

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Wednesday 12 September 2018 at 10.00 am at Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Renata Hamvas (Chair)
Councillor Adele Morris
Councillor Charlie Smith

OTHER MEMBERS PRESENT: Councillor Hamish McCallum, ward councillor

OFFICER SUPPORT: David Franklin, licensing officer as a responsible authority
Leidon Shapo, health and social care integration
Debra Allday, legal officer
Rebecca Millardship, legal officer
Wesley McArthur, licensing officer
Gerald Gohler, 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.

1. LICENSING ACT 2003: FORZA WIN, FIFTH FLOOR, 133 RYE LANE, LONDON SE15 4ST

The officer representing the licensing authority asked for the meeting to be adjourned in order to allow for further conciliation talks between the parties and the applicant to take place.

The meeting adjourned at 10.20am for the conciliation talks, and reconvened at 10.35 am.

The solicitor for the applicant summarised the revised and additional conditions agreed in the conciliation talks. The meeting heard that the responsibility authorities were happy with these conditions.

The meeting adjourned at 10.45am for the members to consider their decision.

The meeting resumed at 10.55am and the chair advised all parties of the sub-committee's decision.

RESOLVED:

That the application made by Forza Win Ltd for a premises licence to be granted under s.17 of the Licensing Act 2003 in respect of the premises known as Forza Win, Fifth Floor, 133 Rye Lane, London SE15 4ST is granted as follows:

Licensable Activities	Days	Hours
Late night refreshment	Sunday - Thursday Friday – Saturday	23:00 – 00:00 23:00 – 01:00
Sale of alcohol	Sunday - Thursday Friday – Saturday	10:00 – 00:00 10:00 – 01:00
Opening hours	Sunday - Thursday Friday – Saturday	10:00 – 00:30 10:00 – 01:30

Non-standard timings:

- On New Year's Eve 23:00 – 02:30 on New Year's Day
- On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01:00.

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 and the following additional conditions agreed by the sub-committee:

1. Maximum number of persons permitted in the premises at any one time (not

including staff) shall not exceed 110.

2. That a dispersal policy will be implemented, kept at the premises and all staff will be trained in their responsibilities. Training records must be kept and immediately available to enforcement officers and police on request.
3. That there will be no licensable activity on the external terrace area, according to the plan attached to this licence, after 00:00.
4. After 00:00, the external terrace area may be used only for smoking by a maximum of 20 patrons. Patrons will not be permitted to take drinks or food with them.
5. That the supply of alcohol at the premises shall only be to a patron seated, taking a meal there and for consumption by such a person as ancillary to their meal. This condition does not apply to the bar area, the red diagonally striped area on the plan attached to this licence, for a maximum of 20 patrons. A colour copy of the plan attached to this licence must be kept at the premises and be made immediately available to council or police officers on request.
6. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.

Reasons

The reasons for the decision are as follows:

The licensing sub-committee heard from the licensing officer who stated that whilst there had been three responsible authorities who originally opposed the application, time had been used effectively and they hoped that conciliation could be reached with the applicant should they be afforded further time. The Licensing sub-committee agreed that this seemed reasonable in the circumstances.

After a short break, the licensing sub-committee were informed that the three responsible authorities had conciliated. The licensing sub-committee had no further questions to ask the applicant.

The Licensing sub-committee discussed the agreed conditions along those which had already been set out in the application form and felt that these along with the positive recommendations and accompanying documents addressed the licensing objectives. They were made aware that the premises fell within a cumulative impact area of Peckham, however they were satisfied, considering all of the information available to them, that they were justified in departing from the licensing policy in this individual case.

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.

At this point, the meeting took a five minute recess.

6. LICENSING ACT 2003: CHAPEAU TOWER BRIDGE, 37 SHAD THAMES, LONDON SE1 2NJ

This meeting resumed at 11.05am, with the chair outlining which information had already been circulated and which speakers would be speaking. As the other interested parties had brought along photos which had not previously been circulated, the meeting adjourned from 11.20am to 11.25am to give all parties an opportunity to view and agree these.

The chair reminded the meeting that planning issues were outside of the purview of this sub-committee and therefore should not be discussed.

The licensing officer presented their report and drew members' attention to the fact that a response from the applicant to the points raised by the other parties had been circulated. Furthermore, Councillor Hamish McCallum was going to speak on behalf of party 1. Members had no questions for the licensing officer.

The legal representative for the applicant and one of the premises managers made representations to the sub-committee. Members asked questions of the representatives of the applicant.

Councillor Hamish McCallum spoke on behalf of one local resident, as did six other local residents, objecting to the application. Members had questions for the local residents and Councillor McCallum.

All parties were given five minutes for summing up.

The meeting adjourned at 1.03pm for the members to consider their decision.

The meeting resumed at 1.50pm and the chair advised all parties of the sub-committee's decision.

RESOLVED:

That the application made by Chapeau Tower Bridge Limited for a premises licence to be granted under s.17 of the Licensing Act 2003 in respect of the premises known as Chapeau Tower Bridge, 37 Shad Thames, London SE1 2NJ is granted as follows:

Hours

Licensable Activities	Hours
The sale of alcohol to be consumed on the premises	Monday – Sunday from 11:00-19:00 hours
Opening hours of the premises	Monday to Sunday from 07:00-20:00 hours

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:

- a) That the outside area will be cleared of furniture 30-minutes after the closing of the premises.
- b) In the event of a temporary event notice taking place with a terminal hour beyond 21:00 hours, the outside area will be vacated by 22:00 hours and cleared of furniture by 22:30 hours. Doors will remain closed with the exception of ingress and egress after 22:00 hours.
- c) That the delivery management plan conciliated condition with the environment protection team is amended to include “that there will be no bottling up between 20:00 and 08:00 hours.

Reasons

The reasons for the decision are as follows:

The licensing sub-committee heard from the representative for the applicant who advised that they had an existing premises licence at The Watch House, 31 Shad Thames which operated primarily as a sandwich and coffee shop on Monday to Fridays between 08:00 and 19:00 hours, and on Saturday and Sunday between 08:00 and 19:00 hours. Due to the success of the operation they intended to move five doors up to 37 Shad Thames, being a larger premises with 2,200sqft space with 70 seats internally and 35 seats externally. The style of operation namely, a sandwich and coffee shop would remain the same. The representative also advised that occasional evening events had taken place at The Watch House at 31 Shad Thames (approximately five since the opening of the premises in September 2016), which they wished to continue.

The Licensing Sub-Committee noted that all of the responsible authorities had conciliated with the applicant and a suite of conditions had been agreed. Copies of the agreed conditions had been provided to the local residents (“other persons”) who had objected to the application.

The chair of the licensing sub-committee advised the other persons that all of the members of the sub-committee had read the papers in advance of the meeting and noted that much of the residents concerns related to planning issues. It was explained that the licensing and planning processes were two very separate regulatory regimes and planning issues could not be taken into consideration when determining the premises licence application.

The licensing sub-committee heard from the local ward councillor representing party 1, who reminded the sub-committee that the full licensing committee had recently re-evaluated the status of Shad Thames within Southwark's Statement of Licensing Policy (6 November 2017) when it was agreed that whilst the premises was located in the Bankside, Borough and London Bridge strategic cultural area, it was also largely a residential area and which attracts a earlier closing time for all licenced premises. The local ward councillor advised that the business would be relocated five doors from its current site, but the size and scale of the new premises operation at number 37 would make a significant change, it would be approximately three times larger it was currently with outside seating also. Residents lived directly above the premises at number 37 and would be disturbed by noise nuisance.

Additional concerns were raised by other local residents. Party 39 raised concern about smokers by the entrance of the Eagle Wharf and those using the outside area of the premises. Party 18 referred to the Tower Bridge Piazza being a private square with many residents being families and the elderly; the proposed outside seating area would be akin to allowing customers to sit in the resident's front garden and due to the echoing effect, increase public nuisance. Party 8 similarly raised concern of noise nuisance as did party 42 and party 26.

Through the course of discussion with both the applicant's representatives, and the local residents, the applicant made a number of concessions. The core hours of the premises would be 07:00 to 19:00 and a licence for post-19:00 hours would only be required very occasionally. The applicant therefore agreed to reduce the hours sought and agreed anything beyond these hours could be covered by temporary event notices. The applicant also agreed to remove the sale of alcohol by way of off-sales. It was explained to the residents that the applicant had a licence with the freeholder of the development concerning the use of the outside area. Failing to licence the outside area, would not prohibit the applicant from serving food in the outside area.

The premises is not located in a cumulative impact policy area, so there was no automatic presumption that new premises are likely to add to a cumulative impact so should be refused. The hours of operation are also, well within policy hours. A suite of conditions has been agreed with the responsible authorities, including the environmental protection team who as professional experts would not conciliate, if there were on-going noise issues. Under the licensing regime, there is no justifiable reason not to grant this application. The licensing sub-committee does made one final recommendation that the prior to the new premises at number 37 opens, the premises licence for the Watch House be surrendered, which was accepted by the applicant.

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 1.55pm.

CHAIR:

DATED: