

## Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Friday 27 July 2018 at 10.00 am at Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

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**PRESENT:** Councillor Ian Wingfield (in the chair)  
Councillor Maria Linforth-Hall  
Councillor Kath Whittam

**OTHER MEMBERS PRESENT:** Councillor Sirajul Islam, observing  
Councillor Margie Newens, observing

**OFFICER SUPPORT:** Debra Allday, legal officer  
Wesley McArthur, licensing officer  
Andrew Weir, constitutional officer

### 1. ELECTION OF CHAIR

In the absence of the chair, Councillor Wingfield was nominated to chair the meeting by Councillor Linforth-Hall. This was seconded by Councillor Kath Whittam.

### 1. APOLOGIES

There were none.

### 3. CONFIRMATION OF VOTING MEMBERS

The members present were confirmed as the voting members.

### 4. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

There were none.

### 5. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

**6. LICENSING ACT 2003: UBREW, UNIT 29 - 30 OLD JAMAICA ROAD INDUSTRIAL ESTATE, OLD JAMAICA ROAD, LONDON SE16 4AW**

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

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

The sub-committee heard from an other persons, supporting the review. Members had no questions for the other person.

The representatives from the premises addressed the sub-committee. Members had questions for the representatives from the premises.

All parties were given five minutes for summing up.

The meeting adjourned at 10.58am for the members to consider their decision.

The meeting resumed at 11.14am and the legal officer advised all parties of the sub-committee's decision.

**RESOLVED:**

That the council's licensing sub-committee, having considered an application made under Section 51 of the Licensing Act 2003 by another person or the review of the premises licence issued in respect of the premises known as Ubrew, Units 29 To 30 Old Jamaica Road Industrial Estate, Old Jamaica Road, London SE16 4AW having had regard to all other relevant representations has decided it necessary for the promotion of the licensing objectives to modify the premises licence as follows:

1. That condition 345 of the premises licence be amended to read: "345 That there will be no external handling of waste, depositing of waste into external waste bins or cleaning of the outdoor area between 20:00 and 08:00 the following day".
2. That the front doors to the premises shall be closed at 20:00 on Saturdays and Sundays.
3. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
4. That an identifiable manager or duty manager/supervisor shall be on duty at all times that the premises are in operation. All staff shall be aware of whom the manager/duty manager/supervisor on duty is on each day and shall be able to identify the manager/duty manager/supervisor to members of the public.
5. That all staff shall be trained in respect of the conditions of the premises licence. Training records shall be kept and updated every 6-months and shall be made available to police and/or council officers on request. The training record shall include the name of the trainee and Trainor, in capital letters, the date the training was given, the signature of the trainee and a declaration that the training has been received.

6. That the maximum number of patrons in the outside area be limited to 30.

### **Reasons**

The reasons for this decision are as follows:

The licensing sub-committee heard from the applicant to the review application who advised that they were a resident living near the premises. Despite corresponding with the premises for six months regarding excessive night time noise from their establishment, the applicant's concerns had been ignored and there was no alternative but to have the license reviewed. They advised that the premises were not adhering to the conditions on the licence and referred to alcohol being sold beyond hours at 23:10 on Friday 25 May 2018. In addition, patrons continued to use the outside area after 23:00, in breach of condition 342. On 8 July 2018 at approximately 18:30, beer bottles exploded and hit the applicant's windows and patio area.

The licensing sub-committee heard from another local resident (party 1) who had submitted a representation supporting the review application and stated that the premises was located on an industrial estate, but the nature of the area had changed and it is now largely residential, and the noise from the premises was now unacceptable. Local residents had witnessed and suffered from nuisance caused by the premises as a result of their operation beyond the permitted hours and the noise created by the significant crowd that gathers outside drinking until early hours of the morning. They informed the sub-committee that the crowd gathers outside because the premises do not have any internal space for their patrons.

The licensing sub-committee heard from the licensee who accepted that the situation was regrettable and that the concerns were being taken extremely seriously. The licensee also accepted that the premises had fallen short of upholding the licensing objectives and apologised to both the local residents and the sub-committee for the inconvenience and upset caused. Since the review application had been submitted, a new, more experienced designated premises supervisor had been employed whose task was to raise the company's standards by strengthening and auditing the company's training process, records, logs and review processes for all staff. Training had been improved to better educate every staff of the four licensing objectives and ensure compliance of the company's obligations. A number of staff were no longer in the licensee's employment where they had been unable to demonstrated ability to maintain professional standards. The licensee also offered a number of assurances (by way of agreeing conditions) in how they would work with the local community.

The licensing sub-committee noted the representation from party 2 supporting the premises.

The licensing sub-committee noted the representation from the Metropolitan Police Service.

The licensing sub-committee gave the premises credit for acknowledging that their operation had fallen foul of the licence conditions. The premises assurances that the manufacturing side of the business would be conducted inside the premises was also noted and greeted by the local residents. The production of craft beer was now a valued local industry, which had raised the profile of Bermondsey and had generated jobs, which

the sub-committee fully supported. On that basis, it was felt that the modification of the premises licence would address all the issues raised by the applicant and local resident. 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**

This decision is open to appeal by either:

- a) The applicant for the review
- b) The premises licence holder
- c) Any other person who made relevant representations in relation to the application

Such appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the Magistrates' Court for the area within the period of 21 days beginning with the day on which the appellant was notified by this licensing authority of the decision.

This decision does not have effect until either

- a) The end of the period for appealing against this decision; or
- b) In the event of any notice of appeal being given, until the appeal is disposed of.

The meeting ended at 11.20am.

**CHAIR:**

**DATED:**