

## Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Monday 27 November 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 Lorraine Lauder MBE  
Councillor Sandra Rhule

**OTHERS PRESENT:** Rod Eslamieh, applicant, Chapter 72  
Abbas Derinyer, applicant, Bottle and Basket  
A. Ender Gegil, agent, Bottle and Basket  
Graham Hopkins, licensing representative, Bottle and Basket  
P.C. Graham White, Metropolitan Police Service  
Councillor Adele Morris, ward councillor  
Councillor Radha Burgess (observing)

**OFFICER SUPPORT:** Debra Allday, legal officer  
Roney Frederick, legal officer  
Dorcas Mills, licensing officer  
Jayne Tear, licensing officer as a responsible authority  
Carolyn Sharpe, public health 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: CHAPTER 72, 72 BERMONDSEY STREET, LONDON SE1 3UD**

The licensing officer presented their report. They informed the sub-committee that the responsible authorities had conciliated with the applicant. Members had no questions for the licensing officer.

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

The meeting adjourned at 10.34am for the members to consider their decision.

The meeting resumed at 10.39am and the chair read out the decision of the sub-committee.

**RESOLVED:**

That the application made by Rod Eslamieh to vary a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Chapter 72 – 72 Bermondsey Street, London SE1 3UD be granted as follows:

<b>Licensable activity</b>	<b>Hours</b>
The supply of alcohol (on and off sales)	Monday to Saturday from 11.00 to 22.00 Sunday from 11.00 to 21.00
Opening hours	Monday to Saturday from 07.00 to 22.30 Sunday from 08.00 to 21.30

**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 Metropolitan Police Service and the licensing authority during the conciliation process.

**Reasons**

The reasons for the decision are as follows:

The licensing sub-committee heard from the applicant who confirmed he had agreed to several conciliated conditions with the police and licensing authority.

The licensing sub-committee noted the written representations of the local residents who objected to the application.

The Licensing sub-committee granted the application following the withdrawal of representations by the police and licensing authority, subject to the conciliated conditions agreed with the responsible authorities. The sub-committee was satisfied that these

conditions addressed the issues raised in the written representations from the local residents.

The sub-committee wished to clarify that the four patrons seated limit outside, would include smokers thereby limiting the outside area to five smokers in total if patrons are seated and standing.

The licensing sub-committee was satisfied that this decision was appropriate and proportionate and addressed 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.

## **6. LICENSING ACT 2003: BOTTLE & BASKET, 187 WATERLOO ROAD, LONDON SE1 8UX**

The licensing officer presented their report. Members had questions for the licensing officer.

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

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

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

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

The ward councillor addressed the sub-committee. Members had no questions for the

ward councillor.

All of the parties were given five minutes for summing up.

The meeting adjourned at 11.55am for the members to consider their decision.

The meeting resumed at 12.00pm. 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 Abbas Derinyer for a premises licence to be varied under the Licensing Act 2003 in respect of the premises known as Bottle & Basket, 187 Waterloo Road, London SE1 8UX be granted as follows:

- That the permitted hours for the sale of alcohol be extended on Monday to Sunday: 08:00 to 00:00.

**Conditions**

1. That non-standard timings shall be for New Years Eve, 24 hours, only.
2. That SIA door supervisors be employed on any occasion alcohol is sold beyond 00:00.
3. That the conditions currently listed at Annex 2 of the premises licence be removed.

**Reasons**

The reasons for the decision are as follows:

The licensing sub-committee heard from the applicant who amended their application. It was accepted that the hours for Fridays and Saturdays did exceed those in Southwark's policy, but were sought as there was a high footfall from the neighbouring hotels (the Hilton and Travel Lodge), whose residents would purchase alcohol to consume in their rooms, and avoid paying the extortionate hotel prices. Alcohol sales amounted to approximately 20-25% of the premises taking. The premises also did not attract street drinkers as they did not stock the super strength beers, lagers and ciders. There had been no complaints or any serious issues of non-compliance since the review of the premises in May 2016, An underage test purchase took place in October and the premises passed. The applicant was strongly of the view that the premises would not contribute to crime and disorder and public nuisance within the policy area.

The licensing sub-committee heard from the representative from the police who stated that the hours sought exceeded the recommended opening hours within Southwark's statement of licensing policy 2016-2020, for this part of the borough. The venue sits in an area that in the past has suffered with anti-social behaviour, much of which associated with the street drinking community and also the excessive consumption of alcohol. They officer also raised concern of the applicant offering a condition regarding the employment of SIA door supervisors after 22:00, which is usually reserved for a licenced premises that operate late into the night time economy. As a result, the police had real doubts as to the reasoning behind this measure and asked that the

application be refused.

The licensing sub-committee heard from the officer from licensing as a responsible authority whose representation was also based on the Southwark's statement of licensing policy and related to the licensing objectives for the prevention of crime and disorder and the prevention of public nuisance. The premises sits in the Borough and Bankside cumulative impact policy area and the applicant has not addressed the presumption to refuse this application within the operating schedule. The officer recommended that the application be refused as the applicant had failed to demonstrate that the premises would not contribute to crime and disorder and public nuisance within the policy area.

The licensing sub-committee then heard from a representative from public health whose concerns related to the hours of alcohol sales sought. The cumulative impact policy in Southwark's statement of licensing policy for the area in which the premises is situated was imposed due to the extent of binge drinking in the area. Research demonstrated that binge drinking in Cathedrals ward represents a huge burden on London Ambulance Service and over 1 in 5 of all alcohol related ambulance call outs in the borough are located in Cathedrals ward. In addition increased hours of alcohol sales are associated with increased alcohol consumption, increased alcohol-related injuries, and increased alcohol-related harm. Finally, hours sought exceed those recommended in the licensing policy. The officer recommended that the application be refused.

The licensing sub-committee also heard from the local ward councillor who stated that the premises has relatively recently undergone a review of its licence and the hours requested are not in line with Southwark's recommended hours of operation in our statement of licensing policy.

The licensing sub-committee considered all of the oral and written representations before it and were of the opinion that the premises had failed to demonstrate that the premises would not be an impact. Whilst there had been no compliance issues since the review in May 2016, the licensing sub-committee noted that the applicant was the manager of the premises on 26 February 2016, which resulted in the trading standards review. The licensing sub-committee was also concerned when the applicant stated that a SIA door supervisor was required because after 22:00, the area was "dangerous" and rowdy customers were expected. The applicant also advised that the reason why the premises did not attract street drinkers, was because they didn't stock the super strength beers, ciders and lagers, when in fact, there is a condition on the licence prohibiting this. At this time, the sub-committee were of the view to extend licensable activities in line with policy hours to midnight on all days of the week in addition to allow non-standard time of 24-hours on New Year's Eve.

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:

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

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The meeting ended at 12.01pm.

**CHAIR:**

**DATED:**