

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Tuesday 5 February 2019 at 10.00 am at Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Renata Hamvas (Chair)
Councillor Sunny Lambe
Councillor Margy Newens

OFFICER SUPPORT: Rebecca Millardship, legal officer
Dorcas Mills, licensing officer
Ken Andrews, environmental protection officer
P.C. Ian Clements, Metropolitan Police Service
Ian Farrington, health and safety officer
Raye Moore, trading standards officer
Jayne Tear, licensing responsible authority
Andrew Weir, constitutional officer

1. APOLOGIES

There were none.

2. CONFIRMATION OF VOTING MEMBERS

The members present were confirmed as the voting members.

3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

There were none.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003: BERMONDSEY STREET FESTIVAL 2019 (EVENT ON BERMONDSEY STREET AND ADJACENT PARKS) LONDON SE1 3XB

The licensing officer presented their report. Members had no questions for the licensing officer.

The applicant addressed the sub-committee. Members had questions for the applicant.

The Metropolitan Police Service representative addressed the sub-committee. Members had questions for the police.

The environmental protection officer addressed the sub-committee. Members had questions for the environmental protection officer.

The licensing officer representing the council as a responsible authority addressed the sub-committee. Members had questions for the licensing officer.

The trading standards officer addressed the sub-committee. Members had questions for the trading standards officer.

The health and safety officer addressed the sub-committee. Members had questions for the health and safety officer.

All parties were given five minutes for summing up.

The meeting adjourned at 11.29am for the members to consider their decision.

The meeting resumed at 1.16pm and the chair advised all parties of the decision.

RESOLVED

That the application made by Bermondsey Street Festival Community Interest Company for a time limited premises licence on 14 September 2019 from 11:00 to 19:30 to be granted under Section 17 of the Licensing Act 2003 in respect of the event to be held on Bermondsey Street and adjacent parks be granted as follows:

Plays (outdoors):

- Saturday from 11:00 to 19:30.

Films (outdoors):

- Saturday from 11:00 to 19:30.

Live music (outdoors):

- Saturday from 11:00 to 19:30.

Recorded music (outdoors):

- Saturday from 11:00 to 19:30.

Performance of dance (outdoors):

- Saturday from 11:00 to 19:30.

Supply of alcohol (on the premises):

- Saturday from 11:00 to 19:30.

Operating hours of premises:

- Saturday from 11:00 to 19:30.

Conditions

The operation of the premises under the licence shall be subject to relevant mandatory conditions, any conditions derived from the operating schedule in Section M of the application, and the following conditions imposed by the licensing sub-committee:

1. That the company appointed 'Director of Music' has a responsibility to monitor the noise levels in the vicinity of residential premises on an hourly basis in particular along Bermondsey Street. The Director of Music will ensure that all noise sources shall be placed in the best position to avoid causing noise nuisance for nearby residential premises.
2. That SIA will be briefed and will seek to actively identify incidents of noise nuisance and as part of their duties, monitor noise to identify any nuisance on the perimeter of the event and thereafter have the responsibility of dispersing noisy congregations outside of residential premises.
3. That all information stand staff will be briefed and will be able to record and deal with noise nuisance complaints.
4. That residents shall be provided with a contact telephone number that they can use to report any noise nuisance. On the day of the event the organiser should contact the Southwark's noise and nuisance team via the call centre on 0207 525 5777 and advise them of a direct contact name and mobile phone number that they can use to advise the organizer if there are any complaints received from the public during the event.
5. That external waste handling, collections and the cleaning of external areas shall only occur between the hours of 08:00 and 23:00 on Saturday and/or between 09:00 and 18:00 on Sunday.
6. That for individuals or companies that the applicants uses, employs and/or contracts to carry out any service and/or hiring for the event, the Applicant must ensure the following information is held:
 - List all goods/services the contractors are supplying
 - Contractors' contact details
 - Contractors' method statements
 - Schedules such as start date and time, arrival time, completion of services, receipt of goods

- Hand-over of all appropriate certificates, eg portable appliance test certificate, gas safety test certificate, completion certificate.
 - All documentation and records shall be retained and must be capable of being retrieved for a period of 18 months after the date of event completion. These documents may be requested at any time during or after the event or within the consequent 18 month period by officers of the council or the police and must be provided in paper format if necessary.
7. That only businesses registered with their local authority and with a current food hygiene score of 3, 4 or 5 will be permitted to trade at this event.
 8. That details of all businesses taking part in the event should be provided to the local authority no later than 30 days before the event, these must include the named individuals who will be present and involved in the preparation or serving of food and any training they have received in food hygiene.
 9. That details should be provided to the local authority no later than 30 days before the event of the types of food that your food trader will be offering at the event. For food items requiring cold/chill storage the applicant must explain how this will be achieved. The same applies for food that will be served hot or kept hot awaiting sale. This information must be included in the food safety management system.
 10. That any food vendor that does not have the requisite documentation must be prevented from trading at the event by the event management.
 11. That any food business which has hot surfaces must ensure that the hot surface is protected from public contact by use of a physical barrier.
 12. That separate toilet and hand washing facilities are to be provided by the organisation for use by food vendors, so as to prevent the need to queue at the public toilets at busy times. This provision should be in a ratio of one toilet and one separate hand washing station for every 10 food stalls.
 13. That the applicant will ensure that each wash hand basin has adequate supplies of hot and cold, or appropriately mixed, running water, soap and hygienic means of drying hands. This provision is in addition to, and should not replace any provision the stalls make as part of their own hazard analysis and critical control points (HACCP) risk assessment.
 14. That the applicant will provide no fewer than 36 Certified SIA (Security Industry Authority) registered professional security staff between the hours of 11:00 and 20:00, who will be managed by a competent person with crowd management experience.
 15. That no stalls or other obstructions are to be placed on the pavement area in front of the gated entrance to 40 Bermondsey Street.
 16. That the emergency access to Black Swan yard is maintained throughout the duration of the festival.
 17. That a 'challenge 25' scheme shall be maintained at the premises requiring that staff,

selling alcohol, request that any customer who looks under 25 years old, and who is attempting to purchase alcohol, provides valid photographic identification proving that the customer is at least 18 years old. Valid photographic identification is composed of a driving licence, passport, UK armed services ID card and any proof of age standards scheme (pass) accredited card such as the proof of age London (pal) card.

18. That all staff involved in the sale of alcohol shall be trained in the prevention of sales of alcohol to underage persons, and the 'challenge 25' scheme in operation at the premises. A record of such training shall be kept and must be accessible to council or police officers on request. The training record shall include the trainee name, the trainer's name, signature of trainee and trainer, the date of training and a declaration that the training has been received.
19. That clearly legible signs shall be prominently displayed where they can easily be seen and read by customers stating to the effect that a 'challenge 25' policy is in operation at the premises, that customers may be asked to provide proof of age and stating what the acceptable forms of proof of age are. Such signage shall be displayed in all areas where alcohol is displayed for sale.
20. That a register of refused sales of alcohol shall be maintained in order to demonstrate effective operation of the challenge 25 policy. The register shall be clearly and legibly marked on the front cover as a register of refused sales, with the address of the premises and with the name and address of the licence holder. The register shall be kept accessible at the premises at all times. The register shall be made available for inspection at the premises to council or police officers on request.
21. That the event is to operate in line with all the details contained within the accepted Bermondsey Street Festival event management plan.
22. That all beverages are to be supplied in plastic or any or non-glass container.

Reasons

The reasons for the decision are as follows:

The sub-committee heard from the licensing officer for the application, who was able to set out the history of the application and explain that there had been considerable efforts to reach conciliation by all parties before the meeting. This included a meeting on 16 January 2019, at which all parties were in attendance. It was explained that shortly before the licensing sub-committee meeting today, a security plan had been provided. In light of this, the sub-committee felt that there may be benefit in granting a short period to allow the applicant to discuss the application with the responsible authorities.

The applicant provided a brief history of the event, stating that the event had taken place in Bermondsey Street for 12 years and in light of its success, the project had extended to now cover 2 sites with up to 5,000 visitors attending at any one time. The applicant was able to highlight that the company had worked with the Borough's events team and that the documentation supporting the application had been created with their guidance. Finally the applicant was able to explain that conciliation on most points had been reached with each of the responsible authorities.

The police were able to state that they had reached agreement subject to the licence including conditions that would permit access to emergency vehicles to all areas,

preventing the blocking of access and egress to 40 Swan Yard and requiring non-glass vessels to be used for all beverages. The applicant agreed that they did not take issue with the conditions.

The environmental protection team representative set out the conditions that they recommended including in the licence. These focused on the prevention noise nuisance in the local area, specifically for local residents. The Applicant agreed in principle with these suggestions.

The trading standards officer advised that conditions regarding a Challenge 25 scheme had been agreed with the applicant.

The licensing as a responsible authority representative set out their main concerns, but stated that their concerns would be allayed provided that the licence contained conditions that required the following:

- A lost child policy
- A dispersal policy contained within the event management plan
- An accommodation limit being fixed at 5,000 and that this would be a rolling figure, permitting the total capacity to be fixed at 5,000 allowing for people moving in and out of the event, but that it must not be breached at any one time
- That only non-glass containers be used for beverages.

Finally the health and safety representative explained the conditions that had been agreed. The focus was to ensure public safety and make sure that the risk assessments were complete. It was also made clear to the applicant that, whilst it was possible to employ contractors to conduct elements of the operation, that the responsibility of the safety of each patron remains with the event organiser.

The sub-committee raised questions that had been initially raised by the responsible authorities, specifically what measures the event organiser would take to counter any risk of a terrorist incident. It was explained that the organiser would meet with the police nearer to the time to obtain guidance as to the best ways to prevent any incidents occurring, it was then explained that the event management plan would be updated and would be discussed with the responsible authorities at this stage.

The sub-committee were encouraged that the applicant had been able to conciliate the majority of conditions. It was of note that the event had a long history and that, with the exception of the last year, the festival had been without incident. The sub-committee recognised that the responsible authorities had made their representations in light of this incident and they felt reassured that each of the concerns that had been initially outlined in the report were adequately addressed in the suite of conditions agreed between the parties. They did however make specific request that the event management plan, which they understood to be a fluid document, be provided to each of the responsible authorities six weeks before the event. They hoped that this would ensure that both the responsible authorities and the applicant could agree the best approach to dealing with the event on the day.

The sub-committee felt that the conditions suggested by the Applicant and responsible authorities addressed each of the concerns that had been raised in line with the licensing objectives.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives and considered that this decision was appropriate and proportionate.

Appeal rights

The applicant may appeal against any decision:

- a. To impose conditions on the licence
- b. To exclude a licensable activity or refuse to specify a person as premises supervisor.

Any person who made relevant representations in relation to the application who desire to contend that:

- a. The licence ought not to be granted; or
- b. That on granting the licence, the licensing authority ought to have imposed different or additional conditions to the licence, or ought to have modified them in a different way

may appeal against the decision.

Any appeal must be made to the Magistrates' Court for the area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the Magistrates' Court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

The meeting ended at 1.17pm.

CHAIR:

DATED: