

## LICENSING SUB-COMMITTEE

Minutes of the meeting held at 10.00 am on 27 July 2017

### Present:

Councillor Nicholas Bennett JP  
Councillors Charles Rideout QPM CVO and Teresa Te

### Also Present:

Lynne Creegen-Licensing Officer

### 29 APPOINTMENT OF CHAIRMAN FOR THE MEETING

Councillor Nicholas Bennett JP was appointed Chairman for the meeting.

### 30 DECLARATIONS OF INTEREST

There were no declarations of interest.

### 31 HEARING FOR THE VARIATION OF THE PREMISES LICENCE AT LANGTRY'S BRIDGE BAR, HIGH STREET, BECKENHAM

The Sub Committee made the following decision taking into consideration

- the four licensing objectives;
- the Council's Statement of Licensing Policy 2016 – 2021;
- guidance issued under the Licensing Act 2003;
- written and oral representations from the Applicant;
- written and oral representations from the Metropolitan Police;
- written and oral representations from Local Residents;
- written and oral representation from Cllr Wells on behalf of a local resident;
- the Council's Cumulative Impact Policy.

The Sub Committee decided to **grant** the application, amended as follows:

1. Live music on Fridays and Saturdays from 10:00 to 03:00,
2. Recorded music on Fridays and Saturdays from 10:00 to 03:00,
3. Late night refreshments on Fridays and Saturdays from 10:00 to 03:00,
4. Regulated Entertainment on Fridays and Saturdays from 09:00 to 03:00
5. Supply of alcohol on Fridays and Saturdays from 10:00 to 03:00,
6. Hours open to the public Fridays and Saturdays from 10:00 to 03:30

Subject to the following additional conditions:

1. On any night that that the premises trades beyond 2am, it shall have no fewer than 8 SIA registered door supervisors working at the venue, who shall remain on duty until 30 minutes after the venue closes.
2. There shall be no off-sales from the venue, and no drinks may be taken outside by customers.
3. The venue shall not offer cut price alcohol promotions.
4. The upper and lower floors of the premises shall be closed sequentially, at least 30 minutes apart from each other.
5. No customers under the age of 21 shall be admitted to the premises.
6. Save for emergency egress, all exits after 2.30am shall be through the station park entrance.
7. Following closure of the premises, all security staff shall be deployed to marshal the vicinity in high visibility jackets to promote a quiet and rapid dispersal of customers.
8. Following close of the premises, it will remove any empty vessels from the station car park.
9. The premises shall maintain a dedicated telephone line which residents can call at any time up to half an hour after closing time of the premises.
10. The premises licence holder shall hold a meeting with the local community at least quarterly. Details of the meeting shall be provided to local residents' association and shall be clearly displayed at both entrances to the premises.

**Reasons for the decision:**

The Bridge Bar is situated in an area to which a special policy of cumulative impact applies. Government guidance states that this creates a rebuttable presumption that applications for the grant or variation of premises licenses which are likely to add to the existing cumulative impact will normally be refused or subject to certain limitations unless the applicant can demonstrate in the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

The applicant was represented by Philip Kolvin QC. Mr Kolvin produced written submissions which accompanied the application. He explained the historical background of the premises. In particular he submitted that the premises had served local people well for a number of years. However the pattern of usage had changed and the application to extend the hours was being made not out of greed, but need. He submitted that the applicant had tested the extended hours and devised a set of operating conditions, which

was illustrated in the written submissions. He also stated that there were no objections raised by Environmental Health or the Licensing Authority which he referred to as the 'guardian of residential amenity in the area'.

The applicant's Counsel sought to demonstrate that the additional hours would not have a detrimental impact on the licensing objectives. He submitted that there was no evidence before the Sub-Committee of misbehaviour on entry or while queueing, no significant noise breakout from the premises and the police agreed that the venue was well run and worked well with the authorities. He continued that the premises catered to a mature crowd between the ages of 25-60 (compared to other venues in the triangle) who were less likely to get drunk and cause disorderly behaviour.

The applicant's Counsel submitted that customers were biometrically scanned in and if they misbehaved they would be identified and dealt with. In addition he submitted that the applicant had excellent interior surveillance and the door staff were familiar with the local area and clientele.

Counsel introduced an Independent licensing expert, Mr Terence Michael Davies, who had prepared a comprehensive report (attached to the written submissions) for the Sub-Committee and gave oral evidence of his observations of the premises operating on 10<sup>th</sup>/11<sup>th</sup> June 2017 until 02:00 and under a temporary event notice on the 17<sup>th</sup>/18<sup>th</sup> June until 04:00. He highlighted his report findings by stating that "...the slow drift out from Langtry's (Bridge Bar) after 02:00 rather than a mass exodus reduced the possibility of confrontation amongst customers outside, or with customers from rival premises still present in the High Street'. He concluded that the Bridge Bar was a well-run premises with no problems during both visits.

The Chair of the Sub-Committee (Cllr Bennett) noted Mr Davies's credentials as a retired Metropolitan Police Superintendent and for the purpose of total impartiality and integrity, pointed out that he was not known to Cllr Rideout-- a former Deputy Commissioner of Police and also a member of the Sub-Committee. Both concurred.

The police objected to the application on the basis that the variation would have a detrimental impact on the licensing objectives. In particular the "...increased drinking hours will do no more than fuel already drunk customers and extend dispersal time causing public nuisance further into the early hours".

Counsel for the police, Mr Edmund Gritt asked the applicant whether the TEN extension on 17<sup>th</sup>/18<sup>th</sup> June was advertised. The applicant replied no on the basis that there had been a general agreement with PC O'Donnell not to advertise. Mr Davies accepted that there had been a reduction in numbers at the bar on the 17<sup>th</sup> June compared to the previous weekend of 90%.

Counsel for the police also made reference to an incident which occurred over the August Bank Holiday 2016 when the venue operated until 03:00 with sales of alcohol stopping at 02:00. He stated that there was a substantial fight in the

cab queue involving at least 4 people who had been drinking at the Bridge Bar. The applicant, Mr Chapman replied by stating that it occurred in the car park well after the venue had been shut and there was no evidence to show that the individuals involved were previously at the bar.

Counsel for the police proceeded by cross examining Mr Davies on the basis that he could only provide a snap shot of the premises during a quieter time and that he could not draw a full conclusion on whether or not the extension would have a detrimental impact on the licensing objectives. Mr Davies replied by stating that he did not speculate or make assumptions, but could only provide the Sub-Committee with the details of what he observed on both nights. He stated that the staggering of licensing hours had a positive effect from his experience nationally.

Local residents and Cllr Wells also had an opportunity to ask the applicant questions. Many of the questions centred on their concerns surrounding nuisance and crime and disorder. Cllr Wells urged the Sub-Committee to either refuse the application and preserve the status quo or defer the decision pending another series of TENS which would need to be advertised in order for more evidence to be gleaned in order to make a judgement. The applicant defended their position each time by stating that the concerns raised were not directly linked to the premises and that the extension would not have a cumulative impact on the area or be detrimental to the licensing objectives.

Counsel for the applicant summed up by relying on the outcome of Mr Davies's report and offering the Sub-Committee the opportunity to pull back the hours if absolutely necessary. He submitted that a gap in closure times would assist in the dispersal and would enable the Council to better determine where noise or disturbance was coming from in the future after 03:00 because the applicant's venue would be the only one left open until 04:00.

The Sub-Committee took the view that by demonstrating the impact of extended hours through observational trials and the overall running of the premises, the applicant had done enough to rebut the presumption against the grant of the application. They therefore felt that their decision was reasonable and proportionate taking all the circumstances into account.

**32 APPLICATION FOR A PREMISES LICENCE AT JAMAICA BASIC SCHOOLS FOUNDATION, CRYSTAL PALACE PARK, SE20 8DT**

The Sub-Committee made the following decision having regard to:

- the four licensing objectives;
- the Council's Statement of Licensing Policy 2016 – 2021;
- guidance issued under the Licensing Act 2003;
- written and oral representations from the Applicant;
- written and oral representations from the Metropolitan Police;
- written and oral representations from the Public Health Nuisance Team.

The Sub-Committee decided to **refuse** the application.

**Reasons for the Decision:**

The applicant, Ms Josephine Williams-Brown put forward her representations. She explained that she had organised a family fun day event each year for the past 22 years and had held the event in Crystal Palace Park for the past 10 years without any problems. She submitted that she had never experienced any issues other than last year, which was caused as a result of an overspill of people from another event (Brixton Splash) which did not take place. As a result she was not prepared for the numbers of people that turned up at the entrance and did not anticipate the issues which arose as a consequence.

The applicant submitted that she had put in place the measures required by the responsible authorities to promote public safety, protection of children from harm, prevention of public nuisance and crime and disorder. She explained that the event had been held over the years as a family fun day event and they had always sought to make the event safe and enjoyable for all.

The police objected to the application on the basis that the applicant omitted to provide a proper security plan and show how she would promote the licensing objectives, particularly crime and disorder and the protection of children from harm. The concern was that the event could attract more than 8000 members of the public. The police felt that ticket sales at the gate would not prevent members of the public turning up and trying to gain access when the event was full.

At the meeting the police submitted that due to the excessive number of people last year they had to seek assistance from the police in Central London. By 6pm there were so many people that the organisers were advised to let people in without charging for entry.

The applicant submitted that she had provided a copy of the Event Management Plan (EMP) to the Council. The EMP was circulated to members of the Sub-Committee. She explained that it included plans in relation to security and stewarding. She stated that they did not lose control of the situation last year but accepted that the event could have been better supervised. She stated that the upcoming event would have 50 security staff and 55 stewards.

The police asked the applicant whether she had received their suggested conditions, she replied yes and stated "I think I've done the things you have asked me to do".

Steve Phillips, the current chair of the Safety Advisory Group (SAG) wanted to know the maximum number of people attending the event. The applicant stated 7000. Mr Philips responded by stating that the police advised that the event should be limited to 5000 pre-sold tickets. He wanted to know the

number of tickets sold to date (one week before the event). The applicant stated 100. The applicant explained that she had already advertised the event and did not expect to get 5000 tickets sold in time but intended to sell tickets at the door and employ 6 volunteer stewards to use a counter to click the number of people coming in and out of the park.

The applicant was asked by the Public Health Nuisance Team officer about the provisions put in place to monitor noise levels. The applicant stated that she had appointed an acoustic company to monitor the noise and was told that the noise levels would not need to be set until a week before the event.

The Sub-Committee acknowledged the applicant's good intentions but wanted to find out more background information about the event in order to be satisfied that proper measures had been put in place to promote the four licensing objectives.

Cllr Bennett felt that the information presented by the applicant was very vague and wanted her to elaborate on the EMP. In particular, he required more information about the sale of alcohol, security and the role of the stewards.

It was drawn to the Sub-Committee's attention by Steve Philips that parts of the applicant's EMP, for example the number of lavatories provided for an event of such size was not in line with current event guidance.

The police presented their objections to the Sub-Committee. It was submitted that the event had run successfully over the years, however last year it got out of hand and they had no option but to call out Central London reserves. The police explained that people tried to gate crash the event, which had become much bigger in recent times. The police had presented a number of suggested conditions which they felt had not been addressed by the applicant. This included a proper security plan, dispersal plan, the sale of pre-tickets only, a requirement for under 16's to be accompanied by an adult.

The applicant felt that all the things she was being asked to do by the police was over the top for a family fun day event. However the police argued that the proposed security plan was not enough to meet the licensing objectives and that the risks could result in an overly stretched police force having to attend the event again this year to control the crowds.

Steve Phillips expressed his concerns about the event. In particular he stated that it had grown very big, the noise levels got out of hand and there was a risk to public safety. He made reference to the Event Management Safety Guide and stated that he was "...not satisfied that the event can go ahead". He submitted that the matter had gone too far down the line and all the issues which had been brought to the applicant's attention just over 6 months ago should have been addressed. Mr Phillips submitted that the event "...is less than a week away", and from a safety advisory perspective could not sign off the event and could not advise the Council to grant the application.

The applicant stated that she had addressed the issues of concern but for some reason did not put it in the Event Management Plan.

The Public Health Nuisance Team stated that they had received the applicant's Noise Management Plan today (27 July 2017) at 1.30pm. The applicant had omitted to provide any information about the background noise levels.

The applicant summed up by stating that she understood the issues raised and conceded that the paper work may not have been up to scratch. However she explained that she had held the event for the past 22 years without any problems and as a result urged the Sub-Committee to grant the application.

The Sub-Committee carefully considered the application and felt that the applicant had not put in place sufficient measures for an event which may be attended by up to 7000 people, to promote the four licensing objectives. The sub-committee was concerned that the organisers of the event had not learnt from the problems encountered in 2016 which led to the police closing the event early. Despite advice from the Council over the course of many months, dating back to December 2016, the applicant had not put in place measures necessary for the application to be granted. In particular well thought out plans for the protection of public safety, the protection of children from harm, prevention of public nuisance and crime and disorder were not in place. The sub-committee therefore felt that their decision was reasonable and proportionate taking all the circumstances into account.

The sub-committee urged the applicant to co-operate fully with the responsible authorities to ensure that such event can be properly planned in order to take place in the future.