

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Monday 9 October 2017 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Renata Hamvas (Chair)
Councillor Sunil Chopra
Councillor Adele Morris

OTHERS PRESENT: Danny Kwiatkowski, applicant, The Rose
Franz Schinagl, applicant, Speckmobile
Simon Cotton, applicant, The Barrel Project
Ian Banfield, local business owner

OFFICER SUPPORT: Debra Allday, legal officer
Joanne Shilton, legal officer
Dorcas Mills, licensing officer
Andrew Heron, 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.

The chair advised that the order of business would be varied to hear item 6 first.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003: THE BARREL PROJECT, 80 DRUID STREET, LONDON SE1 2HQ

The licensing officer presented their report. The licensing officer advised that the responsible authorities had conciliated with the applicant. The legal officer had a question for the licensing officer.

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

The other person objecting to the application addressed the sub-committee. Members had questions for the other persons.

Both parties were given five minutes for summing up.

The meeting adjourned at 11.52am for the members to consider their decision.

The meeting resumed at 12.07pm and the chair read out the decision of the sub-committee.

RESOLVED:

That the application made by Simon Charles Cotton for 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 is granted as follows:

Licensable activity	Hours
Supply of alcohol (indoors)	Monday to Sunday from 11:00 to 22:30
Supply of alcohol (outdoors)	Monday to Sunday from 11:00 to 23:00
Operating hours of premises	Monday to Sunday from 11:00 to 23:00

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 conciliated conditions agreed with the responsible authorities and the following additional conditions agreed by the sub-committee:

1. That the plans to premises be amended to reflect the changes of the Ropewalk exit as a fire exit only.
2. That the dispersal policy be amended to read that no customers should be allowed to take drinks onto Druid Street or Ropewalk other than to take away and they must be

in a sealed container.

Reasons

The licensing sub-committee heard from the applicant who advised that the premises was located in a railway arch and it was intended to use the space as a half barrel ageing facility for beer and the bar/shop selling specialist beer and other alcoholic drinks theatre which would be consumed on the premises. The applicant had another premise in a neighbouring borough; he had also run the Peckham Beer Festival over the summer 2017 in Southwark and no complaints had been received in respect of either operation. Whilst there would be no kitchen on the premises to cook food, the applicant anticipated utilising the services of other local eateries for events. The applicant also agreed to sign up to the Women's Safety Charter.

The licensing sub-committee heard from a representative from a local business that had submitted a representation and stated that whilst he supported the premises, his only concern was the premises had no right of use of Ropewalk which was jointly owned by his company and two other companies. This concern had been discussed with the applicant and it was agreed that the premises would not use Ropewalk.

The licensing sub-committee noted the objections from all of the responsible authorities had conciliated.

The licensing sub-committee noted the objections from the 10 other persons who were not present, concerning the number of families living opposite the premises and the likelihood of disturbance. Local residents already suffered noise from existing premises as well as anti-social behaviour and believe an additional licensed premises would make an make the situation intolerable.

The licensing sub-committee considered all of the oral and written representations before it and noted that the premises had been in operation for a number of years and no complaints had been made in respect of it. In those circumstances, the sub-committee were of the view that any impact the premises may have on the local residents would be minimal and could not justify not granting the applicant a licence.

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 been 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.

6. LICENSING ACT 2003: THE ROSE, 123 SNOWFIELDS, LONDON SE1 3ST

The licensing officer presented their report. They advised that the responsible authorities had now conciliated with the applicant. One local resident had also withdrawn their objection. Members had no questions for the licensing officer.

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

The applicant was given five minutes for summing up.

The meeting adjourned at 10.44am for the members to consider their decision.

The meeting resumed at 10.48am. The chair did not read out the decision of the sub-committee as nobody was present.

RESOLVED:

That the application made by Niall Devlin and Michael Peters to vary a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as The Rose, 123 Snowfields, London SE1 3ST be granted as follows:

Licensable activity	Hours
The supply of alcohol (on sales only)	Friday to Saturday from 12:00 (midday) to 00:00 (midnight)
The provision of late night refreshment (indoors)	Friday to Saturday from 23:00 to 00:00
Opening hours	Sunday to Thursday from 12:00 (midday) to 23:00 Friday and Saturday from 12:00(midday) to 00:30

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 and the conditions agreed with the responsible authorities as a result of conciliation.

Reasons

The reasons for the decision are as follows:

The licensing sub-committee heard from the licensing officer who advised that the applicant had reduced the hours applied for and had also agreed to the addition of further conditions. As a result all responsible authorities had conciliated with the applicant.

The licensing officer also advised that one of the other person's representations had also been withdrawn.

The applicant advised that he had operated the premises responsibly without any issues for the previous four years.

The applicant advised that they employ well trained staff to ensure that the premises operated responsibly and that they took their role seriously.

The applicant confirmed that they had removed the application for regulated entertainment and also reduced the hours originally applied for, which were now aligned with the recommended hours within Southwark's statement of Licensing policy.

In addition the applicant had also agreed to the addition of several further conditions.

The licensing sub committee noted the three remaining written representations which had been received from other persons. The representations expressed concerns for the extended hours being granted within a cumulative impact area.

The licensing sub committee noted that whilst the other persons did not attend the hearing, the sub committee took into account the written representations. It noted that more weight could have been attached had a representative attended the sub-committee but nonetheless the representation carried weight.

The sub committee had regard to all the relevant considerations and the four licensing objectives and were satisfied that the reduced hours, removal of regulated entertainment and additional conditions would assist in minimising any potential impact in the cumulative impact area.

The sub committee considered that this decision was appropriate and proportionate in promoting the licensing objectives.

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 been 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.

7. LICENSING ACT 2003: SPECKMOBILE, RAILWAY ARCH, 76 DRUID STREET, LONDON SE1 2HH

The licensing officer addressed the sub-committee. They advised that the applicant had conciliated with the responsible authorities.

The chair allowed the other person objecting to speak before the applicant. They advise that they no longer had any issues with the application.

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

Neither party had anything to add during summing up.

The meeting adjourned at 12.30pm for the members to consider their decision.

The meeting resumed at 12.37pm and the chair read out the decision of the sub-committee.

RESOLVED:

That the application made by Franz Schinagl for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as the Speckmobile, 76 Druid Street, London SE1 2HH be granted as follows:

Licensable activity	Hours
Supply of alcohol (indoors & outdoors)	Monday to Friday from 12:00 to 23:00 Saturday from 10:00 to 23:00 Sunday from 11:00 to 22:30
Operating hours of premises	Monday to Saturday from 11:00 to 23:00 Sunday from 11:00 to 22:30

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 conciliated conditions agreed with the responsible authorities and the following additional conditions agreed by the sub-committee:

1. That there be a maximum capacity of 80 people.

Reasons

The reasons for the decision are as follows:

The licensing sub-committee heard from the applicant who advised that the premises was currently used as a production kitchen and storage space for catering services with a goods receiving area in the front and that it is intended to sell food and alcohol as part of the Maltby Street and Druid Street Market. The applicant also stated that he intended to install tables and chairs outside the premises and serve food and alcohol on Druid Street. In addition to this they intend to wholesale alcohol for private and corporate clients. The applicant also agreed to sign up to the Women's Safety Charter.

The licensing sub-committee heard from a representative to a local business that had submitted a representation and stated that whilst he supported the premises, his only concern was the premises had no right of use of Ropewalk which was jointly owned by his company and two other companies. This concern had been discussed with the applicant and it was agreed that the premises would not use Ropewalk.

The licensing sub-committee noted the objections from all of the responsible authorities had been conciliated.

The licensing sub-committee noted the objections from the five other persons who were not present, concerning the number of families living opposite the premises and the likelihood of disturbance. Local residents already suffered noise from existing premises as well as anti-social behaviour and believe an additional licensed premises would make an make the situation intolerable.

The licensing sub-committee considered all of the oral and written representations before it and noted that the premises had been in operation for a number of years and no complaints had been made in respect of it. In those circumstances, the sub-committee were of the view that any impact the premises may have on the local residents would be minimal and could not justify not granting the applicant a licence.

The applicant stated that he intended to use the outside area to serve food and alcohol, unfortunately, the outside area was not included on the plan of the premises. This will mean that the applicant will only be able to serve food in the outside area until a variation application is submitted and determined in respect of alcohol. Should such an application be submitted this licensing sub-committee recommends that the outside area be restricted to 30 patrons in a roped off area between the hours of 11:00-18:00. The applicant is also reminded of the need to obtain a highways licence for this area.

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 been 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 12.39pm.

CHAIR:

DATED: