

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 5 November 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 Sirajul Islam
Councillor Adele Morris

OFFICER SUPPORT: Toyin Calfos, legal officer
Wesley McArthur, licensing officer
Manuel Rocha (on behalf of the applicant)
Smitha Suni (objector)
Naga Athes (objector)
Virginia Wynn-Jones, constitutional team

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 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: FEELING FOOD, 40 PECKHAM RYE, LONDON SE15 4JR

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.

An objector addressed the sub-committee. Members had questions for the objector.

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

The meeting adjourned at 10.35am for the sub-committee to consider its decision.

The meeting reconvened at 11.00am and the chair advised all parties of the decision.

RESOLVED:

Decision

That the application made by Al Andalus Spanish Food Limited for a premises licence to be granted under s.17 of the Licensing Act 2003 in respect of the premises known as Feeling Food of 40 Peckham Rye, Peckham, London, SE15 4JR is granted as follows:

Hours

Activity	Hours
Supply of alcohol for consumption off the premises	Monday to Sunday 09:00 – 22:00
Opening hours of the premises	Monday to Sunday 09:00 – 22:00

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 conditions agreed with the Metropolitan Police Service 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 had been withdrawn after conditions had been agreed between the parties. A resident (Objector 2), formally withdrew their representations when advised of the conditions reached through conciliation with the police and after being told that competition is not a relevant licensing consideration.

The Licensing Sub-Committee was told there are 2 outstanding objections from 2 local residents which had not been formally withdrawn.

The Licensing Sub-Committee had sight of and noted the written objections raised by Objector 3, who did not attend.

The Licensing Sub-Committee heard from Mr. Manuel Rocha, who represented Feeling Food. He explained that Feeling Food would operate as a delicatessen specialising in Spanish food. He stated that the sale of alcohol would be ancillary to the sale of other foodstuff Feeling Food provided. Mr. Rocha did not accept that he was in competition with any of the objectors or local off licences, as his business was specialised and aimed at a specific market. He did not accept that Feeling Food would contribute to street drinking as a typical bottle of wine would retail at around £15-20. He went on to state that Feeling Food would not sell single cans of beer or beers, ciders or lagers above 6.5% ABV. Mr. Rocha confirmed that going forward; he would continue to work with local residents and Responsible Authorities.

Objector 1 was a local resident and business competitor related to Objector 2. At the Licensing Meeting, she informed the Licensing Sub-Committee that she believed there was too many off licences in the area and that there are ongoing issues with crime generally. She expressed concerns that Feeling Food would be competition to her business in the future in that, Feeling Food could change its business plan and become an off licence. She was firmly of the view that a licence should not be granted.

The Licensing Sub-Committee had regards to the Council's Statement of Licensing Policy 2019-2021 and was satisfied that Feeling Food did not fall within the Peckham Saturation Zone because the address was not in the catchment area.

The Licensing Sub-Committee was mindful that Feeling Food had agreed to the

following conditions:

- No alcohol to be stored or displayed within 2 metres of the entrance / exit unless behind the staff counter.
- No beers / ciders in single cans, bottles or multi-packs with an ABV of above 6.5% will be displayed / sold or offered for sale from the premises.

The Licensing Sub-Committee was of the view that the agreed conditions (amongst others) would help to reduce crime, disorder and public nuisance in the areas which had been complained of, by the objectors.

The Licensing Sub-Committee was aware that two local delicatessens had closed down and so there was a need for a delicatessen in that area.

The Licensing Sub-Committee expects Feeling Food 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. Mr. Rocha 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.

Meeting ended at 11.15.

CHAIR:

DATED: