

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 20 August 2020 at 10.00 am at Online/Virtual: please contact andrew.weir@southwark.gov.uk for a link to the meeting and the instructions for joining the online meeting

PRESENT: Councillor Renata Hamvas (Chair)
Councillor Dora Dixon-Fyle MBE
Councillor Barrie Hargrove

OTHER MEMBERS PRESENT: Councillor William Hounghbo

OFFICER SUPPORT: Gary Ward, legal officer
Charlotte Precious, legal officer (observing)
Dorcas Mills, licensing officer
Ray Moore, trading standards officer
Andrew Weir, constitutional officer

1. APOLOGIES

This was a virtual licensing sub-committee meeting.

The chair explained to the participants and observers how the virtual meeting would run. Everyone then introduced themselves.

Apologies were received from Councillor Charlie Smith. Councillor Barrie Hargrove attended as the reserve member.

2. CONFIRMATION OF VOTING MEMBERS

The voting members were confirmed verbally, one at a time.

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: FUNKIDORY, 42 PECKHAM RYE, LONDON SE15 4JR

It was noted that item 5 had been conciliated prior to the meeting.

6. LICENSING ACT 2003: BILLY FRANKS, 104 DRUID STREET, LONDON SE1 2QH

The licensing officer presented their report. It was noted that the representation from the licensing responsible authority had been conciliated. Members had questions for the licensing officer.

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

The trading standards officer addressed the sub-committee. Members had questions for the trading standards officer.

Councillor William Hounbo, a ward councillor objecting to the application, addressed the sub-committee. Members had questions for the ward councillor.

The written representation from Councillor Humaira Ali, a ward councillor, was noted.

All parties were given up to five minutes for summing up.

The meeting adjourned at 12.17pm for the sub-committee to consider its decision.

The meeting reconvened at 1.06pm and the chair advised all parties of the decision.

RESOLVED:

That the application made by Billy Franks Ltd for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Billy Franks, 104 Druid Street, London SE1 2HQ is granted as follows:

1. The sale of alcohol to be consumed on and off the premises:

- Monday to Sunday: 10:00 to 22:30

2. Opening hours:

- Monday to Sunday: 07:00 to 23:00

The operation of the premises under the licence shall be subject to the relevant mandatory conditions, the conditions derived from the operation schedule highlighted in Section M of the application form and the two conditions agreed with trading standards, during the conciliation process.

The following condition shall also be added

- That deliveries of alcohol purchased online shall only be made by couriers who have an age verification process in place.

Reasons

On 20 June 2020, Billy Franks Ltd applied to this council for the grant of a premises licence in respect of Billy Franks, 104 Druid Street, London SE1 2QH. The premises are described as a meat snack manufacturing company located in an arch along Druid Street. The application states there will be cans of beer/cider/spirits from local producers as well as small, craft producers throughout the UK in display fridges which will be available to factory to customers. The applicant seeks to offer a selection of beverages on an online shop whereby users will need to confirm their birthdate to ensure they are over 18.

There were representations from licensing (as a responsible authority) and trading standards. There were also two representations from ward councillors on the grounds of public nuisance.

The application, as originally submitted, sought to have a closing time of 23:30 on each day of the week. The licensing representation suggested that the residents have suffered from noise made by patrons outside the various premises in Druid Street usually when leaving.

The licensing authority requested that the overall opening times shall be Monday to Sunday from 07:00 to 23:00 as recommended in the statement of licensing policy. The applicant agreed to this during the conciliation process and amended the operating schedule. The licensing authority representation has since been withdrawn..

The trading standards representation is made under the licensing objective of protection of children from harm and prevention of crime and disorder. Trading standards suggested three conditions to be added to the licence to prevent alcohol from getting into the hands of minors. Two of these conditions have been accepted by the applicant.

At the hearing the licensing officer presented the report to the sub-committee and confirmed that the premises are not situated in a saturation zone. There is no cumulative impact policy applied to this area. The amended hours applied for are within the opening hours, as recommended to be appropriate for this area, in the council's statement of licensing policy.

The applicant's representative set out the nature of the business proposal to the sub-committee and explained that the applicants have already been there for four years running their business responsibly. Online sales transactions will only be completed during the permitted hours. There have never been any complaints made in connection with the operation of this business. The Police do not object to this application and there are no representations from residents. The pricing policy is sensible and will not be attractive to street drinkers or minors.

The applicant's representative referred to the email from the Account Manager, of DPD group UK, the proposed couriers, which confirms they have an age verification process in place when deliveries are made for age restricted goods. The couriers would not just leave

the alcohol lying around if there was no one to receive the delivery or without age verification.

The applicant's representative stated the home secretary guidance does not say that an 18 year old must receive the delivery. It is only the person who makes the purchase who must be eighteen year of age. The condition requested by trading standards goes beyond any legal requirement. However, the DPD group email confirms that they will request identification from the recipient.

In response to a question by the licensing sub-committee the applicant stated that the cheapest drink on offer for sale online would be around £4.50. It would not be a cheap way of buying alcohol.

The trading standards representative explained that it is difficult to ensure that online sales are made to persons over 18 years of age. If alcohol sales are received by minors it becomes difficult to investigate and enforce. Trading standards are requesting that the age verification process is done through an external third party. The statement of licensing policy does not cover this point. It may be looked at in due course.

The applicant contended that there would be compatibility issues between their computer and an external third party. There will also be additional costs.

The ward councillor (Councillor William Hounbo) stressed that it is important that there is no noise emanating from the premises which could disturb families in the area. The councillor accepted that there is no evidence of any noise or disturbance coming from these premises. There has not been any evidence to justify a cumulative impact policy being applied to this area.

The written representation from ward Councillor Humaira Ali was also noted.

The applicant stated that they participate in the local traders group and so are aware of any issues in the area.

The legal advisor to the sub-committee pointed out that the dispersal policy submitted by the applicant needs to be amended. Paragraph 4 says, "Customers will then be permitted 20 minutes drinking up past closing time" whereas the permitted hours for the sale of alcohol, as applied for, ends 30 minutes before closing time. The applicants accepted that this needs to be done.

The sub-committee considered that the application had been made appropriately. Each application is considered on its own merits. The applicants demonstrated that they are responsible operators of their business. The police do not object to the application.

The sub-committee also had regard to the statement of licensing policy which recognises the important role which pubs and other licensed premises play in local communities by minimising the regulatory burden on business encouraging innovation and supporting responsible premises. The request for a condition to require an external company to undertake the age verification process would be an unnecessary burden in this case.

The home secretary guidance issued under s.182 of the Licensing Act 2003 does not prescribe how deliveries of online sales are to be made. The sub-committee determined that it would be appropriate to add a condition that deliveries of alcohol purchased online shall only be made by couriers who have an age verification process in place. The email produced by the applicant showed that this can be done.

The applicant had demonstrated that premises would act responsibly in ensuring that alcohol will not be sold to minors. The application was granted on this basis together with the additional condition.

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.

The meeting ended at 1.09pm.

CHAIR:

DATED: