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## LICENSING SUB-COMMITTEE

2 JUNE 2014

2pm

PRESENT Councillors (in the Chair), Councillor Nick Draper,  
Councillor Philip Jones and Councillor Ian Munn  
Stephen Beedell, Licensing Officer, Guy Bishop, Legal Officer,  
Hilary Gullen, Democracy Services Officer

### 1. DECLARATIONS OF INTEREST

There were no declarations of interest.

### 2. COUSINS FISH SHOP - 98 THE BROADWAY, WIMBLEDON, SW19 1RH

Cousins Fish Shop Applicant:

Mr Graham Hopkins

Mr Sotiriou

Objectors

Representatives of Wimbledon East Hillside Residents' Association (WEHRA)

The parties were satisfied with the accuracy of the papers issued.

After discussion between the applicant and the Legal Officer, it was agreed that the additional evidence in 'supplementary agenda, further information' received on 30<sup>th</sup> May, would be excluded as it related to another premises (the Pod Bar).

Mr Graham Hopkins, for the applicant, gave a statement clarifying the application. This stated that the business would have a good pricing structure, be family orientated, and would be a 'high end' chip shop. There would be no alcohol on display. Meals would be for eating in or take away. The restaurant would be small, 36 covers. There would be no provision for selling drink only and customers would not 'hang around'. The drinks available to those eating in the restaurant would be limited to beer and wine (there would be no spirits), as food was the priority.

Mr Graham Hopkins went through the conditions offered. He confirmed that: CCTV would be installed giving head and shoulder views, footage would be kept for 31 days and staff would be trained in its use. There would always be at least two staff on duty. The premises would have Challenge 21 for proof of age. There would be a litter patrol. Notices would be prominently displayed regarding not loitering or drinking outside. After 8pm only five smokers would be allowed outside.

Mr Hopkins stated that the Metropolitan Police were satisfied with the controls and measures in place, and confirmed that litter would not be a problem, subject to acceptance of his conditions.

Mr Hopkins had contacted all objectors and only one person had replied who did not want to enter into a discussion with him.

Mr Hopkins referred to the Thwaites case in terms of the evidence provided by residents. He stated that the new business would not add to problems in the area due to the measures taken.

Mr Hopkins also indicated that an application would be submitted for a Change of Designated Premises Supervisor from Mr Graham to Mr Sotiriou and papers would be completed to effect this when and if the licence is granted.

The members asked questions about the need to open so late and how any rowdy behaviour would be curtailed. Mr Hopkins replied that customers want to eat late now after Theatre shows finish, and that members of staff would ensure good conduct by customers was maintained.

Two members of Wimbledon East Hillside Residents' Association spoke of their concerns around the number of businesses in the locality providing food and drink, and how there had been a large increase over 28 years. They requested earlier closing times of 10pm weekdays and 11pm weekends to avoid noise nuisance for local residents. An unsubstantiated claim was made that the local bus does not stop at the bus stop adjacent to the premises as the bus company had concerns about the behaviour at premises nearby.. The WEHR representative admitted that the residents' association was opposing all extensions to licensed activities in the area as it was felt that the number of licensed premises was out of balance.

The Legal Officer pointed out that the Licensing Act 2003 states that each application has to be considered on its own merits. He reminder the Licensing Sub-Committee thatit needed to work out whether it should overturn the presumption that this application will be refused (due to the Cumulative Impact Policy covering this area within the Wimbledon Town Centre Zone) and that it may only do so if the premises will not add to cummulative impact in this area.

A member of the Licensing Sub-Committee also commented that the theatre and other premises in the area close late in the evenings.

In summing up, the WEHRA representatives stated their opposition to the application as additional food and drink outlets in the town centre were unnecessary, and that this business would probably lead to an increase in anti-social behaviour.

In summing up, the applicant reminded the hearing that the Metropolitan Police were satisfied that suitable measures would be put in place, that it would be a responsibly run restaurant and clearly not a drinking establishment.

The Licensing Sub-Committee went into closed session at 2.50pm.

At 3.35pm the Licensing Sub-Committee returned to the hearing:

**DECISION**

The Licensing Sub-Committee decided to grant the application for a Premises Licence for "Cousins Fish Shop" at 98 The Broadway, Wimbledon SW19 1RH made by CP&S (Solutions) Limited subject to the revised hours for Licensable Activities below and conditions offered and sought by the Police.

**Hours**

Recorded Music (indoors) and Retail Sale of Alcohol (on sales only)

Sundays to Thursdays 12 noon - 23.00

Fridays and Saturdays 12 noon - 00.00 midnight

**Late Night Refreshment**

Fridays and Saturdays 23.00 - 00.00 midnight

**Opening Hours**

Sundays to Thursdays 12 noon - 23.30

Fridays and Saturdays 12 noon - 00.30am

**Conditions**

The licence is granted with the following 15 conditions:

- 1) Alcohol shall only be served when accompanied by a substantial table meal. (Police condition 3)
- 2) There shall be no sales of alcohol for consumption off the premises. (Police condition 5)
- 3) The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points shall be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period for 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised Council officers for periods throughout the 31 day period. The CCTV system should be updated and maintained according to Police recommendations. (Police condition 1)
- 4) A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This member of staff must be able to show a Police or authorised Council officer recent data or footage with the absolute minimum of delay when requested. (Police condition 2)
- 5) An up to date incident book shall be kept on the premises.
- 6) Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
- 7) During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected

and stored in accordance with the approved refuse storage arrangements by close of business.

- 8) A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
- 9) Children shall be accompanied at all times on premises by a parent or guardian.
- 10) Alcohol shall be restricted to beer and wines only. (Police condition 4)
- 11) An incident book shall be kept on the premises, and made available on request to an authorised Council officer or the Police, which will record: (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received (d) any incidents of disorder (e) any faults in the CCTV system (f) any refusal of the sale of alcohol (g) any visit by a relevant authority or emergency service. (Police condition 6)
- 12) Notices shall be prominently displayed at all exits confirming that CCTV is in operation at the premises.
- 13) After 8pm only 5 smokers shall be permitted outside at any one time, with notices inside and outside to confirm of that to customers.
- 14) The Premises licence holder shall keep the frontage tidy at all times.
- 15) The Premises licence holder shall provide a telephone number to residents so they may contact the manager of the premises in case of public nuisance or crime and disorder occurring.

## Reasons

It was felt that the application overcame the rebuttable presumption on the basis that the premises was a small business of only 36 covers, the premises would be providing alcohol with a meal only and there would be no off-sales or outside drinking.

The Licensing Sub-Committee were especially concerned about the hours of 11.30 – 12.30am weekdays originally proposed. The Licensing Sub-Committee considered that the grant of a licence for this period would cause an increase in cumulative impact at that time, that could not be overcome through conditions or other steps.

Particular concern during this time were the nearby premises and cumulative impact arising from all these premises. For example, the nearby premises of Weatherspoons, the Pod Bar, and Poo Na Na etc, would see a large number of people coming out on to the street or arriving in the street at similar times, or being in the area at the similar times.

This agenda item ended at 3.40pm

3. WIMBLEDON RUGBY CLUB, BARHAM ROAD, WEST WIMBLEDON, LONDON, SW20 0ET (Agenda Item 3)

Wimbledon Rugby Club Applicant  
Mr Ian Dawson, Mr David Kenny

Objectors

Representatives of Residents' Association of West Wimbledon (RAWWW)

Mr Ian Dawson, Tournament Director, introduced the application which was to be:

- An all ticket event
- A family fun event
- A Charity fundraising event

A similar event had been held last year and a demographic breakdown carried out showed that the visitors had been 50% male, 50% female and that 65% attendees had been in the over 35 age bracket, 70% lived locally (within 15 miles of venue). There had been no complaints under the licensing objectives from the event.

This year local residents had received a leaflet about the event, and free tickets were offered to those in the immediate vicinity, 50 of which had already been claimed. There had been no objections in principle.

The management team were very experienced and included an environmental noise consultant to monitor public nuisance/noise issues and ex-traffic police to monitor parking issues.

This year the event would be even better managed. The site would be totally secure with designated entry and exit points staffed by SIA security personnel. There would be provision for access by emergency services. The music would be sited at the furthest point from residences as possible and everyone would leave the site by midnight.

All parking would be away from the immediate vicinity, and Colliers Wood Football Club ground would be used for parking. There is a path drivers can take to walk from the parking area to the venue.

Mr Dawson was 100% confident the event would be a success, and the only difference this year from last year would be the addition of the Friday evening event, which would be held under the same conditions as the Saturday event.

Mr Dawson understood the concerns of residents but was confident this year would be as good if not better.

Questions were asked about the Designated Premises Supervisor, what the 'xxx' stood for on page 85, attendance/ticket sales and litter clearance. Mr Dawson replied that David Kenny was the Designated Premises Supervisor and would be on site throughout, that 'xxx' should have read '150', and that approximately 95% tickets would be sold in advance and that ticket holders would have wrist bands to indicate they were ticket holders. The suppliers had been contractually bound by a condition that they were to remove all their own refuse from the site.

The residents said they would be happy with a repeat of last year's arrangements with the conditions given by Environmental Health. However, they said they would like the sound to be monitored every 60 minutes, rather than every 90 minutes, as some sets on stage lasted only 45 minutes to 1 hour, and could thereby evade the monitoring process.

The residents expressed some concerns about traffic management, particularly in view of the Friday evening event increasing rush hour traffic issues, and of visitors not being able to find their way back to bus stops after the event. The residents were also concerned about increased attendance on last year.

The Legal Officer advised that traffic issues were not usually addressed in licencing applications and were dealt with by other responsible authorities under other legislation, although a condition could be imposed requiring compliance with a traffic management plan (this allowed flexibility for agreement on the plan).

Mr Dawson said there were 2000 visitors last year, and said the demographic showed that the attendees were not comparable to a football crowd. There would be one security member of staff for each 100 attendees and that was why they had set a capacity limit of limit of 4000 visitors for the day. Mr Dawson confirmed that there were no public safety issues last year.

Mr Dawson stated that he was happy to negotiate with residents and be guided by the formal recommendations of the Licensing Sub-Committee.

In response to questions, Mr Dawson said he expected no more than 350 visitors on the Friday evening (which related to the capacity of the clubhouse) and 2500 – 3000 on Saturday.

The Licensing Sub-Committee went into closed session at 4.35pm

Decision:

The Licensing Sub-Committee decided to grant the Premises Licence application made by Urban Events Sports Ventures UK Limited for Wimbledon RFU for the "Legends Rugby Festival 2014" events at the Wimbledon RFU site at Barham Road, Wimbledon SW20 0ET to the hours as sought in the application, subject to the conditions offered and agreed with the Responsible Authorities as set out below for the period from Friday 11th July 2014 18:00 – 23:00 and Saturday 12th July 2014 10:00 – 00:00.

### **Licensable Activities**

Live Music, Recorded Music, Retail Sale of Alcohol

Friday 11<sup>th</sup> July 18:00 – 23:00

Saturday, 12<sup>th</sup> July 10:00 – 00:00

### **Conditions**

The licence is subject to the 14 conditions agreed with Environmental Health but with the insertion of 60 minute sound checking rather than 90 minutes in item 7. These conditions are:

1. *The Licensee shall appoint a suitable, qualified and experienced noise control consultant, to the approval of the Licensing Authority, as soon as is practical prior to the event, the noise control consultant shall liaise between all parties including the licensee, promoter, sound system suppliers, sound engineers, and officers of the Councils Environmental Health Department.*
  
2. *The noise control consultant shall carry out a survey to determine the background noise levels (as defined by the Code of Practice on Environmental Noise Control at Concerts) at appropriate locations. The information from this survey including designated monitoring positions to be made available to the Licensing Authority at least one week before the festival.*
  
3. *A noise propagation test shall be undertaken prior to the performance in order to set appropriate control limits at the sound mixer positions. The sound system(s) shall be configured and operated in a similar manner as intended for the event. The sound source shall be similar in character to the music produced during the event.*
  
4. *A detailed site plan including location of stage/s, tents where noise making equipment is sited, to be made available to the Licensing Authority at least one week before the festival and to be agreed by the Environmental Health team.*
  
5. *The control limits set at the mixer positions shall be adequate to ensure the music noise level shall not at any noise sensitive premises exceed 65 dB(A) at the nearest external facade over a fifteen minute period throughout any rehearsal, sound check or performance. The sound engineer/consultant shall remain on location throughout the duration of performance and be in overall control over any artists' dedicated sound engineers.*
  
6. *The Licensee shall ensure that the promoter, and all sound engineers are informed of the sound control limits and that instructions from the noise control consultant regarding noise levels are implemented.*
  
7. *The noise control consultant shall, at **60** minute intervals, monitor the noise levels at the designated positions and advise the sound engineer accordingly to ensure that the noise limits are not exceeded. Officers from the Council's Environmental Health team shall have access to the results of the noise monitoring.*
  
8. *The Licensee shall ensure that all requests from the noise consultant and Councils Environmental Health officers are complied with.*

9. *Announcements to be made at the end of the evenings' entertainment asking patrons to leave quietly.*

10. *Details of a telephone number permanently manned during performances to be made available to the Councils Environmental Health Department prior to the event.*

11. *At least one week prior to the event a leaflet drop is to be made to households in surrounding premises nearby. The addresses notified must be supplied to the Licensing and Environmental Health Department, and the leaflet to include the date and times of performances, a description of each performance, and a contact telephone number.*

12. *The performers likely to be noisiest such as pop groups, singers, bands and choirs etc. shall be scheduled to perform so as to avoid the most sensitive times of late evening.*

13. *Music must cease at 23.00pm*

14. *The event shall end and members of the public shall vacate the event site no later than Midnight.*

The Licensing Sub-Committee noted that the Applicant and residents association have a good working relationship and that they will continue to discuss and agree any outstanding issues, which could include traffic issues etc, subject to proper authorisation (which is outside the remit of this determination). Accordingly, it is recommended that Wimbledon RFU agree hours, licensable activities and conditions for the residents and residents association so that they can submit a Premises Licence for this event without the need to revert to the Licensing Sub-Committee each year.

In terms of capacity, the Licensing Sub-Committee noted that neither the Police, nor Environmental Health nor the London Emergency Planning Authority had put in representations or considered the capacities mentioned in the agenda documents, and in these circumstances the panel cannot usefully consider the capacities proposed. It remains the licence holder's responsibility to have suitable door supervision (SIA) for those on site and not to exceed the capacity that the applicant's or Wimbledon RFU have assessed in their Risk Assessment for the site and the proposed events.

#### Reasons

The reasons for this decision were that:

There was no proper evidence to indicate that nuisance occurred last year;

There was agreement between all parties that the event went well last year with the same proposed measures (with some minor amendments) being adopted again, that indicated that the event would mirror that last year;

It was accepted that nearly all issues had been agreed and there was a good working relationship between the management of the event and residents.



The legal advice given during deliberations was that capacity issues were usually dealt with by Environmental Health, Fire and Police authorities, who had not made representations. Further, the legal officer confirmed that there was self regulatory regime in force under fire legislation that required self assessments by event operators, that could be provided to the LFEPA.

The meeting closed at 4.50pm.