the event was not welcomed. She questioned which exit gate would be used for egress to prevent residents being affected from noise.

Patricia Davies, resident, stated that:
- She concurred with all the objections made by residents.
- An International cricket match at the Oval (England v India) would be taking place at the same time as the event which attracted large crowds. Therefore, she was not convinced that people would be able to travel to the site within the times specified on their ticket. Residents were also faced with considerable noise and crowd issues when cricket was held at the Oval.
- She was familiar with the Hackney area and felt that the event was moved to Clissold Park in 2017 as Haggerstown Park was too small.
- The operating schedule stated that the event would take place on 21-30 September. However, it was later documented that the park would not be available from 16 September until 3 October 2018.
- She queried why no financial implications were detailed in the report, despite the applicant having to pay a £100 fee.
- She did not believe that tickets for the event had sold out as alleged.
- She lived directly opposed to Kennington Park and believed it would be difficult for noise to be contained within the site.

Katherine Tait, resident, provided the following representation:
- Residents already faced parking and anti-social behaviour within the area.
- The event would exacerbate the issues that currently existed in the area.

In response to the questions raised from Ms Davies, the Chair and Licensing Officer confirmed that:
- The dates on the operating schedule relates to the dates the event were allowed to perform its licensing activities on the site. The other dates relates to when the Events Team would be managing the site. The Events Officer added that the extra dates covered the build and de-rig for the event.
- All applicants were entitled to pay a licence fee when they submitted their application.
- The Sub-Committee could not take financial issues into account regarding events, as the decision was made by Lambeth’s Events Team and signed off by the relevant Cabinet Member. If the Sub-Committee were minded to reject the application, the event could still proceed without alcohol being available on the
- Event Management were entitled to obtain ticket sales prior to them obtaining a licence for the event as ticket sales were made on a conditional basis.

In response to questions from Members, Ms Barbour, Ms Davies and Ms Tait confirmed:

- Anti-social issues such as littering, broken glass, used condoms, public urination, fighting and drug dealing existed within Kennington and they believed these issues would increase if the event occurred.
- There was an increased level of rubbish when events occurred at Kennington Park which also affected residents.
- They felt that customers should be directed to egress at the gate where fewer residential properties were located so as to prevent or limited noise disturbance.
- A lack of parking enforcement existed within the area, as people were not challenged by Lambeth enforcement officers when they parked on double yellow lines. Despite contacting the Council regarding the issue, no improvement had been made.
- Although a noise plan had been produced, event organisers never adhered to the sound conditions.
- The preference would be for customers to egress/ingress onto the main road so as to ensure residents were not disturbed.
- Many residents travelled to work on Friday mornings and also had families to consider. Therefore an earlier terminal hour on Thursdays would be preferred.

The Chair invited Ms Barnet and Mr Wood back to answer some further questions and the following was noted by the Sub-Committee:

- They were willing to consult with Oval Cricket ground regarding the event.
- People were notified in advance regarding travel arrangements to the site and to allow extra time for their journey.
- Only a minimal number of people tended to drive to the event and they were encouraged to use public transport. However, it was believed more people would use public transport as a result of the good transport links. People coming to the event would be contacted in advance and encouraged to use public transport.
- Only five cars for catering staff were allowed to park on-site behind their trading area, as they needed to bring provisions on-site. On set-up and de-rig days, staff were not allowed to drive, as adequate room existed on site for them to lock away their equipment.
- Stewards would be available to direct people onto Kennington Park Road when the park closed. Also, patrons would be reminded that the park was located in a residential area and appropriate signage would be positioned on the site. They agreed for this to be included as part of the conditions.
- As the site would be appropriately managed, no noise impact would occur. Therefore, they were not willing to reduce the terminal hour on Thursday as, in their opinion, this aspect would make no difference. However, they would be willing to cease activity on by half an hour for the stage.

In response to a question from the Legal Adviser, Mr Wood clarified that he would be willing to cease licensing activity on the main stage at 10.00 pm.
Adjournment and Decision

At 8.37 pm, 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 Ms Barnet, Mr Wood, Ms Barbour, Ms Davies and Ms Tait.

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, subject to all the additional conditions imposed by the Licensing Authority outlined on pages 81-83 of the main agenda papers, an amendment and additional five conditions.

**RESOLVED:** To grant the application, subject to all the additional conditions imposed by the Licensing Authority outlined on pages 81 to 83 of the main agenda papers and an amendment and additional five conditions as follows:

**Amendment**

An additional sentence be added to condition 11 to read: “That bins should be placed near to the exits at the site. Security should ask all patrons to dispose of any rubbish in the bins before they left the site.

**Additional Conditions**

1. That sound from the main stage be limited to 78 decibels (broadcast volume). The event organisers to work with Lambeth Community Safety Team to agree an appropriate noise management and monitoring plan for noise outside the site coming from the regulated entertainment and background noise generated at the venue.

2. That the applicant maintain litter pickers in the immediate vicinity of the site, i.e. the park itself, to ensure that the park is maintained and protected.

3. On exit, appropriate signage to direct all event attendees towards Kennington Park Road should be displayed and this should occur throughout the entire event. Attendees should be reminded that the event was in a residential area and that they should disperse quietly.

4. The operating schedule shall be amended so that at 9pm each Thursday all licensable activity shall cease and the premises shall close to the public. This is so as to bring the activities and hours on that day in line with what it is permitted and specified on Sunday -Wednesday.

5. Communication should be made to all staff not to bring cars and that no parking was allowed at the event. Communication should be made to all attendees that there was no parking available at the event and to discourage attendees bringing their cars.
Announcement of Decision

Members returned to the meeting and the Chair informed those present of the decision to grant the application, subject to all the additional conditions imposed by the Licensing Authority outlined on pages 81 to 83 of the main agenda papers and an amendment and additional five conditions. The Sub-Committee had considered all the options available to them and ultimately felt that the applicant/amendments/conditions 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 9.15 pm

CHAIR
LICENSING SUB-COMMITTEE
Tuesday 4 September 2018

Date of Despatch: Tuesday 21 August 2018
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