

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Wednesday 26 June 2019 at 10.00 am at Room G06 - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Renata Hamvas (Chair)
Councillor Adele Morris
Councillor Kath Whittam

OFFICER SUPPORT: Rebecca Millardship, legal officer
Wesley McArthur, 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: BIG BOWLS, 95 ELGAR STREET, LONDON SE16 7QW

The licensing officer presented their report. Members had no questions for the licensing officer.

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

A local resident objecting to the application and their witness addressed the sub-committee. Members had questions for the local resident and their witness.

All parties were given five minutes for summing up.

The meeting adjourned at 10.48am for the sub-committee to consider its decision.

The meeting reconvened at 11.15am and the chair advised all parties of the decision.

RESOLVED:

Decision

That the application made by Root 88 Limited for a premises licence under Section 17 of the Licensing Act 2003 in respect of the premises known as Big Bowls, 95 Elgar street, London SE16 7QW be granted as follows:

Supply of alcohol for consumption on the premises

Monday to Saturday from 12:00 to 14:30 and then from 17:00 to 21:30
Sunday from 12:00 to 21:30

Opening hours of the premises

Monday to Saturday from 12:00 to 15:00 and then from 17:00 to 22:00
Sunday from 12:00 to 22:00

Conditions

The operation of the premises under the licence shall be subject to relevant mandatory conditions, any conditions derived from the operating schedule in Section M of the application form, conditions conciliated with the Metropolitan Police Service during conciliation and the following conditions imposed by the licensing sub-committee

1. That no waste or recyclable materials, including bottles, shall be moved, removed or placed in outside areas between 20:00 and 08:00.
2. That no deliveries to the premises shall be made between 22:00 and 08:00.
3. That no patrons can take alcohol out of the premises at any time.
4. That the premises shall prominently display signs requesting patrons to leave quietly.

Reasons

This was an application for a premises licence in respect of Big Bowls, which was described as a café restaurant in the initial application. The licensing sub-committee heard from the applicant who explained that the company was a family run restaurant serving Asian fusion food and milkshakes that had been open since August 2018. The applicant stated that since September 2018 he had been operating a 'bring your own

(BYO)' concept that is, charging patrons a small corkage fee to allow them to bring in their own alcoholic beverages. It was explained that the licence application was to allow their patrons to enjoy a beer alongside their meal without incurring the cork charge.

The applicant explained that he lived locally and that his children go to the local school. He explained that his focus and that of his company was to contribute to the community. He further stated that as his own children were often at the premises he had a further and more vested interest in ensuring that there were no instances of alcohol lead disturbances. He highlighted the early closing hours and the fact that these hours are within the London Borough of Southwark licensing policy hours. He also explained that he employs seven members of staff, all of whom will be trained in the licensing conditions and of whom, two will also be trained to the necessary standard to obtain a personal licence.

The applicant highlighted that he was willing to engage with the council and that he would ensure compliance with a number of conditions, which now form part of this decision. He also stated that he was committed to ensuring that the company avoided single use plastics and that all packaging was biodegradable. In line with this he also confirmed that their waste providers were in the process of being changed so that they could have more recycling bins.

As there were no outstanding representations from the responsible authorities, the sub-committee then heard from the 'other persons' who had objected to the application. These objections were focused on noise nuisance and related issues near the venue. The member of the public stated that the premises owners had left the front door open and that this had caused the high levels of noise from the restaurant to emanate from the restaurant and reach the local residents. He also stated that the applicant regularly left the premises at 1am and that on doing so he would pull down the shutters which made such noise that the complainant had been woken up. The resident also stated that the deliveries were disturbing and that he was concerned that the current waste storage arrangements in the rear garden constituted a fire hazard.

The member of the public called a witness who lived above the restaurant, to confirm that he had heard lots of noise from the premises, and that often it was loud children. He stated that a number of complaints had been made to the noise team. It was at this stage confirmed that the environmental protection team had not made any representations in response to this application. The witness also stated that there were noise and smells emanating from the premises.

The member of the public then stated that he had previously seen patrons leaving the premises with bottles and that they were visibly drunk. Finally he confirmed that he had previously tried to engage with the restaurant to discuss the complaints but that he had been ignored.

In response to the comments made by the member of the public, the applicant stated that they had received complaints and that whenever they were with basis that they had rectified the issue. They also confirmed that they were not aware of any instances of drunken behaviour outside of the premises. They explained that there were flues which allowed the extraction of smells and that these had been in place from when the premises had been used as a bakery by the previous owners. The owner also confirmed that they were in the process of obtaining quotes for air conditioning to the premises, which would mean that the doors could remain closed. They confirmed that they had not been visited by the noise nuisance team.

In making their decision the sub-committee were mindful that there was clearly a dispute between the two parties, but that given the complaints emanated from the premises functioning as a BYO operation, that in granting the licence, the council would actually be assisting residents by regulating the activities at the premises and prevent people leaving the premises with alcohol. They hoped that this would resolve the dispute.

The sub-committee recognised that the hours being applied for were not unreasonable and were in line with the licensing policy. In trying to prevent further disturbance for the residents, the sub-committee did turn their mind to adding conditions that required the lowering of the shutters when the premises closed. However, they were concerned that this could constitute a risk to the health and safety of the employees as this would effectively remove a fire exit for the period that they would be tidying and cleaning up after hours.

The sub-committee were satisfied that the premises were being run by individuals who had engaged with the responsible authorities and that they had agreed to conditions that would allay the concerns of the local residents who had attended.

The licensing sub-committee were reminded that they were obliged to promote the licensing objectives. No evidence had been presented by the local residents to indicate that the premises would undermine the objectives and there were sufficient measures put in place by the applicant, which would promote the licensing objectives.

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 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.

The meeting ended at 11.20am.

CHAIR:

DATED: