

## Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Monday 20 May 2019 at 10.00 am at Meeting Room 225 - 160 Tooley Street, London SE1 2QH

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**PRESENT:** Councillor Renata Hamvas (Chair)  
Councillor Charlie Smith  
Councillor Kath Whittam

**OFFICER SUPPORT:** Connor Fagan, legal advisor to the sub-committee  
Dorcas Mills, 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.

### 5. LICENSING ACT 2003: HAKATA RAMEN & BAR, 177 BERMONDSEY STREET, LONDON SE1 3UW

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

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

The sub-committee noted the written representation from the local resident objecting to the application.

The applicant was given five minutes for summing up.

The meeting adjourned at 10.50am for the sub-committee to consider its decision.

The meeting reconvened at 11.28am and the chair advised all parties of the decision.

**RESOLVED:**

That the application made by Katsu Company Limited for a premises licence to be granted under Section 17 of the Licensing Act 2003 in respect of the premises known as Hakata Ramen & Bar, 177 Bermondsey Street, London S21 3UW be granted as follows:

**Supply of alcohol (on the premises):**

Sunday from 12:00 to 22:00  
Monday to Thursday from 12:00 to 22:30  
Friday and Saturday from 12:00 to 23:30

**Operating hours of premises:**

Sunday from 12:00 to 22:30  
Monday to Thursday from 12:00 to 23:00  
Friday and Saturday from 12:00 to 00:00

**Non-standard timings:**

New Years Eve to operate until 01:00 on the day following.

**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 licensing authority (as responsible authority) during the conciliation process and the following additional conditions agreed by the sub-committee:

1. That on those days when the premises are open until later than 23:00, at least one SIA certified security professional be on duty from 22:00 until close of the premises.
2. That there shall be no waste disposal of glass outside of the premises between the hours of 20:00 and 08:00.
3. That no more than six customers are permitted in the designated external smoking area at any one time.
4. That there will be a twice daily litter pick in the immediate vicinity of the premises in order to clear all litter generated by the premises.

5. That a direct telephone number for the manager of the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity and is to be displayed in a prominent position at the premises.

## **Reasons**

The reasons for the decision are as follows:

The sub-committee heard from the licensing officer for the application, who outlined the background to the application and was able to update the committee on the agreement reached between the licensing authority (as responsible authority) and the applicant following the conciliation process.

The licensing officer confirmed that the relevant statement of licensing policy under Section 5 of the Licensing Act 2003 in respect of this application was the Southwark statement of licensing policy (2019 – 2021) which was approved by the council assembly on 27 March 2019 and came into effect on 3 May 2019.

The licensing officer confirmed that the premises is within the Borough and Bankside cumulative impact area.

The sub-committee then heard from the applicant, who outlined the background to the application. The applicant explained the outcome of the conciliation process, confirming that a suite of conditions proposed by the licensing authority (as responsible authority) during the conciliation process have been agreed.

The applicant noted that an SIA accredited individual was employed at the premises and would be on duty on Friday and Saturday evening during extended opening hours. The applicant noted that the SIA accredited individual could be on duty from 15:00 on Fridays and Saturdays if required. The applicant confirmed that the SIA accredited individual was independent from the bar and restaurant.

The applicant explained that last orders at the restaurant would be 22:30 and that no application for late night refreshment was being made at this time. The applicant also confirmed that snacks would be served in the bar area, but that these would not constitute late night refreshment.

The sub-committee note that the applicant could give consideration to late night refreshment in the future.

The applicant explained that the intention was not to encourage excess consumption of alcohol and outlined the concept for the premises.

The applicant responded to a number of concerns raised by members during questioning, including concerns relating to litter, the use of the smoking area, and the use of glass bottles outside the premises. The applicant expressed a willingness to overcome these concerns by way of condition. The applicant also agreed that it would be appropriate to have a telephone number for the premises publically displayed.

The applicant stated that it wished to build a positive relationship with local residents, based on open dialogue between all parties.

The sub-committee took into account a representation made by a member of the public, which raised noise concerns and suggested that the premises should open no later than 23:00 each day of the week. This individual was not present during the hearing, but the representation was taken into account by the sub-committee (Regulation 20(3) The Licensing Act 2003 (Hearings) Regulations 2005).

Overall, the sub-committee acknowledged that the premises is within the Borough and Bankside cumulative impact area and that, in accordance with paragraph 130 of the Southwark statement of licensing policy (2019 – 2021) there is a rebuttable presumption that this application will be refused or subject to certain limitations. Nevertheless, the sub-committee is satisfied that granting this application will not impact further on the relevant licensing objectives in accordance with the approach set out between paragraphs 150 – 155 of the Southwark statement of licensing policy (2019 – 2021).

In particular, the sub-committee considered that: the premises is relatively small in size with appropriate hours of operation; the premises licence is subject to a comprehensive suite of conditions designed to avoid any further impact on the relevant licensing objectives; and, that the principal licensing officer no longer objects to the grant of this premises licence following the conciliation process.

These factors, along with the representations received and other material considerations, are sufficient, in the sub-committee's judgement, to both rebut the presumption contained in paragraph 130 of the Southwark statement of licensing policy (2019 – 2021) and to justify the grant of this premises licence.

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.

The sub-committee noted that, during questioning, the applicant said that they would avoid using single use plastics where possible, for example they would be using paper straws rather than plastic ones. While the sub-committee welcomes this commitment, it did not form part of the decision to grant a licence.

The sub-committee also advised the applicant that should they wish to apply for a late night refreshment licence, this would have to be done by way of variation at a future date.

### **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: DOODLE BAR, 60 DRUID STREET, LONDON SE1 2EZ**

It was noted that this item had been conciliated.

The meeting ended at 11.33am.

**CHAIR:**

**DATED:**