

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Wednesday 24 April 2019 at 10.00 am at Ground Floor Meeting Room G02B - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Renata Hamvas (Chair)
Councillor Sirajul Islam
Councillor Charlie Smith

OFFICER SUPPORT: Debra Allday, legal officer
Dorcas Mills, licensing officer
David Franklin, licensing responsible authority officer
P.C. Ian Clements, Metropolitan Police Service
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.

5. LICENSING ACT 2003: LOCKES, ARCHES B & C, MONTAGUE CLOSE, LONDON SE1 9DA

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

officer.

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

The Metropolitan Police Service representative addressed the sub-committee. Members had no questions for the police.

The licensing responsible authority officer addressed the sub-committee. Members had questions for the licensing officer.

The sub-committee noted the written representation from the public health authority.

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

The legal representative representing a local business addressed the sub-committee. Members had questions for the legal representative.

The sub-committee noted the written representations from the ward councillor and other local residents, who were unable to attend the meeting.

All parties were given five minutes for summing up.

The meeting adjourned at 1.15pm for the sub-committee to consider its decision.

The meeting reconvened at 1.32pm and the chair advised all parties of the decision.

RESOLVED:

That the application made by Locke Bar Co Ltd for a premises licence to be granted under Section 17 of the Licensing Act 2003 in respect of the premises known Lockes, Arches B & C, Montague Close, London SE1 9DA be refused.

Reasons

The licensing sub-committee heard from the representative for the applicant who advised that the premises would be a bar that would with a particular clientele, offering a high quality and broad range wine list and craft beers. The applicant had an exemplary record; had previously been a co-owner of 36 bars, 18 of which has been in cumulative impact policy areas. In the last 14 years there had been only one serious incident and the applicant always had an excellent working relationship with the police in all of the areas his bars had been. The applicant's representative explained that the recommended hours within Southwark's statement of licensing policy did not work for the applicant's business model and that if the sub-committee followed the policy's hours rigidly, it would not be commercially viable to maintain the business. Whilst there would be a maximum capacity of 200 there would be no cumulative impact. No drinks would be taken outside of the premises and the immediate neighbours of the premises, Borough Bistro would allow safe passage of patrons, in terms of dispersal.

The licensing sub-committee heard from the representative for the Metropolitan Police Service who stated that the premises was situated on the boundary of the Borough and Bankside cumulative impact policy (CIP) area, which is also a designated strategic cultural area under the Southwark council statement of licensing policy. The premises hours sought are

beyond what the policy stipulates. The control measure provided by the applicant fall short of what should be expected to the hours sought and so the police have submitted conditions to be considered.

Licensing (as a responsible authority) also referred to the premises being situated in the Borough and Bankside cumulative impact policy area and that the applicant had not adequately rebutted the presumption that the premises would contribute to the crime and disorder in the area.

The licensing sub-committee noted the written representation from public health.

The Licensing Sub-Committee then heard from four local residents (or other persons) parties 3, 4, 6 and 7. Video footage was also shown to the sub-committee with the agreement of the applicant. The film footage, along with the evidence of the local residents was compelling. The location of the premises had a significant number of residents and members heard that residents suffered with noise nuisance from patrons of licensed premises and anti-social behavior by large groups of intoxicated individuals. They advised that the area had become extremely overcrowded. Additionally there had been an increase in commercial waste and litter and consequent vermin. Residents were also regularly disturbed by late night and early morning deliveries to the licensed premises all of which forced residents to adapt their behavior including by avoiding being in their own homes during the busiest periods of commercial activity.

The licensing sub-committee noted the representations from the eight other local residents and local ward councillor.

It is the duty of the of the council when considering this premises licence application to have regard to all the representations and take such steps as it considers appropriate for the promotion of the licensing objectives. In carrying out its licensing functions, this licensing sub-committee must have regard to the Southwark statement of licensing policy 2016-2020, in addition to and the Secretary of State's Guidance issued under Section 182 of the Licensing Act 2003 ("s.182 Guidance").

The Section 182 Guidance confirms that it is the licensing authority that is best placed to determine what actions are appropriate for the promotion of the licensing objectives in its area. All applications should be considered on a case-by-case basis. Paragraph 9.43 provides that the determination must be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

The premises is also located in the Borough and Bankside cumulative impact policy area ("CIP"), established in November 2008, extended in 2011 and reviewed regularly as a result of substantial research and consultation with all interested and affected parties. The CIP introduces a rebuttable presumption that applications for a new licence will be refused unless the applicant can demonstrate the application, if granted, will not add to the existing cumulative impact. The applicant here failed to demonstrate how they would not add to the cumulative impact. For example, when questioned, the applicant advised the sub-committee that they would direct taxis and Uber to wait away from residents, on the London Bridge side. However, this is on a red route and little thought was given to knock on effect this would then have on residents.

On balance, the representations of the local residents and the responsible authorities were extremely persuasive. The sub-committee believed that the granting of this application would add to the overall cumulative impact of the area and therefore refused 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: LICENSING ACT 2003: ADVENTURE BAR, ARCHES 2D & 2E, MONTAGUE CLOSE, LONDON SE1 9DA

It was noted that this application had been withdrawn by the applicant.

The meeting ended at 1.38pm.

CHAIR:

DATED: