

## Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Friday 14 February 2020 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

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

**OFFICER SUPPORT:** Gary Ward, legal officer  
Rebecca Millardship, legal officer  
Jayne Tear, licensing responsible authority officer  
Dorcas Mills, licensing 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: TOWER MANGAL, 57 TOWER BRIDGE ROAD, LONDON SE1 4TL**

The meeting opened at 10.35am to allow the applicant and the responsible authorities time to discuss conditions relating to the application.

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.

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

The Metropolitan Police Service representative addressed the sub-committee. Members had questions for the police.

All parties were given five minutes for summing up.

The meeting adjourned at 11.12am for the sub-committee to consider its decision.

The meeting reconvened at 11.59am and the chair advised all parties of the decision.

**RESOLVED:**

That the application made by Asye Ltd for a premises licence to be granted under Section 17 of the Licensing Act 2003 in respect of the premises known as Tower Mangal be granted for licensable activities, during the hours as follows:

**Recorded Music (indoors)**

Monday to Sunday: 23:00 - 23:30

**Late night refreshment (indoors & outdoors)**

Monday to Saturday: 23:00 – 01:00

Sunday: 23:00 – 00:00

**Supply of alcohol (on premises)**

Monday to Saturday: 11:00 – 00:00

Sunday: 11:00 – 23:30

**Supply of alcohol (off premises)**

Monday to Sunday: 11:00 – 00:00

**Hours premises are open to the public**

Monday to Saturday: 11:00 – 01:00

Sunday: 11:00 – 00:00

## Conditions

The operation of the premises under the licence shall be subject to relevant mandatory conditions, any conditions derived from the operating schedule highlighted in Section M of the application form, the conditions agreed with the Police and Licensing Authority during the conciliation process and the following additional conditions imposed by the sub-committee:

The operation of the premises under the licence shall be subject to relevant mandatory conditions, any conditions derived from the operating schedule highlighted in Section M of the application form, the conditions agreed with the Police and Licensing Authority during the conciliation process and the following additional conditions imposed by the sub-committee:

1. That this licence shall not become operative until the existing premises licence (number 867264) has been surrendered.
2. That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV must be capable of capturing a clear facial image of every person who enters the premises.
3. That all CCTV recordings shall be stored for a minimum period of 31 days with date and time stamping.
4. That all CCTV recordings shall be made available upon request by the Police and / or Licensing Authority within 28 days.
5. That off-sales of alcohol shall be provided in sealed containers and sold only as an ancillary to a take away meal, to be consumed away from the premises.
6. That sales of alcohol on the premises shall be to persons taking a substantial table meal and for consumption of such as an ancillary to their table meal.
7. That clear legible signage shall be prominently displayed where it can be easily seen and read, requesting the alcohol sold as "off-sales" should not be opened and consumed in the vicinity of the premises.
8. That the number of persons permitted in the premises at any one time shall not exceed 100 people, excluding staff.

## Reasons

The applicant holds a premises licence for these premises which allows for the provision of late night refreshment on Monday to Thursday from 11:00 to 01:00 hours, Friday to Saturday from 11:00 to 02:00 and Sunday from 11:00 to 00:00. The applicant stated he had been operating from premises in this location since 1997.

The application is for a new premises licence which, if granted, would allow for the additional licensable activity of the sale of alcohol on Monday to Sunday from 11:00 to 00:00. The premises is described as a ground floor restaurant with takeaway facility. The applicant confirmed that the new application is to actually seek a reduction in the operating hours for late refreshment and closing times. The terminal hour, now being applied for, on

a Friday and Saturday would be 01:00, one hour after the last sale of alcohol (not 02:00 as stated on the application form). On Sundays the premises will always close at midnight, regardless of whether it is a bank holiday or not.

The licensing officer noted that the existing licence was granted outside of the current policy for late night refreshment. The applicant has agreed to surrender the current licence if the new licence is granted.

The licensing officer representing the council as a responsible authority confirmed that the licensing authority was content with the dispersal policy provided by the applicant. There was no need for a condition in this respect. The licensing officer also confirmed that the applicant had agreed to a table meal condition for the sale of alcohol. The applicant has agreed to off-sales to be only with take-away meals. The applicant had further agreed that the accommodation limit shall not exceed 100 people (excluding staff). The licensing officer was satisfied with the agreed conditions and the reduced operating times.

The officer from the Metropolitan Police Service (Licensing Division) agreed that alcohol sales should be restricted to midnight on Monday to Saturday. This would mean that the premises would only be open for an hour after the last sale of alcohol. The sub-committee agreed this was appropriate.

The police noted in the original application that the applicant had offered the provision of at least one SIA door supervisor although this was with regard to a 02:00 closing time on Friday and Saturday. The Police Licensing Officer stated that there still needs to be an SIA condition on a Friday and Saturday from 22:00 to closing time. The police added the conditions for CCTV were still needed.

The sub-committee agreed with the applicant that the condition for a SIA door supervisor at the weekends was unnecessary. The sub-committee accepted that there would be a cost associated with the provision of a door supervisor and found this would disproportionate given the nature and size of the business, and also the reduced hours.

The sub-committee noted that the premises are in a residential area, though not necessarily in a quiet residential area, as they are on a bus route, on a main road (the A100) and are part of a shopping parade. The sub-committee noted that under the Southwark Statement of Licensing Policy 2019 - 2021 take-away establishments are not considered appropriate for this area. Appropriate closing times for all other types of premises such as restaurants, cafes, public houses wine bars or other drinking establishments in this area is 23:00. However, these hours are not pre-determined and each application is considered upon its own merits.

In this case the sub-committee had regard to the location of the premises and the character of the local area. The premises are well established in this area and have been operating as a restaurant and takeaway for over 20 years.

The sub-committee was satisfied that the conditions to be added to the licence by the committee within these hours were a suitable means of regulating the licensable activities applied for.

The sub-committee also noted that the hours applied for are supported by the police and the licensing authority with the conditions that have been agreed.

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: DRAKE & MORGAN, 48-50 TOOLEY STREET, LONDON SE1 2TF**

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

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

The licensing officer representing the council as a responsible authority addressed the sub-committee. Members had no questions for the licensing officer.

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

None of the parties had anything to add for summing up.

The meeting adjourned at 12.50pm for the sub-committee to consider its decision.

The meeting reconvened at 1.40pm and the chair advised all parties of the decision.

### **RESOLVED:**

That the application made by Drake & Morgan Limited for a premises licence to be granted under s.17 of the Licensing Act 2003 in respect of the premises known as Drake & Morgan Ltd, 48-50 Tooley Street, London SE1 2TF be granted for licensable activities,

during the hours as follows:

**Supply of alcohol (on and off the premises)**

Monday to Thursday 10:00 – 23:00  
Friday and Saturday 10:00 – 00:00  
Sunday 11:00 – 22:30

**Late night refreshment (indoors)**

Friday and Saturday 23:00 – 00:00

**Recorded Music (indoors)**

Friday and Saturday 23:00 – 00:00

**Closing times**

Sunday to Thursday 23:30  
Friday and Saturday 00:30

**Conditions**

The licence is subject to the following conditions, as agreed by the applicant with the Police and Licensing Authority, which are in addition to the conditions in the operating schedule highlighted in Section M of the application form (except where there is any duplication or inconsistency then the following conditions shall take precedence) :

- 1) That two SIA registered door supervisors will be engaged when the premises are in operation under the licence on Friday and Saturday. They will be employed at all times after 21:00 until 30 minutes after the end of business and all patrons have vacated the premises. They will be engaged to monitor admission and re-admissions to the premises, security, protection, screening, dealing with conflict and the safe dispersal of customers away from the premises.
- 2) That customers shall use no outside area other than those who temporarily leave the premises to smoke a cigarette with a maximum of 20 customers at any one time.
- 3) That all staff involved in the supply of alcohol will be trained in their responsibilities under the Licensing Act 2003 and training records to be kept and updated every 6 months and shall, upon request, be made immediately available to Officers of the Police and the Council.
- 4) That no drinks shall be allowed outside the premises except off sales, which must be in sealed containers to be consumed away from the premises.
- 5) That a member of staff should be on duty at all times the premises is open that is trained in the use of the CCTV and able to view and download images to a removable device on request of Police or council officer.
- 6) That all staff involved in the supply of alcohol will be trained in their responsibilities under the Licensing Act 2003 and training records to be kept and updated every 6 months and shall, upon request, be made immediately available to Officers of the

Police and the Council.

- 7) That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV System must be capable of capturing a clear facial image of every person who enters the premises
- 8) That all CCTV footage be kept for a period of 31 days and shall on request be made immediately available to officers of the Police and the Council.

The Sub-committee also added the following condition with agreement of the applicant and the responsible authorities:

- 9) That the capacity shall be limited to 500 people excluding staff.

### **Reasons**

On 29 November 2019, Drake & Morgan Ltd applied to Southwark Council for the grant of a premises licence in respect of Drake & Morgan Ltd, 48-50 Tooley Street, London SE1 2TF. The premises is described as a bar with provision for substantial food at all times.

The Metropolitan Police and Licensing section Southwark Council (as a responsible authority) both made representations based on the Southwark Statement of Licensing policy 2019 – 2021 (“the SLP”).

The premises is situated within the Bankside, Borough, London Bridge Strategic Cultural & London Bridge District Town Centre Area and situated in the Borough and Bankside Cumulative Impact Policy Area (CIP).

The SLP says that any additional premises within the CIP should be refused, as they will have an impact on the area, which the policy is implemented to stop. The SLP makes it clear that it is the applicant’s responsibility to address the rebuttable presumption to refuse. Both objectors stated that the Applicant had failed to do this within the application.

In the application, the premises is described as a bar with the provision of serving food. This would allow people to drink without eating which carries a higher risk than a premises operating as a restaurant. The hours applied for in the application were, for the sale of alcohol from Monday to Saturday from 08:00 to 01:00 hours and Sunday from 10:00 until 00:00 hours. Late night refreshment would also cease the same time.

In the SLP the appropriate closing times in the area for public houses, wine bars or other drinking establishments on Sunday to Thursday is 23:00 hours and for Friday and Saturday 00:00 hours. The premises fall within this definition under the SLP.

Both objectors stated that the applicant has failed to allow for drinking up times and would like to see at least 30 minutes between alcohol sales stopping and the premises closing.

The police also raised concern that the application did not specify any SIA provision, which they would expect from any premises in this area wanting to operate into the early hours of the morning.

At the outset of the hearing the applicant’s solicitor produced and referred to an email dated 22<sup>nd</sup> January 2020. The email is from the solicitor and is addressed to a

representative of the applicant. The email refers to an agreement reached with the Police and the Council in respect of operating hours and conditions. The email says:

“We have met with Police and the council officer and have agreed the following Alcohol hours to be:

10.00 to 23.00 Monday to Thursday  
10.00 to midnight Friday and Saturday and  
10.00 to 22.30 on Sunday

Closing time shall be half an hour later.”

The applicant further explained that the premises is within and part of the London Bridge redevelopment plans. This is a food led business. Although it is in the CIP the impact would be minimal. The applicant would agree to a capacity condition of 500 people excluding staff.

The sub-committee heard further evidence about the applicant’s proposed business plan and looked at some food and drink menus. The applicant explained that they are a standard bar operator and with their experience and a set of control measures in place, including a capacity of 500, there would be minimal impact on existing resources in the CIP.

The sub-committee concluded that the applicant was able to demonstrate to the licensing committee that the premises will not be contributing to crime and disorder or public nuisance within the policy area. The sub-committee agreed that 500 people in these premises would not adversely affect the CIP. It was noted that the premises are in a unique location will form part of the London Bridge Station development. It is envisaged that most patrons would disperse into the station and thereby this would mitigate the likely impact that a premises of this size would have on the CIP. Dispersal of customers would be easily facilitated.

The sub-committee was pleased to note that the applicant had addressed the concerns of the police and council and had agreed appropriate conditions if the licence is granted. The police had confidence in the applicant’s ability to successfully operate based on a tried and tested business model. The applicants are reputable operators. The applicants have done as the police have asked. They have amended the closing times and allowed for drinking up time.

During the hearing the applicant also expressed an undertaking not to use any single use plastics, where possible, on the premises.

The licensing sub-Committee considered this application very carefully and decided to grant the application, as amended, for a premises licence subject to the conditions agreed. The sub-committee agreed that the conditions were suitable for the premises. 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:

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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 1.50pm.

**CHAIR:**

**DATED:**