

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 3 December 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 Maria Linforth-Hall
Councillor Margy Newens

**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.

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: FOUR QUARTERS, 20 ASH AVENUE, LONDON SE17 1GQ

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

6. LICENSING ACT 2003: CHAQUENO GRILL, GROUND FLOOR, ARCH 145, EAGLE YARD, HAMPTON STREET, LONDON SE1 6SP

The licensing officer presented their report. The licensing officer advised that the responsible authorities had conciliated with the applicant. Members had questions for the licensing officer.

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

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

The licensing sub-committee noted the written representations from the other local residents, who were not in attendance..

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

The meeting adjourned at 11.00am for the sub-committee to consider its decision.

The meeting reconvened at 11.20am and the chair advised all parties of the decision.

RESOLVED:

That the application made by Lisseth Magda Aguilera Rojas for a premises licence to be granted under Section 17 of the Licensing Act 2003 in respect of the premises known as Chaqueno Grill, Ground Floor, Arch 145, Eagle Yard, Hampton Street, London SE1 6SP be granted.

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 licensing as a responsible authority during the conciliation process and the following condition and recommendation made by the licensing sub-committee:

- 1) That the dispersal policy shall be amended to the satisfaction of licensing as a responsible authority.

- 2) That a telephone number shall be prominently displayed and made available to residents.
- 3) That external waste handling, collections, deliveries and the cleaning of external areas shall only occur between the hours of 08.00 and 20.00 hours.
- 4) That no drinks shall be taken outside at any time.
- 5) Recommendation: That the premises shall not use single use plastics, where possible.

Reasons

The licensing sub-committee heard from the licensing officer who confirmed that the representations from both the Metropolitan Police Service and licensing as a responsible authority had been withdrawn, following the applicant agreeing conditions with them. The outstanding objections were from local residents.

The applicant informed the licensing sub-committee that most of the objections had been addressed by agreeing a condition in relation to the dispersal policy, which would include dealing with any loitering outside the premises, ensuring no drinks were taken outside and keeping the outside area clean.

That aside, the applicant briefly responded to points raised in the objections. The premises would not in any way be a nightclub and alcohol would only be served with food. The live music referred to in the application would not be amplified. The premises was very small and only had space for two musicians. The applicant advised that they would provide acoustic background music that would finish at 21:30 hours.

The licensing sub-committee heard from other person E, who stated that he was hopeful that Chaqueno Grill would be a good neighbour. Recent experience with the other licensed premises in the immediate vicinity had negatively impacted on local residents of Draper Estate and Strata Building.

They added that there was concern that the granting of another licensed premises would add to the problems of anti-social behaviour in the area. Residents had been disturbed on multiple occasions by noise associated with late night activity at the existing premises on Maldonado Walk.

The objector mentioned that in 2019 and 2020 he had contacted the North Walworth councillors regarding the problems with noise from venues under the railway arches in addition to customers failing to disperse. Those customers spill out into the service yard and argue, shout, wait for minicabs, urinate and take drugs (etc.) very close to homes on the Draper Estate (Draper House and Wollaston Close) and Strata Building. Objector E was concerned that without careful application of planning and licensing policy, the venues on Maldonado Walk will cause similar problems for residents as those seen elsewhere where licensed

premises operated in railway arches.

The licensing sub-committee noted the representations from the eight other persons who were not present.

During the discussion part of the meeting, it was accepted that there may be a disparity between the operating hours prescribed by planning and licensing. However, licensing and planning were two separate regimes and any breach of planning consent, could lead to enforcement action. There was also discussion of the installation of an acoustic lobby. Given that the size of the premises and that the environmental protection team had not submitted an objection, this was considered inappropriate and would be more of a planning issue.

Objector E accepted that he was unable to provide any specific problems with the current operation of the premises as it had not been granted a premises licence, but referred to the cumulative impact of a further venue serving alcohol. It was explained that the cumulative impact policy areas are reviewed every three years and the last time that they reviewed, it was not considered appropriate to include Elephant and Castle Town centre area. However, this would be kept under review.

The sub-committee agreed that the dispersal policy was generic; cribbed from a nationwide pub chain. This pub chain was of quite a different nature to Chaqueno Grill. It was felt that the dispersal policy should be more specific to premises, location and the issues related to the area. For example, the premises should discourage customers from using the service area as their smoking area and similarly, customers should be discouraged from dispersing in the direction of the service area.

The sub-committee recognised the changing nature of the arches and the number of new licensed premise opening in the area. This has occurred in numerous locations within Southwark. The sub-committee has found that in other areas of the borough, area trader and resident groups have opened dialogue between the residents and premises. These groups have given residents a forum to air their concerns regarding licensed premises and for the premises to respond.

Finally, the London Borough of Southwark has declared a climate emergency and therefore expects that businesses refrain from using single use plastics where possible, and also adhere to the Environmental Protection (Plastic Straws, Cotton Buds and Stirrers) (England) Regulations 2020.

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 11.24 am

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.