

NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 13 JULY 2018

SECTION 34 LICENSING ACT 2003: THE BARREL PROJECT, 80 DRUID STREET, LONDON SE1 2HQ

1. Decision

That the application made by Simon Charles Cotton to vary a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as The Barrel Project, 80 Druid Street, London SE1 2HQ be granted as follows:

- To have an outside area where people can consume alcohol on Druid Street.
- To vary the conditions of the licence as listed below.

2. Conditions

The operation of the premises under the licence shall be subject to relevant mandatory conditions, conditions derived from the operation schedule highlighted in Section M of the application form, the conditions agreed with the Metropolitan Police Service and trading standards during the conciliation process and the following additional conditions agreed by the sub-committee namely:

1. Condition 353 (prohibiting children) shall be removed.
2. Conditions 341, 343, 344, 345, 346 and 354 shall remain on the licence with the Insertion of the following words before each condition "Save for the designated outside drinking area".
3. No more than 25 customers are permitted within the designated outside drinking area at any one time (as hatched on the attached plan at p.22 of the applicant's presentation).
4. The designated outside drinking area must be clearly demarcated. If a physical barrier is to be used it must be approved in writing by Southwark Council's Highways Authority.
5. A door supervisor must be employed to supervise and control the outside drinking area whenever it is being used by customers with drinks.
6. The outside drinking area may only be used by customers on Fridays between 16:00 and 21:00 and Saturdays between 11:00 and 21:00.
7. The premises licence holder shall submit to the licensing authority, and operate in accordance with, an outside management policy that deals with patrons that consume alcohol in the designated outside drinking area and is designed to minimise the risk of public nuisance to residents and other persons in the vicinity: The plan may be updated from time to time.

8. The premises shall provide and display a dedicated and manned telephone number of the management of the premises to local residents.
9. Glassware shall be collected at regular intervals from the designated outside drinking area
10. All drinks are to be served in toughened glass or polycarbonate receptacles
11. Condition 342 be removed.
12. Condition 344 shall be amended as follows:
"344. That after 21:00 customers shall not use any outside area other than those who temporarily leave the premises to smoke. Smokers shall use the demarcated area on Druid Street and no more than five people shall be permitted to do so at any one time".
13. Children are not permitted in the premises unless accompanied by an adult.
14. Children are not permitted in the outside area drinking area at any time.

Reasons

3.

The licensing sub-committee heard from the representative. They advised that after the granting of the licence in Autumn 2017 customers both wished and expected to be able to enjoy a drink in the area immediately outside our premises as well as inside. It had not previously been anticipated there would be this demand and therefore the request for outside use had not been made at the time. Other licensed premises in Druid Street are permitted to have outside drinking and patrons are being lost to other Druid Street premises because the current premises licence does not permit the same.

This variation application seeks to permit outdoor drinking, in a tightly controlled manner and subject to stringent conditions. It is accepted that following one or two temporary event notices there were some customers milling around and this caused a disturbance to residents. As a result of this, the applicant confirmed to the licensing sub-committee that they would not submit any temporary event notices in the future.

The sub-committee heard that the loading bay directly outside the premises is dedicated to The Barrel Project and a comprehensive outside management plan has been devised to manage the outside area effectively and in line with that used by other premises in the area. The applicant's legal representative went on to advise that any concern relating to the use of the loading bay (being part of the public highway) as an external drinking area as an obstruction must be dealt with under a separate regime and were an irrelevant consideration for Licensing Act purposes. In any event, the use (as demonstrated in the photograph on page 13 of the Applicant's presentation) did not amount to an obstruction under Section.137 Highways Act 1980 and also, the local authority is already permitting the unauthorised use of the external area/loading bay and causing a potential highways obstruction in advocating the use of loading bays to accommodate the commercial waste bins.

The licensing sub-committee heard from the representative for licensing as a responsible authority and whose representation was based on the prevention of crime and disorder and public nuisance licensing objectives. The premises were located in a residential area and the use of the external area would contribute to on-going issues being complained of by local residents.

The licensing sub-committee heard from the representative from health and safety whose representation was based on the public safety licensing objective and major concern was the premises intended use of a section of the public highway as an outside drinking area; the area identified by the applicant should accommodate no more than 25 patrons.

The licensing sub-committee noted that the representation from the Metropolitan Police had conciliated.

The licensing sub-committee noted that the representation from another person who referred the temporary event notices (TENs) that had taken place since the licence had been granted in 2017. The TENs had run until 01:00 and disturbed residents. There had been an increase in licensed premises on Druid Streets and residents' weekends (and sometimes weekday evenings) have been negatively impacted by noise from patrons.

The licensing sub-committee recognise that under the Licensing Act 2003, other regulatory regimes are not considerations for this sub-committee. It also recognises if the external area is used, it should be stringently controlled for the benefit of the local residents. In this respect, the sub-committee's hands are tied. The licensing sub-committee has seen a steady increase in the number of applications along Druid Street and whilst this places the Bermondsey Beer Mile firmly on the map for tourism and hotspot from craft breweries, the sub-committee are acutely conscious that the area is predominantly a residential area, with a housing estate opposite these licensed premises. It is for this reason this licensing sub-committee recommends that the licensing team investigates and reports to the licensing committee on 2 October 2018 on the viability of going to public consultation of the Druid Street area becoming a cumulative impact area in Southwark's statement of licensing policy 2020 -2024. If it is not feasible for a Druid Street cumulative impact policy area, then to report to the licensing committee (on 2 October 2018) other options available in addressing residents concerns.

This licensing sub-committee further recommends that regulatory services, including the highways licensing and enforcement team, are to inspect the licensed premises along Druid Street and take all appropriate enforcement action in respect of any regulatory breaches. The details all enforcement action is to also be reported back to the full committee on 2 October 2018.

4. Appeal rights

The applicant may appeal against any decision to modify the conditions of the licence; and

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

- a) That variation ought not to have been made; or
- b) That, when varying the licence, the licensing authority ought not to have modified the conditions of 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.

Issued by the Constitutional Team on behalf of the Director of Law and Democracy.

Date: 13 July 2018