

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 10 September 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 Sunny Lambe

**OTHER MEMBERS
PRESENT:**

**OFFICER
SUPPORT:**

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.

The meeting adjourned at 10.15am as the chair had some technical issues. The meeting reconvened at 10.30am.

There were no apologies for absence.

1. 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: BERMONDSEY ART CLUB, 102A TOWER BRIDGE ROAD, LONDON SE1 4TP

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.

There were no representations from responsible authorities.

The local residents objecting to the application addressed the sub-committee. Members had questions for the local residents.

The sub-committee also noted the written representations of the local residents who were unable to attend the meeting.

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

The meeting adjourned at 12.15pm for the sub-committee to consider its decision.

The meeting reconvened at 12.55pm and the chair advised all parties of the decision.

RESOLVED:

That the application made by Bermondsey Arts Club for a premises licence to be varied under Section 34 of the Licencing Act 2003 in respect of the premises known as Bermondsey Arts Club, 102A Tower Bridge Road, London SE1 4TP be granted as follows:

Conditions

The operation of the premises under the licence shall be subject to relevant mandatory conditions, conditions derived from the operating schedule highlighted in Section M of the application form, and the following additional conditions agreed by the sub-committee:

1. That condition 341 be amended to read "No drinks permitted within the outdoor area of the premises after 22:00."
2. That condition 342 be amended to read "That clearly legible signage will be prominently displayed at the exit where it can easily be seen and read requesting to the effect that customers do not take drinks to the outdoor area after 22:00."
3. The outdoor area of the premises will not be lit after 22:00.

4. That condition 807 be amended to read “That there shall be a maximum capacity of 80 people in the premises at any one time, including staff. Of those 80 people, no more than 30 are permitted within the outdoor area of the premises.
5. That a contact telephone number and email address are to be made available for local residents to contact the premises for any issues they wish to raise.

Reasons

This was an application to vary a premises licence in respect of the premises known as Bermondsey Arts Club, 102A Tower Bridge Road, London SE1 4TP. The Licensing Sub-Committee heard from the applicant who described the premises as a professional bar which is both a local hangout and a destination for those seeking a well made cocktail. A variation was sought for two of the licence conditions to enable Bermondsey Arts Club (BAC) to use an outdoor terrace that had recently been constructed, it was proposed for the outdoor area to close at 23:00 on each day of the week.

The applicant acknowledged the 20 objections raised by local residents. They disputed that BAC was responsible for waste dumping or public urination in the area, a complaint had been raised with Southwark Waste and they often used their own bins to clear any mess. The outdoor terrace was described as surrounded by a 6 feet high wall of timber, banked by ivy and further surrounded by a road of traffic on each side.

The applicant advised that customers typically attend in couples and drinks are served in small measures at higher than average pricings in high end glassware. The terrace was small and would comfortably sit 20-30 people. The applicant described the outdoor lighting as dimmer than the surrounding street lights, they were switched off daily at 11pm. It was anticipated that customers would most likely revert to the inside of the premises once the terrace closed. Customers would be encouraged to be mindful of the community by staff and signage. Staff would also monitor the outdoor area as they do with downstairs, security staff would also be on hand to do the same at busier times in line with current licence conditions. .

No representations were made by responsible authorities. Other parties, namely 20 residents within close proximity to the premises, submitted representations objecting on the ground of prevention of public nuisance. Five of these residents were in attendance and voiced concerns that the use of an outdoor terrace would lead to an increase in noise levels. They contended that the outdoor lighting is significantly brighter than the surrounding street lights and, on occasion, remain lit past 11pm. The licensing sub - committee noted the residents objections and explored what conditions may effectively manage their concerns.

The licensing sub-committee had regard to the council's statement of licensing policy 2019-2021 which recommends a closing time of 22:00 for outdoor areas of premises. The applicant stated drinks are served by table service and the terrace would be seating only, and the licensing sub-committee agreed with this proposal and did not consider a condition requiring this to be necessary and proportionate.

The sub-committee also noted the applicant uses high-end glassware and so recommends that the applicant ensures no single-use plastics are used. Whilst licensing and planning are separate regimes, the applicant is to be mindful of paragraphs 104 to 111 of the statement of licensing policy 2019-2021. The licensing sub-committee expect applicants to have the appropriate planning permissions in place.

The licensing sub-committee had regard to the objections of the residents and suggests the applicant hosts regular meetings with residents to address any concerns or complaints they have. A condition requiring contact details be made available will assist in facilitating this. The variation was granted on this basis together with the additional conditions. 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 desire to contend that:

- a) The variation ought not to be been granted; 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.

Meeting ended at 1.00 pm

CHAIR:

DATED:

[CABINET ONLY]

DEADLINE FOR NOTIFICATION OF CALL-IN UNDER SECTION 17 OF THE OVERVIEW AND SCRUTINY PROCEDURE RULES IS MIDNIGHT, [DATE].

THE ABOVE DECISIONS WILL NOT BE IMPLEMENTABLE UNTIL AFTER THAT DATE. SHOULD A DECISION OF THE CABINET BE CALLED-IN FOR SCRUTINY, THEN THE RELEVANT DECISION WILL BE HELD IN ABEYANCE PENDING THE OUTCOME OF SCRUTINY CONSIDERATION.