

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 12 March 2020 at 10.00 am at Room G06 - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Renata Hamvas (Chair)
Councillor Barrie Hargrove
Councillor Sirajul Islam

OFFICER SUPPORT: Debra Allday, legal officer
Richard Kalu, licensing officer
Tayo Hassan, legal officer (observing)
Ken Andrews, environmental protection 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: THE TAP IN, 2 SAYER STREET, LONDON SE17 1FG

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

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

The environmental protection officer addressed the sub-committee. Members had questions for the environmental protection officer.

The sub-committee noted the objection from one other person,.

The sub-committee noted the letters of support from three other persons.

Both parties were given five minutes for summing up.

The meeting adjourned at 11.29am for the sub-committee to consider its decision.

The meeting reconvened at 11.49am and the chair advised all parties of the decision.

RESOLVED:

That the application made by Six Yard Box Limited for a premises licence to be granted under Section 34 of the Licensing Act 2003 in respect of the premises known as The Tap In, 2 Sayer Street, London SE17 1FG be granted as follows:

The sale by retail of alcohol to be consumed on and off the premises	<ul style="list-style-type: none">o Sunday to Thursday from 10:00 to 23:00o Friday and Saturday from 10:00 to 23:30
The provision of late night refreshment (indoors)	<ul style="list-style-type: none">o Friday and Saturday 23:00 to 23:30
The provision of live music	
The provision of regulated entertainment in the form of live and recorded music (indoors)	<ul style="list-style-type: none">o Friday and Saturday from 14:30 to 23:30o Sunday from 14:00 to 22:30
Opening Hours	<ul style="list-style-type: none">o Sunday to Thursday from 08:00 to 23:00o Friday and Saturday from 08:00 to 00:00

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 following additional conditions agreed by the sub-committee:

1. That up to 30 patrons be permitted in the external area until 21:00.
2. That no smoking shall take place below any residential balcony or openable window in Area "A" area as delineated and marked on the attached plan.
3. That after 21:00 smokers will be directed to the dedicated smoking area as delineated and marked as Area "B" on the attached plan limited to 10 smokers at

any one time.

4. That no drinks will be permitted in the outside area after 21:00.
5. That no external speakers will be installed to service the external area.
6. That the premises shall not use any single use plastics.
7. That condition 807 be amended to: "That there is an accommodation limit of 60 inside and 30 in the external area (excluding staff)".

Reasons

The reasons for the decision are as follows:

The licensing sub-committee heard from the applicant who advised that the purpose of the variation application to increase the number of patrons allowed in the external area. Under the current licence 10 patrons are permitted in the external area. Due to the shape of the external area, the applicant stated it was difficult to manage the smokers either because the smokers tended to congregate around the doorway and smoke disturbing the upstairs residents. Alternatively, they would walk out of the external area and back in (towards/in Area B as delineated on the plan attached); this is how has been a breach of the licence conditions on 20 January 2020.

In support, the applicant stated that they had operated for 6-months and a change in numbers of the external area would allow the applicant to utilize the area and provide a more robust system of management. The applicant also referred to the neighbouring premises of Koi Ramen, whose external area was 10m² and allowed 30 patrons in the outside area. During the informal discussion the applicant also agreed to a condition that there would be no single use plastics.

The licensing sub-committee then heard from the officer from the environmental protection team ("EPT") who objected to the application because that the premises was located in a predominantly residential area as defined in Southwark's statement of licensing policy. Furthermore, EPT had received a complaint regarding the noise from patrons using the external area and since the external area was open without any noise barriers, an increase of patrons in the outside area would likely cause an increase in noise nuisance to residential occupiers. The officer suggested additional control measures should be put in place if the sub-committee were minded to grant the application.

The licensing sub-committee noted the representation from the three other persons who supported the application but not in attendance.

The licensing sub-committee noted the representation from the other person who was not present but objected to the application on the grounds of prevention of public nuisance. The representation detailed that there had been repeated breaches of the premises licence in terms of accommodation numbers, smokers and outside drinkers drinking beyond the roped-off section outside the premises. An increase of patrons in the outside area would cause further disruption and noise nuisance to the local community.

The licensing sub-committee was concerned that there had been at least one witness breach of the premises licence. Members were more amenable to the application when the applicant explained how the external area would be managed, in terms of the area

being effectively split allowing smoking only in area "B" and there being a dedicated member of staff to monitor/manage the area. With the premises now providing food, the applicant would be looking to install fixed seating in the external areas that would also act a deterrent to patrons going beyond the demise of the premises outside area.

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 to modify the conditions of the licence; and

Any person who made relevant representations in relation to the application who desires to contend:

- a) That the variation ought not to have been made; or
- b) That, when varying the licence, the licensing authority ought not to have modified the conditions of 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 11.51am.

CHAIR:

DATED: