

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Friday 6 April 2018 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Renata Hamvas (Chair)
Councillor David Hubber
Councillor Sandra Rhule

**OFFICER
SUPPORT:** Debra Allday, legal officer
Helena Crossley, legal officer
Andrew Heron, licensing officer
Wesley McArthur, 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.

At this point the chair advised that the order of business would be varied to hear item 8 before hearing item 6.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003: BRICK BREWERY, RAILWAY ARCH 209, BLENHEIM GROVE, LONDON SE15 4QL

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.

It was noted that all of the responsible authorities had conciliated.

The sub-committee noted the written representation from a local resident objecting to the application.

The meeting adjourned at 12.19pm for the members to consider their decision.

The meeting resumed at 12.50pm and the chair advised all parties of the sub-committee's decision.

RESOLVED:

That the application made by Ian Stewart to vary a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Brick Brewery, Railway Arch, 209 Blenheim Grove, London SE15 4QL be granted as conciliated.

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:

1. The outside area will be cleared and vacated before 22:00 hours.

Reasons

The licensing sub-committee heard from the applicant who advised that the premises were a local brewery and they aimed to expand and improve their tap room with sufficient indoor and outdoor space for consumption. All responsible authorities were now content with the application. The applicant had attempted to conciliate with the other person, who stated that whilst the premises were well run, there had been conflict between residents and another premises and on this basis opposed the variation application. The applicant emphasised that the premises the other person referred to and Brick Brewery had a completely different clientele and therefore should not be compared.

It was noted that the representations submitted by the responsible authorities namely, the Metropolitan Police Service, environmental protection team, trading standards and licensing as a responsible authority had been conciliated.

The licensing sub-committee noted the representation from the other person, who was not in attendance, stated that the customers of Brick Brewery were not a nuisance and the premises were well run.

The licensing sub-committee concluded that given the only outstanding representation was from a single other person, who was complimentary of Brick Brewery. The concerns raised related to a different premise and therefore, were not a consideration in respect of this application and in those circumstances, the sub-committee granted the application.

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: FLAT IRON, 112-116 TOOLEY STREET, LONDON SE1 2TH

The licensing officer presented their report. The licensing officer advised that the licensing authority had conciliated with the applicant. They further added that the only outstanding matters in relation to the objection from the local resident related to planning. Members had no questions for the licensing officer.

The legal representative for the applicant addressed the sub-committee. They advised that the local resident who objected to the application was satisfied that their concerns relating to licensing matters had been addressed and that the only outstanding issues related to planning.

The licensing sub-committee agreed that there were no outstanding relevant representations and that the licence should be granted.

RESOLVED:

That the application made by Flat Iron Steak Limited for a premises licence to be granted under Section 17 of the Licensing Act 2003 in respect of the premises known as Flat Iron,

112-116 Tooley Street, London SE1 2TH be granted as conciliated.

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 licensing responsible authority during the conciliation process.

Reasons

The reasons for the decision are as follows:

The licensing sub-committee heard from the applicant who advised that the premises would be a restaurant. They advised that they had agreed a condition with the licensing responsible authority which ensured that the premises would operate as a restaurant.

The licensing sub-committee noted that the representation from licensing as a responsible authority had been withdrawn and that the applicant had agreed to amend their application by reducing the operating hours, agreeing a accommodation limit and implementing a dispersal policy.

The licensing sub-committee noted the representation from the other person, who was not in attendance and whose only outstanding objection to the grant of the licence was in respect of the expected noise from due to concerns related to the noise emitted from the plant and machinery.

The concerns raised by the other person related to planning issues and as such, were not a consideration for the licensing sub-committee. As a result of the conciliation with licensing as a responsible authority, this application is granted.

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.

7. LICENSING ACT 2003: THEO'S, 2-4 GROVE LANE, LONDON SE5 8SY

It was noted that this item had been withdrawn by the applicant.

8. LICENSING ACT 2003: THEO'S, (GROUND FLOOR DRAPER HOUSE) 17-19 ELEPHANT AND CASTLE, LONDON, SE1 6TH

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

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

It was noted that the responsible authorities had conciliated with the applicant.

Two local residents, objecting to the application addressed the sub-committee. Members had questions for the local residents.

All parties were given five minutes for summing up.

The meeting adjourned at 12.02pm for the members to consider their decision.

The meeting resumed at 12.39pm.

The chair advised all parties of the sub-committee's decision.

RESOLVED:

That the application made by Greenpoint Avenue Limited for a premises licence to be granted under Section 17 of the Licensing Act 2003 in respect of the premises known as Theo's, Ground Floor Draper House, 17-19 Elephant And Castle, London SE1 6TH be granted as follows:

Sale by retail of alcohol (both on and off sales)	Monday to Saturday 12:00-00:00 Sunday 12:00-23:00
The provision of late night refreshment (indoors)	Sunday to Thursday 23:00-00:00 Friday and Saturday 23:00-00:30
Operating Hours	Sunday to Thursday 07:00-00:00

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 council's environmental protection team and licensing as a responsible authority during the conciliation process and the following additional conditions agreed by the sub-committee:

1. That the external area will be out of use by patrons between 22:00 and 08:00 hours, with all furniture having been brought into the premises or, if left outside, rendered unusable by 22:15 hours.
2. That all doors and windows to be shut after 22:00 hours with the exception of ingress and egress.
3. That between 22:00 and 08:00 hours, no alcoholic drinks sold or supplied by the premises shall be permitted to be consumed in the external area outside the premises.
4. That customers permitted to temporarily leave and then re-enter the premises to smoke must be directed to the west and stand more than 15 feet away from the premises. The maximum number of smokers at any time shall be 8.
5. That deliveries, collections and external cleaning shall not occur between 18:00 and 08:00 and vehicles shall not mount the pavement. This shall include the delivery vehicles for takeaways.
6. That any external plant such as the kitchen extraction system, condensers etc will not operate between 00:00 and 08:00 hours and shall have a noise output that does not exceed 10 dB (A) below the lowest L90 15 min relevant in the period the plant will be operational. The kitchen and external plant shall be closed by 00:00 and 08:00 hours except for the preparation of hot and cold refreshments.
7. That the outside area will be clearly delineated.
8. That all patrons at the outside area shall consume alcohol only with a substantial table meal.

Reasons

The reasons for the decision are as follows:

The licensing sub-committee heard from the applicant who advised that the premises would be a pizzeria restaurant that would serve a large range of antipasti, pizza, panuozzo and desserts and offer a selection of wines and carefully sourced beers. The premises would be food led, with an estimated 80% income coming from food sales. The model of operation would reflect their sister premises in Camberwell. The applicant wanted to work harmoniously with local residents and was keen to achieve an amicable solution for all parties.

The licensing sub-committee noted that the representations from the responsible authorities, namely environmental protection and licensing as a responsible authority, had conciliated and withdrew their representations.

The licensing sub-committee heard from two other persons, both of whom were local residents in the immediate vicinity. Both other persons raised concerns that the grant of the licence would lead to an increase in crime, alcohol related disorder and anti-social behaviour residence. The entrance to the premises was extremely close to Draper House which had over 200 residents; the premises patrons would likely be attracted to the shelter at the Draper House entrance to smoke. There was already a problem with takeaway delivery drivers mounting the pavement when making their deliveries. The takeaway facility offered at the premises would only fuel the existing problem.

The licensing sub-committee were provided with photographic evidence from the other persons, which did demonstrate how close the premises was to Draper House, and members recognised the concerns of patrons naturally migrating to the Draper House entrance for cover when smoking. However, the premises is not located in a cumulative impact policy area, the hours sought are within those recommended in Southwark's statement of licensing policy and the responsible authorities had conciliated. The wealth of conditions both offered by the applicant and those imposed by this sub-committee, together with the assurances given by the applicant, suggests that the licensing objectives would not be undermined. In the circumstances, the application is granted.

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 12.50pm.

CHAIR:

DATED: