



Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Friday 15 March 2019 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Renata Hamvas (Chair)
Councillor Charlie Smith
Councillor Ian Wingfield

OFFICER SUPPORT: Rebecca Millardship, legal officer
Rodney Frederick, legal officer
Wesley Mcarthur, licensing officer
Jayne Tear, licensing responsible authority 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

The chair, Councillor Renata Hamvas, advised that she was a resident in Nunhead but that this would have no bearing when considering the application.

5. LICENSING ACT 2003: CO-OPERATIVE, 86 - 96 EVELINA ROAD, NUNHEAD, LONDON SE15 3HL

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 legal representative.

The licensing officer representing the council as a responsible authority addressed the sub-committee. Members had questions for the licensing officer.

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

All parities were given five minutes for summing up.

The meeting adjourned at 11.51am for the members to consider their decision.

The meeting resumed at 12.09pm and the chair advised all parties of the decision.

RESOLVED:

That the application made by Co-operative Group Food Limited for a premises licence to be granted under Section 17 of the Licensing Act 2003 in respect of the premises known as Co-operative, 86-96 Evelina Road, Nunhead, London SE15 3HL be granted as follows:

Activity	Hours
Opening hours	Monday to Sunday from 06:00 to 23:00
Supply of alcohol (off premises)	Monday to Sunday from 07:00 to 23:00

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 Metropolitan Police Service and licensing as a responsible authority during the conciliation process and the following additional conditions agreed by the sub-committee:

1. That any 'off sales' of alcohol shall be in sealed containers and taken away from the premises.
2. That clear legible signage shall be prominently displayed highlighting that the premises is within an 'Alcohol Control Area' and that a 'Public Space Protection Order' is in operation, with the relevant implications and penalties explained.

Reasons

The reasons for the decision are as follows:

The sub-committee heard from the licensing officer in this case, who was able to confirm that the Metropolitan Police Service had conciliated with the applicant ahead of the

hearing and that the later start time of 07.00, for the supply of alcohol had been agreed. He was also able to confirm that the representative for licensing as a responsible authority had been able to discuss the outstanding issues with the applicant and agreement had been partially reached in respect of their proposed conditions.

The sub-committee heard from the representative for the applicant who highlighted that the applicant is the 6th largest retailer in the UK with 78,000 employees. He set out that given such presence on the high street, they realised the importance of ensuring that their staff are well trained across the board and especially on the licensing act and challenge 25 policies. The representative then further explained the measures that are taken to avoid any illegal sales taking place; specifically the initial training programme and the regular six monthly refresher courses which are required to be completed and passed before any employee is able to sell alcohol. He then explained how the tills worked, specifically that each employee has a unique code and that without having completed and passing the necessary training they will not be able to use the till to authorise a sale of alcohol.

It was also explained that the CCTV will be installed in the premises and that the manager on duty will have a personal licence.

In addressing the objections raised by the residents, the representative was able to highlight that a number of the issues raised were not relevant as they did not concern the licensing objectives. Reference was made to the fact that the premises were previously occupied by a builders merchants and that the effect that the co-op would have on local traffic flow would be comparable. The applicant also highlighted the fact that alcohol comprised just 15% of the total turnover, as such it was impossible to attribute specific deliveries to licensable activities and to link these to the road obstructions. The representative also discussed the other local shops that also have current licences and are likely to contribute to localised traffic jams due to their deliveries.

The representative also set out that the fact that a new licence for this premises would not necessarily result in an increase of alcohol consumption, though he did acknowledge that the premises is located in close proximity to an alcohol rehabilitation facility. That being said, it was highlighted that a conciliated condition prevented high ABV drinks being sold. It was also stated that street drinkers would not be attracted to Co-op.

Whilst responding to questions raised by members of the sub-committee, the applicant explained that there would be a small delivery in the morning first thing, but that this would be for daily goods such as newspapers, bread and pastries. An 'ambient delivery' would generally take place later in the day, usually in the afternoon, and that this may or may not contain alcohol. It was also explained that all waste would be stored and sorted on site and taken away by the delivery vehicles.

The representative for licensing as a responsible authority discussed the conditions that had been suggested. Reference was drawn to a poster that had been located on the Southwark website which was designed to be used in a PSPO area and an alcohol control area. It was suggested that this could be used as a guide when preparing the signage as agreed between the parties.

In response to the initial application there were 198 residents, or local people, who submitted an objection. A number of the residents attended and they nominated a spokesperson for the purpose of the hearing. The spokesperson highlighted that whilst there had been efforts to conciliate with the responsible authorities, the applicant had not made any attempts to conciliate with them. They drew reference to the fact that the area

clearly did have issues with alcohol consumption, owing to the fact that the premises were located in an Alcohol Control Area and a Public Space Protection Order. It was therefore submitted that cumulative impact was therefore relevant especially as there were other premises selling alcohol in the area.

The residents requested that the sub-committee have in mind that they could reduce hours for the supply of alcohol in the evening as well as in the morning. The timings of deliveries to reduce the disruption to the local flow of traffic was discussed, but it was also accepted that whilst it is relevant to consider the cumulative impact of the store, this could only be in light of licensable activities. The residents stated that the road on which the shop was located already has a lot of traffic problems.

In summing up the residents were able to suggest that there appeared to be some common ground between the applicant and themselves, however they recommended that conditions that restricted the hours of deliveries could assist the effect on local residents. They also suggested that the hours for the supply of alcohol could be reduced by bringing forward the end supply time.

The applicant highlighted the licensing objectives and statutory guidance that was relevant to the application and the issues discussed during the hearing.

In reviewing their decision, the sub-committee were concerned about the effect that the licence would have on local residents. It was also noted that there was such a large volume of submissions and the fact that the applicant had reportedly not made efforts to address the issues raised directly with the residents. The sub-committee were concerned about the impact of the daily deliveries to the premises on the road traffic and noise disturbance to nearby residents, but recognised that there was no way of establishing which deliveries were able to be restricted by the licence. They did however, recall that the applicant had confirmed that early morning deliveries of items such as baked goods, milk and newspapers would be by van and that the large 'ambient deliveries' were expected to take place during the afternoon and before 6pm. The sub-committee would ask that the applicant make every effort to ensure that this is adhered to.

In balance they were satisfied that the mandatory and conciliated conditions, along with those agreed with the applicant before the hearing, had allayed any relevant concerns raised by both the responsible authorities and the residents.

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: 89 ELGAR STREET, LONDON SE16 7QW

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

The applicants addressed the sub-committee. Members had questions for the applicants.

The applicants were given five minutes for summing up.

The meeting adjourned at 12.37pm for the members to consider their decision.

The meeting resumed at 12.43am and the chair advised the parties of the decision.

RESOLVED:

That the application made by Ashton Retail Limited for a premises licence to be granted under Section 17 of the Licensing Act 2003 in respect of the premises known as 89 Elgar Street, London SE16 7QW be granted as follows:

Licensable activity	Hours
The supply of alcohol to be consumed off premises	Monday to Sunday from 09:00 to 21:00

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 conditions agreed with the Metropolitan Police Service, licensing authority and trading standards during the conciliation process.

Reasons

The reasons for the decision are as follows:

The panel heard representations from the applicants and considered a representation from a member of the public.

The sub-committee were mindful of the representation from the local resident but felt that their concerns and the relevant licensing objectives were sufficiently allayed by the conditions agreed between the responsible authorities and the applicant. The application was therefore granted as requested following conciliated terms from the responsible authorises.

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.

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The meeting ended at 12.45 pm.

CHAIR:

DATED: