

## Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Friday 5 May 2017 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

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**PRESENT:** Councillor Renata Hamvas (Chair)  
Councillor Eliza Mann  
Councillor Charlie Smith

**OTHERS PRESENT:** Nicholas Cash, applicant  
Nicholas Boland, applicant  
Seanue Ruane, representative for the freeholder  
Bo-Eun Jung, legal representative for the freeholder

**OFFICER SUPPORT:** Debra Allday, legal officer  
Wesley Mearthur, licensing officer  
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: LOST RIVERS DELIBAR, UNIT 2, 7-13 MELIOR STREET, LONDON SE1 3QP**

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 representatives for the freeholder addressed the sub-committee. Members had questions for the representatives for the freeholder.

Both parties were given five minutes for summing up.

The meeting went into closed session at 11.23am.

The meeting resumed at 11.40am. The chair did not read out the decision of the sub-committee as none of the parties were present.

**RESOLVED:**

That the application made by CA F&B Limited, for a premises licence, granted under the Licensing Act 2003 in respect of the premises known as Lost Rivers DeliBar, Unit 2, 7-13 Melior Street, London SE1 3QP is granted as follows:

<b>Licensable activity</b>	<b>Hours</b>
The supply of alcohol (for consumption on and off the premises)	Sunday to Thursday from 11:00 to 23:00 Friday and Saturday from 11:00 to 23:30
Late night refreshment (indoors and outdoors)	Friday and Saturday from 23:00 to 23:30
The provision of regulated entertainment in the form of recorded music (indoors):	Friday and Saturday from 23:00 to 23:30
Operating hours	Sunday to Thursday 08:00 to 23:30 Friday and Saturday 08:00 to 00:00

**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 the licensing responsible authority during the conciliation process and the following additional conditions agreed by the sub-committee:

1. That all windows and doors shall be closed by 22:00 each day.
2. That signage will be erected advising patrons to leave in a quiet and orderly fashion

so as not to disturb the residents.

3. That a dedicated telephone number shall be made available to residents.
4. That a dispersal policy shall be submitted to the licensing responsible authority officer for their agreement.
5. That all deliveries and collections shall take place between 08:00 and 20:00 each day.
6. That there shall be no external disposal of glassware between the hours of 22:00 and 08:00 each day.
7. That no more than five patrons shall be permitted outside the premises at any one time, for the purposes of smoking.
8. That no drinks shall be permitted outside the premises at any time other than off-sales in sealed containers.

### **Reasons**

The reasons for the decision are as follows:

The licensing sub-committee heard from the applicant who informed the sub-committee that the venue was a new build and part of a mixed used development on this mainly pedestrian back street which is often used as a shortcut for people walking to/from the station and hospital. It was a small deli style operation aimed at the local residents and office workers who might want to grab a quick sandwich at lunch time or take their time over a tapas style meal during the day or evening. They aimed to produce quality and imaginative food for consumption on the premises or to take away. Our own craft beers will be available, besides a small selection of alcohol and non alcoholic beverages. They hoped to provide a range of organic juices and smoothies too. They would like patrons to take our beers away in sealed units.

The licensing sub-committee heard from the legal representative for the freeholder of the building in which the premises are situated. The legal representative advised that the building was being redeveloped to provide 37 residential units and a community centre for the care of the homeless. The residential premises are immediately above the premises which formed the entire ground floor of the residential block facing. The residents' of these units, will inevitably be affected by the premises. The application was being objected on the prevention of public nuisance licensing objective. There was no issue with a premises licence being granted in principle, but allowing the premises to open for licensable activities beyond 11pm would result in a loss of amenity for the residents who live directly above the premises. The sub-committee were further advised that freeholder had been contacted by a number of future residents who expressed concerns that the premises being opened later than 23:00 would lead to disruption to the residents caused by noise levels from the bar, both during the licensable hours and as patrons depart at closing time. This would affect the quality of sleep and general life of residents. Other future residents have voiced safety concerns with groups of people hanging around on the street outside the unit and potential littering issues. The representative invited the sub-committee when granting the licence, to limit it the hours. The residential units had been sold on the basis that the licensing hours would cease at 23:00.

The licensing sub-committee noted that all of the responsible authorities had conciliated, in particular licensing as a responsible authority, whose remit included, amongst other things, to ensure that applicants rebut the presumption to reject licence applications when premises are located in a cumulative impact policy area and also address any issues when applications sought are contrary to the Statement of Licensing Policy 2015-2020. On this occasion licensing as a responsible authority conciliated with the applicant. The only outstanding representation was from the freeholder, who was not authorised to speak on behalf of residents, and in any event, the residents had failed to provide any objections (in their right) or any complaints made to them. The sub-committee were informed that the lease between the freeholder and the applicant had yet to be signed, and do not see why some of the concerns could be addressed by way of covenants in that lease. In any event, it was accepted by the parties that planning consent had been granted until 23:00. Whilst planning is, of course a separate regulatory regime to licensing, the applicant would not be able to operate beyond 23:00 hours as a result of the planning consent, that and the conditions detailed in this notice of decision appropriate and proportionately address the concerns of the freeholder.

The licensing sub-committee considered all of the oral and written representations before it and were of the opinion that the conditions and revised hours agreed between the applicant and the responsible authorities satisfied 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.

Meeting ended at 11.41 am

**CHAIR:**

**DATED:**

**[CABINET ONLY]**

**DEADLINE FOR NOTIFICATION OF CALL-IN UNDER SECTION 21 OF THE OVERVIEW AND SCRUTINY PROCEDURE RULES IS MIDNIGHT, [DATE].**

**THE ABOVE DECISIONS WILL NOT BE IMPLEMENTABLE UNTIL AFTER THAT DATE. SHOULD A DECISION OF THE CABINET BE CALLED-IN FOR SCRUTINY, THEN THE RELEVANT DECISION WILL BE HELD IN ABEYANCE PENDING THE OUTCOME OF SCRUTINY CONSIDERATION.**