

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Monday 22 October 2018 at 10.00 am at Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

PRESENT:

Councillor Adele Morris (Vice-Chair, in the chair)
Councillor Maria Linforth-Hall
Councillor Margy Newens

OTHER MEMBERS PRESENT: Councillor Damian O'Brien

OFFICER SUPPORT: Debra Allday, legal officer
Andrew Heron, licensing officer
Leidon Shapo, public health representative
Rebecca Giddings, public health representative
Richard Earis, environmental protection officer
Jayne Tear, licensing officer as a responsible authority
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.

5. LICENSING ACT 2003: SOUTHWARK BREWING COMPANY, 46 DRUID STREET, LONDON SE1 2EZ

The licensing officer presented their report. Members asked questions of the licensing officer.

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

The representative of the Metropolitan Police addresses the sub-committee. Members had questions for the representative of the Metropolitan Police.

The environmental protection officer addressed the sub-committee. Members had questions for the environmental protection officer.

The licensing officer 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 health and safety officer.

Councillor Damian O'Brien addressed the sub-committee meeting as one of the other persons who had made representations. Members had questions for Councillor O'Brien.

All parties were given five minutes for summing up.

The meeting adjourned at 11.30am for the members to consider their decision.

The meeting resumed at 12.15pm and the chair advised all parties of the sub-committee's decision.

RESOLVED:

That the application made by Southwark Brewing Company Limited to vary a premises licence granted under the Licensing Act 2003 in respect of the premises known as Southwark Brewing Company, 46 Druid Street, London SE1 2EZ be refused.

Reasons

The licensing sub-committee heard from the representative for the applicant who advised that the premises was a micro-brewery and taproom. The variation application sought to extend the permitted hours on Friday and Saturday to cater for private functions. The written application originally sought to extend the operating hours to 01:00 hours on Friday and Saturdays. This was subsequently amended and reduced to 00:00 hours on Friday and Saturdays. The applicant did not seek to open every Friday and Saturday until 00:00 hours. This would be limited to just booked functions which were currently being held under temporary event notices (TENs). None of the past TENs had been objected to, nor

had any issues arisen during them. Complaints referred to by the responsible authorities were scaremongering and related to a different section of Druid Street, and were completely unconnected to the premises. On questioning from members the applicant admitted that despite proposing to reduce the terminal hour until midnight, they would in fact be looking to close the premises at around 00.20 hours, allowing for drinking up time.

The licensing sub-committee heard from the Metropolitan Police Service who stated that there was a very high concentration of micro-breweries/taprooms in a small geographical area. The area was now at saturation. The increase in hours would have an impact on crime and disorder and public nuisance. A considerable amount of complaints had been received from local residents regarding the overall increase of breweries opening in the Druid Street area and as a result, the variation application should be refused.

The licensing sub-committee then heard from the representative for the environmental protection team (EPT) who advised that the proposed opening hours exceeded those provided in Southwark's Statement of Licensing Policy 2016-2020 and that they were inappropriate in such a densely residential area. Granting an increase of hours outside the policy would attract applications from other similar premises requesting the same which would have a detrimental impact on local residents. It would also set a precedent for micro-breweries/taprooms being granted later hours beyond those set in the licensing policy.

The licensing sub-committee then heard from the officer for licensing as a responsible authority who referred to Southwark's Statement of Licensing Policy 2016-2020 and to the appropriate closing times for restaurants, cafes, public houses, wine bars or other drinking establishments within a residential area being 23:00 hours daily. The application exceeded the recommended hours and in addition to this, the application did not provide any control measures within the operating schedule to address the licensing objectives, in particular the impact of patrons leaving the area later at night. The late operation of the premises and of people leaving the premises late at night would impact upon local residents living nearby and in the surrounding streets.

The licensing sub-committee heard from the officer for public health who informed the committee that the premises was located in the former Riverside ward which accounted for the fourth highest number of ambulance call-outs in Southwark between 2016–2018 and as such, alcohol-fuelled activities were having a negative impact on the area. Furthermore, studies had shown that each additional one-hour extension to the opening times of premises selling alcohol was associated with a 16% increase in violent crime (Rossow & Norstrom 2012) and a 34% increase in alcohol-related injuries (de Goeij, Veldhuizen, Buster & Kunst, 2015). The officer recommended the sub-committee refuse the application.

A local ward councillor spoke to the licensing sub-committee and whilst the councillor was positive about the brewing industry creating new businesses and tourism in the area, he said they collectively increased the complaints of noise nuisance along the whole of Druid Street, having a negative impact on the local residents, who were unable to live in peace. Some of the residents were elderly or people with disabilities. An increase in noise could also lead to frustration, anger and total disorder. The granting of a licence with hours beyond those recommended would worsen the situation. A report on whether a cumulative impact policy should be introduced in the Druid Street area was due to be presented to the full licensing committee on 7 November 2018. The ward councillor requested that the application be refused until the outcome of the 7 November meeting and a separate meeting with councillors, officers and businesses to discuss the impact of their operations

on the local residential community had taken place.

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

The licensing sub-committee considered all the facts before it:

The Druid Street area is a hotspot for micro-breweries within the borough of Southwark and is known as a hotspot for craft breweries and their taprooms situated along roughly a mile of railway line in SE1. The licensing sub-committee has seen a significant increase in licensing applications for the Druid Street area, which is also known as the “Bermondsey Beer Mile”. Concerns have been raised about the number of micro-breweries in the area. In a notice of decision dated 3 July 2018 it was noted that “the sub-committee are acutely conscious that the area is predominantly a residential area, with a housing estate opposite these licensed premises. It is for this reason this licensing sub-committee recommends that the licensing team investigate and report to the licensing committee on 2 October 2018 on the viability of going to public consultation of the Druid Street area becoming a cumulative impact area in Southwark’s Statement of Licensing Policy 2020-2024.” Whilst creating business and tourism, the area has also become known for noise and revellers that frequent the breweries’ taprooms.

The premises falls within an area identified as residential and Southwark’s Statement of Licensing Policy recommends that the closing time is no later than 23:00 hours. Paragraph 109 of the policy provides:

“109. In considering applications for new licences, variations of existing licences and licence reviews, this Authority will take the following matters into account:

- *The type and mix of premises and their cumulative impact upon the local area*
- *The location of the premises and their character*
- *The views of the responsible authorities and other persons*
- *The proposed hours of operation*
- *The type and numbers of customers likely to attend the premises”*

In considering this variation application this licensing sub-committee further noted that:

- i. The Druid Street area is “saturated” by micro-breweries (Police). There has been an increase in complaints from the local residents (Police, EPT, licensing and ward councillors)
- ii. The premises is located on Druid Street, which is classed as a residential area.
- iii. Four responsible authorities and three other persons objected to this application. Each of the responsible authorities invited the sub-committee to refuse this application.
- iv. The proposed hours exceed those in the Southwark’s Statement of Licensing Policy.
- v. The applicant advised the sub-committee that they could accommodate 65 patrons in the premises.

Paragraph 150 of the Statement of Licensing Policy makes it clear that if applying for hours that fall outside the recommended policy hours, applicants are expected to explain fully within their application the arrangements intended to be put in place to ensure that the premises does not add to cumulative impact. This the applicant failed to do. The applicant also failed to provide any details of measures that they put in place to ensure that the premises does not add to

cumulative impact or any measures to mitigate against crime, disorder and public nuisance.

It is therefore this licensing sub-committee's decision to refuse this 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: TROPICAL, 186-188 OLD KENT ROAD, LONDONSE1 5TY

The licensing officer presented their report. Members asked questions of the licensing officer.

Neither the applicant and nor their representative were in attendance to address the sub-committee.

The representative of the Metropolitan Police addresses the sub-committee. Members had questions for the representative of the Metropolitan Police.

The environmental protection officer addressed the sub-committee. Members had questions for the environmental protection officer.

The licensing officer 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 health and safety officer.

All parties present were given five minutes for summing up.

The meeting adjourned at 12.50pm for the members to consider their decision.

The legal officer advised all parties present of the sub-committee's decision.

RESOLVED:

That the application made by Carlos Fernando Delgado Armijos to vary a premises licence granted under the Licensing Act 2003 in respect of the premises known as Tropical, 186-188 Old Kent Road, London SE1 5TY be refused.

Reasons

The licensing sub-committee heard from the licensing officer and author of the report who advised that the only additional information to the report was that a noise complaint had been received on 15 October 2018. In response the officer had attended the premises on 19 October 2018, when an inspection was conducted and breaches were noted: no licence summary was displayed and the following breaches of licence conditions 289 (CCTV not held for 31 days), 326 (no staff training records), 4AB (no "Challenge 25" training records), 4AI (no refusals register).

The applicant failed to attend the licensing sub-committee. It was also noted that there had been no contact from the applicant since the variation application had been received on 29 August 2018, and that despite the licensing officer emailing and telephoning the applicant just before the meeting, there had been no contact by the day of the hearing.

The licensing sub-committee heard from the Metropolitan Police Service who advised that the premises was situated in a residential area and that Southwark's Statement of Licensing Policy recommended a closing time of 23:00 hours, and the applicant therefore sought excessive hours. The applicant had failed to make any contact to discuss any possible agreement. It was the police's view that the application should be refused.

The licensing sub-committee heard from licensing as a responsible authority who advised that the application to extend the hours until 02:30 hours the following day was inconsistent with a restaurant/bar which the applicant described the premises as. Because of this and because of the applicant's failure to attend the meeting or make any contact, the officer recommended that the application be refused.

The representative for public health informed the licensing sub-committee that they had concerns in relation to the extension of hours outside of the Southwark Statement of Licensing Policy. This had the potential for an increase in complaints resulting from excess noise.

The licensing sub-committee noted the representation from the environmental protection team.

The licensing sub-committee considered all the facts before it: the hours sought were far in excess of Southwark's Statement of Licensing Policy, the applicant had failed to make any contact with the responsible authority to discuss their concerns and the applicant failed to attend the sub-committee meeting. The premises had also been found to be in breach licence conditions on 19 October 2018. If the applicant is unable to comply with the licence

conditions it already has, this licensing sub-committee has no confidence that the applicant will be able to comply with any additional measures that may have been imposed as a result of this application. On this basis, the application is refused.

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

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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 12.55pm.

CHAIR:

DATED: