

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Wednesday 17 October 2018 at 10.00 am at Ground Floor Meeting Room G02B - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Renata Hamvas (Chair)
Councillor Sandra Rhule
Councillor Ian Wingfield

OFFICER SUPPORT: Debra Allday, legal 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.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

The chair advised that the sub-committee would hear items 6, 7 and 8 together as the applications for provisional statements were very similar, with the same objectors for each item.

5. LICENSING ACT 2003: UNIT R1, BLOCK H6 ELEPHANT PARK, LONDON SE1

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

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

The 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 11.41am for the members to consider their decision.

The meeting resumed at 11.58am and the chair advised all parties of the sub-committee's decision.

RESOLVED:

That the application made by Lendlease (Elephant and Castle) Retail Ltd for a premises licence to be granted under Section 17 of the Licensing Act 2003 in respect of the premises known as Unit R1, Block H6, Elephant Park, London SE1 is granted as follows:

The sale by retail of alcohol (both on and off sales)	Sunday to Thursday from 10:00 to 23:00 Friday and Saturday from 10:00 to 23:30
Late night refreshment	Friday and Saturday from 23:00 to 23:30
Opening hours	Sunday to Thursday from 08:00 to 23:00 Friday and Saturday from 08:00 to 00:00

Conditions

1. That there is an accommodation limit of 60 inside and 10 outside staff.
2. That there is a maximum of 10 patrons outside at any one time including smokers.
3. That the external area will be out of use between 22:00 and 08:00 hours, with all furniture having lifted and brought into the premises or, if left outside, rendered unusable.
4. That the premises will use its best endeavours to ensure that any moving of outside furniture and barriers is done in a quiet and orderly fashion.

Reasons

The reasons for the decision are as follows:

The licensing sub-committee heard from the representative for the applicant who advised that following the planning consent in 2013 the site where the premises was located is to

the southeast of the central area of Elephant and Castle, where the New Kent Road runs to the north of the site and the National Rail railway line runs north/south to the west of the site.

Over the next 12 months the development would move into the operational phase, where community space and employment for residents would become available. Whilst the lease to Unit 1 had yet to be finalized and signed, the lease Hop Art had at the Art Works expires at the end of 2018 and would then open a bar and bottle shop with external seating. The premises licence the Hop Art currently had late hours seven days a week, until 01:00 hours. Hop Art were good licence holders with no issues known by the licensing authority. All of the concerns raised by the other persons had been addressed by proposed conditions set out in the document submitted titled "Dispersal Policy" at section 10.

The licensing sub-committee noted that licensing as a responsible authority had withdrawn their representation having conciliated with the applicant by agreeing conditions.

The licensing sub-committee then heard from Resident 5 who advised that their home was located approximately 20 metres from Garland Court where all the bedrooms are front facing the premises. The early opening until late closing seven days a week, would cause disturbance, increase the number of people milling around outside, raising noise and negatively impacting on residents' right to quiet enjoyment. Furthermore, the movement of furniture in the external area around would create a "scraping" noise that would disturb residents. There were also concerns of patrons of buying off-sales and consuming them in the local vicinity. Resident 5 called a witness who referred to planning considerations, but these were deemed irrelevant for the purposes of this provisional statement application.

The licensing sub-committee also heard from Resident 6 whose representation concerned the prevention of public nuisance licensing objective and raised similar issues as resident 5 regarding patrons smoking outside residential premises, noise that would disturb residents sleep and service deliveries and waste removal.

The licensing sub-committee noted the representations from 12 other persons.

Unit 1 forms part of a development that was granted planning permission 14/AP/3439. It is proposed that the unit will a bar and bottle shop leased to Hop Art, who currently hold a late licence premises licence at the Artworks, London SE17. The lease at the Artworks expires at the end of 2018. No evidence was presented to suggest that Hop Art is anything but compliant and reliable licence holders.

One of the concerns raised by the residents was that they were given explicit assurances prior to the purchase of their homes that licenced premises would not be permitted in the retail units. This is not a consideration for this sub-committee and alternatively, would need to be raised with the freeholders/developers.

The applicant has produced a schedule of conditions (within the dispersal policy) which addresses most of the concerns of the local residents. The hours applied for are within the recommended hours as detailed in Southwark's statement of licensing policy. This licensing sub-committee agree that these are placed on the provisional statement together with the conditions conciliated with licensing as a responsible authority. With the added conditions as detailed in this notice of decision, this committee is satisfied the premises, once operating will promote the licensing objective whilst the local residents will have sufficient protection from any adverse interference from the premises. Finally, this sub-

committee recommend that the Elephant Park security ensure that all off-sales are not consumed on Wansey Street, London SE17.

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 have 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: UNIT R2, BLOCK H6 ELEPHANT PARK, LONDON SE1

As advised by the chair at the beginning of the meeting, items 6, 7 and 8 were heard together and the decisions for each item were made separately.

The licensing officer presented the reports. Members had questions for the licensing officer.

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

The local resident objectors were not present.

The meeting adjourned at 12.12pm for the members to consider their decision.

The meeting resumed at 12.26pm and the chair advised all parties of the sub-committee's decision.

RESOLVED:

That the application made by Lendlease (Elephant and Castle) Retail Ltd for a premises licence to be granted under Section 17 of the Licensing Act 2003 in respect of the

premises known as Unit R2, Block H6, Elephant Park, London SE1 is granted as follows:

The sale by retail of alcohol (both on and off sales)	Sunday to Thursday from 10:00 to 22:30 Friday and Saturday from 10:00 to 23:30
Late night refreshment	Friday and Saturday from 23:00 to 23:30
Opening hours	Sunday to Thursday from 10:00 to 23:00 Friday and Saturday from 10:00 to 00:00

Conditions

1. That there is an accommodation limit of 70 inside the premises excluding staff.
2. That there is a maximum of 5 patrons outside smoking at any one time.

Reasons

The reasons for the decision are as follows:

The licensing sub-committee heard from the representative for the applicant who advised that following the planning consent in 2013 the site where the premises was located is to the southeast of the central area of Elephant and Castle, where the New Kent Road runs to the north of the site and the National Rail railway line runs north/south to the west of the site.

Over the next 12 months the development would move into the operational phase, where community space and employment for residents would become available. Whilst the lease to Unit R2 had yet to be finalised and signed, it was proposed that Dino Beauty would be the tenants at Unit R2 and already had a lease at the Artworks, London SE17. The lease at the Artworks expires at the end of 2018 after which they would operate from Unit 2. Dino Beauty were good licence holders (at the Artworks) with no known issues concerning their operation. Of the concerns raised by the other persons, these had been addressed by proposed conditions set out in the document submitted titled “dispersal policy” at section 10.

The licensing sub-committee noted that licensing as a responsible authority had withdrawn their representation having conciliated with the applicant by agreeing conditions.

The noted the written representations from the two other persons concerning the potential hours for the venue, the potential for noise and the proximity to residential properties. .

Unit R2 forms part of a development that was granted planning permission 14/AP/3439. It is proposed that the unit will a beauty salon leased to Dino Beauty, who currently hold a late licence premises licence at the Artworks, SE17. The lease at the Artworks expires at the end of 2018.

No evidence was presented to suggest that Dino Beauty were anything but reliable operators. Concerns were raised by residents that they were given explicit assurances prior to the purchase of their homes that licensed premises would not be permitted in the retail units. This is not a consideration for this sub-committee and alternatively, would need to be raised with the freeholders/developers.

The applicant has produced a schedule of conditions (within the dispersal policy) which addresses most of the concerns of the local residents. The hours applied for are within the recommended hours as detailed in Southwark's statement of licensing policy. This licensing sub-committee agrees that these conditions are placed on the provisional statement together with the conditions conciliated with licensing as a responsible authority. With the added conditions as detailed in this notice of decision, this committee is satisfied the premises, once operating will promote the licensing objective whilst the local residents will have sufficient protection from any adverse interference from the premises.

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: UNIT R3, BLOCK H6 ELEPHANT PARK, LONDON SE1

RESOLVED:

That the application made by Lendlease (Elephant and Castle) Retail Ltd for a premises licence to be granted under Section 17 of the Licensing Act 2003 in respect of the premises known as Unit R3, Block H6, Elephant Park, London SE1 is granted as follows:

The sale by retail of alcohol (both on and off sales)	Sunday to Thursday from 10:00 to 22:30 Friday and Saturday from 10:00 to 23:30
Late night refreshment	Friday and Saturday from 23:00 to 23:30
Opening hours	Sunday to Thursday from 10:00 to 23:00 Friday and Saturday from 10:00 to 00:00

Conditions

1. That there is an accommodation limit of 40 inside the premises excluding staff.
2. That there is a maximum of five patrons outside the premises including smoking at any one time.
3. That the external area will be out of use between 22:00 and 08:00 hours, with all furniture having lifted and brought into the premises or, if left outside, rendered unusable.
4. That the premises will use its best endeavours to ensure that any moving of outside furniture and barriers is done in a quiet and orderly fashion.

Reasons

The reasons for the decision are as follows:

The licensing sub-committee heard from the representative for the applicant who advised that following the planning consent in 2013 the site where the premises was located is to the southeast of the central area of Elephant and Castle, where the New Kent Road runs to the north of the site and the National Rail railway line runs north/south to the west of the site.

Over the next 12 months the development would move into the operational phase, where community space and employment for residents would become available. Whilst the lease to Unit R3 had yet to be finalized and signed, but it was proposed that Marcel and Sons would be the tenants at Unit R3. Marcel and Sons already had a lease at the Artworks, London SE17. The lease at the Artworks expires at the end of 2018 after which they would operate from Unit R3. Marcel and Sons operate an Asian fusion restaurant and were good licence holders (at the Artworks) with no known issues concerning their operation. Of the concerns raised by the other persons, these had been addressed by proposed conditions set out in the document submitted titled "dispersal policy" at section 10.

The licensing sub-committee noted that licensing as a responsible authority had withdrawn their representation having conciliated with the applicant by agreeing conditions.

The noted the written representations from the two other persons concerning the potential hours for the venue, the potential for noise and the proximity to residential properties. .

Unit R3 forms part of a development that was granted planning permission 14/AP/3439. It is proposed that the unit would be a restaurant leased to Marcel and Sons, who currently hold a late licence premises licence at the Artworks, London SE17. The lease at the Artworks expires at the end of 2018.

No evidence was presented to suggest that Marcel and Sons were anything but reliable operators. Concerns were raised by residents they were given explicit assurances prior to the purchase of their homes that licensed premises would not be permitted in the retail units. This is not a consideration for this sub-committee and alternatively, would need to be raised with the freeholders/developers.

The applicant has produced a schedule of conditions (within the dispersal policy) which

addresses most of the concerns of the local residents. The hours applied for are within the recommended hours as detailed in Southwark's statement of licensing policy. This licensing sub-committee agrees that these conditions are placed on the provisional statement together with the conditions conciliated with licensing as a responsible authority. With the added conditions as detailed in this notice of decision, this committee is satisfied the premises, once operating will promote the licensing objective whilst the local residents will have sufficient protection from any adverse interference from the premises.

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.

8. LICENSING ACT 2003: UNIT R4, BLOCK H6 ELEPHANT PARK, LONDON SE1

RESOLVED:

That the application made by Lendlease (Elephant and Castle) Retail Ltd for a premises licence to be granted under Section 17 of the Licensing Act 2003 in respect of the premises known as Unit R4, Block H6, Elephant Park, London SE1 is granted as follows:

The sale by retail of alcohol (both on and off sales)	Sunday to Thursday from 10:00 to 22:30 Friday and Saturday from 10:00 to 23:30
The provision of late night refreshment (indoors)	Friday and Saturday – 23:00 to 23:30
Opening hours	Sunday to Friday from 08:00 to 23:00 Friday and Saturday from 08:00 to 00:00

Conditions

1. That there is an accommodation limit of 50 inside the premises excluding staff.
2. That there is a maximum of 10 patrons outside at any one time including smokers.
3. That the external area will be out of use between 22:00 and 08:00 hours, with all furniture having lifted and brought into the premises or, if left outside, rendered unusable.
4. That the premises will use its best endeavours to ensure that any moving of outside furniture and barriers is done in a quiet and orderly fashion.

Reasons

The reasons for the decision are as follows:

The licensing sub-committee heard from the representative for the applicant who advised that following the planning consent in 2013 the site where the premises was located is to the southeast of the central area of Elephant and Castle, where the New Kent Road runs to the north of the site and the National Rail railway line runs north/south to the west of the site.

Over the next 12 months the development would move into the operational phase, where community space and employment for residents would become available. The lease to Unit R4 had yet to be finalised and signed, it was proposed that this unit would operate as a café. A tenant for the unit had yet to be identified. Regardless of this, all of the concerns raised by the other persons had been addressed by proposed conditions set out in the document submitted titled “dispersal policy” at section 10.

The licensing sub-committee noted that licensing as a responsible authority had withdrawn their representation having conciliated with the applicant by agreeing conditions.

The noted the written representations from the two other persons concerning the potential hours for the venue, the potential for noise and the proximity to residential properties.

Unit R4 forms part of a development that was granted planning permission 14/AP/3439. It was proposed that the unit would operate as a café. Concerns were raised by residents they were given explicit assurances prior to the purchase of their homes that licensed premises would not be permitted in the retail units. This is not a consideration for this sub-committee and alternatively, would need to be raised with the freeholders/developers.

The applicant has produced a schedule of conditions (within the dispersal policy) which addresses most of the concerns of the local residents. The hours applied for are within the recommended hours as detailed in Southwark’s statement of licensing policy. This licensing sub-committee agree that these are placed on the provisional statement together with the conditions conciliated with licensing as a responsible authority. With the added conditions as detailed in this notice of decision, this committee is satisfied the premises, once operating will promote the licensing objective whilst the local residents will have sufficient protection from any adverse interference from the premises. Finally, this sub-committee recommend that the Elephant Park security ensure that all off-sales are not

consumed on Wansey Street, London SE17.

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.

9. LICENSING ACT 2003: TEMAKINHO, UNIT 1.3 POTTERSFIELD PARK, ONE TOWER BRIDGE, LONDON SE1 2SG

It was noted that this item had been conciliated prior to the meeting.

The meeting ended at 12.30pm.

CHAIR:

DATED: