

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 29 October 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 Margy Newens

OFFICER SUPPORT: Charlotte Precious, legal officer
Toyin Calfos, legal officer
Dorcas Mills, licensing 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.

There were no apologies for absence.

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 203: CHAPTER 72, 72 BERMONDSEY STREET, LONDON SE1 3UD

Some of the local resident's had technical difficulties when trying to join the meeting. The Chair advised that the start of the meeting would be delayed in order to allow the other persons to join the meeting.

One of the local residents advised that they would need to leave the meeting at 11am and requested that they addressed the sub-committee first. The chair agreed to this request.

The licensing officer presented their report. The licensing officer advised that the licensing responsible authority officer had withdrawn their representation, following conciliation with the applicant. Members had no questions for the licensing officer.

The local resident addressed the sub-committee. Members had questions for the local resident.

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

The licensing sub-committee then heard from a second local resident. Members had questions for the local resident.

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

The meeting adjourned at 11.51am for the sub-committee to consider its decision.

The meeting reconvened at 12.37pm and the chair advised both parties of the decision.

RESOLVED:

That the application made by Chapter 72 Ltd to vary a premises licence to be varied under the Licensing Act 2003 in respect of the premises known as Chapter 72, 72 Bermondsey Street, London, SE1 3UD be granted as follows:

1. To amend the hours permitted for the sale of alcohol on the premises to:
 - Monday to Saturday: 11:00 to 22:30
 - Sunday: 11:00 to 21:30
2. To amend the hours permitted for the sale of alcohol off the premises to:
 - Monday to Saturday: 11:00 to 23:00
 - Sunday: 11:00 to 22:00

3. To amend the opening hours of the premises to:

- Monday to Saturday: 07:00 to 23:00
- Sunday: 08:00 to 22:00

Conditions

1. To remove licence condition 840 which states 'That no alcoholic drinks shall be taken off the premises at any time.'
2. The following condition shall be added to the licence: "Prominent signage must be displayed asking customers making off-sale purchases to consume their purchases away from the vicinity."

Reasons

On 4 September 2020, Chapter 72 Ltd applied under section 34 of the Licensing Act 2003 to vary the premises licence issued in respect of the premises known as Chapter 72, 72 Bermondsey Street, London, SE1 3UD. The licensing responsible authority withdrew their representation after the applicant amended their application.

The applicant stated the premises is primarily a coffee shop but also sells alcohol. Chapter 72 was a finalist in the Southwark Business Awards last year and had never required security or police assistance. The premises is keen to play a part in the community and the applicant detailed recent interaction with a resident after a complaint was raised in respect of staff playing loud music when clearing up. The issue had been dealt with promptly and the staff responsible were keen to extend their apologies, a similar event had not occurred since. The applicant is mindful of the concerns raised by residents and said if staff heard customers making louder noises, they would ask them to keep it down. The customers are very responsive so he considered it would be easy to do. He also noted the residents have his contact details and are welcome to call him with any issues. The applicant undertook not to use single-use plastics and that music would be kept to a reasonable level after the premises had closed.

Twelve residents living within close proximity of Chapter 72 submitted representations on the grounds of public nuisance and crime and disorder. Two of these residents were in attendance and voiced concerns that additional hours would increase and worsen the disruption and noise they are currently experiencing, particularly on a Sunday when the area is somewhat peaceful. Further concerns were raised in respect of the increase in tables outside of the premises and whether this was a breach of licence conditions. The increase in tables and customers raised noise levels exponentially. Whilst the licensing sub-committee took this into consideration when making a decision in respect of the additional hours applied for, they noted the additional tables were not a breach of premises licence conditions and had been temporarily granted under the Business

and Planning Act 2020.

The licensing sub-committee had regard to the council's statement of licensing policy 2019-2021 which recommends a closing time of 23:00 for such premises; they were also mindful of the objections that had been raised by local residents, particularly in respect of Sunday evening. The variation was granted on this basis together with the additional conditions. The Licensing Sub-Committee noted condition 840 was contradicted by later conditions and should be removed. 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.

6. LICENSING ACT 2003: MASQ, GROUND & BASEMENT FLOORS, 201 TOOLEY STREET, LONDON SE1 2JX

There was a short comfort break from 12.40pm until 12.46pm.

The licensing officer presented their report. The licensing officer advised that the responsible authorities and one local resident had withdrawn their representations, following conciliation with the applicant. Members had questions for the licensing officer.

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

The applicant was given up to five minutes for summing up.

The meeting adjourned at 1.25pm for the sub-committee to consider its decision.

The meeting reconvened at 1.30pm. Members had additional questions for the applicant and their legal representative.

The meeting adjourned at 1.45pm for the sub-committee to further consider its decision.

The meeting reconvened at 2.03pm and the chair advised everyone of the decision.

RESOLVED:

That the application made by Masq London Limited, for a premises licence to be granted under s.17 of the Licensing Act 2003 in respect of the premises known as, Ground & Basement Floors, 201 Tooley Street, London, SE1 2JX is granted as follows:

Hours

Activity	Hours
Live music (indoors)	Sunday to Thursdays: 18:00 to 23:00 Fridays and Saturdays 18:00 to 00:00
Recorded music (indoors)	Sunday to Thursdays: 18:00 to 23:00 Fridays and Saturdays 18:00 to 00:00
Performance of dance (indoors)	Sunday to Thursdays: 18:00 to 23:00 Fridays and Saturdays 18:00 to 00:00
Anything similar in description to the above (indoors)	Sunday to Thursdays: 18:00 to 23:00 Fridays and Saturdays 18:00 to 00:00
The supply of alcohol (on the premises)	Sunday to Thursdays: 09:00 to 22:30 Fridays and Saturdays 09:00 to 23:00
The supply of alcohol (off the premises)	Sunday to Thursdays: 09:00 to 23:00 Fridays and Saturdays 09:00 to 00:00
Late night refreshment	Fridays and Saturdays 23:00 to 00:00
Operating hours	Sunday to Thursdays: 08:00 to 23:00 Fridays and Saturdays 08:00 to 00:00
Live music, recorded music,	Boxing day, New Year's Eve and New

performance of dance and anything of a similar description to live music; recorded music and performance of dance	Year's Day 18:00 to 03:00
Late night refreshment	Boxing day, New Year's Eve and New Year's Day 23:00 to 03:00
The supply of alcohol (on and off the premises)	Boxing day, New Year's Eve and New Year's Day 09:00 to 02:30
Opening	Boxing day, New Year's Eve and New Year's Day 09:00 to 03:00

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, the conditions agreed with the Metropolitan Police Service and Southwark Licensing Unit during the conciliation process.

Reasons

The reasons for the decision are as follows:

The licensing sub-committee was advised by the principal licensing officer that through conciliation, all representations made by the Metropolitan Police Service and the licensing unit had been withdrawn after conditions had been agreed between the parties. A resident also formally withdrawn their representations when advised of the conditions reached through conciliation.

The licensing sub-committee was told there were two outstanding objections from two local residents which had not been formally withdrawn. The licensing sub-committee were informed that both residents wanted the operation times to comply with the existing planning regulations which would mean that Masq would close by 23:30 on weekdays, midnight on Saturdays and 23:00 on Sundays and bank holidays. Both residents went on to suggest that an additional venue serving alcohol in the area, would contribute to the public nuisance. One of the resident's informed that they wanted the licensing sub-committee to take their representations into consideration, as they were unable to attend the meeting.

The licensing sub-committee heard from the legal representative for the applicant who advised that the application was for a new premises licence for Masq Limited, which will occupy the Ground & Basement Floors, 201 Tooley Street, London SE1

2JX. The legal representative went on to confirm that the applicant, Mr. Jegede would be the designated premises supervisor (DPS) and co-owner of Masq. It was explained that Masq would primarily operate as a bar and the basement and ground floors would be converted into a restaurant which would serve bar food, therefore the application was also for the provision of late night refreshment, alcohol and live music.

The legal representative stated the operational hours were conciliated save for the residents objections. The operational hours applied for were in line with other bars in the area and the council's statement of licensing policy. The legal representative added that hours were greatly reduced during conciliation and that the longer hours requested related to three public holiday days over the Christmas and New Year period.

The legal representative suggested that concerns raised by resident had been met through conciliation and was evidence by the significantly reduced hours now requested in the application. The applicant provided further information regarding the premises to the licensing sub-committee.

The licensing sub-committee had regards to the council's statement of licensing policy 2019-2011 and was satisfied that the operational hours agreed upon through conciliation were compliant with the policy.

The licensing sub-committee formed the view that the residents' concerns had been met during conciliation and did not agree that the operational hours over the Christmas and New Year period requested by the applicant; should replicate the existing planning permission as planning and licensing were two separate regimes. The licensing sub-committee took the view the nonstandard timings were reasonable and proportionate in the circumstances. On that basis, the licensing sub-committee granted the premises licence based on the conciliated terms.

The licensing sub-committee went on to say it expected Masq Limited to adhere to The Environmental Protection (Plastic Straws, Cotton Buds and Stirrers) (England) Regulations 2020. The London Borough of Southwark has declared a climate emergency and would therefore expect that businesses refrain from using single use plastics. The applicant agreed to not use single use plastics wherever possible.

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 2.07pm.

CHAIR:

DATED: