

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 18 February 2021 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: Councillor Jane Salmon (observing)

OFFICER SUPPORT: Toyin Calfos, legal officer
Wesley McArthur, 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

Councillor Sunny Lambe asked that it be noted that he was a ward councillor but that he had no connection with either the applicant or the objectors.

5. LICENSING ACT 2003: R&T NEWS, 12 DUNTON ROAD, LONDON SE1 5TJ

The licensing officer presented their report. It was noted that the licensing authority had conciliated 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 written representations from the other persons objecting to the application were noted.

The applicant and their legal representative were given five minutes for summing up.

The meeting adjourned at 11.04am for the sub-committee to consider its decision.

The meeting reconvened at 11.35am and the chair advised all parties of the decision.

RESOLVED

That application made by Mr. Komalathan Theivendram to vary a premises licence under section 34 of the Licensing Act 2003 in respect of the premises known as R&T News, 12 Dunton Road, London SE1 5TJ, be granted as follows:

- Opening Hours:
 - Monday to Saturday: 07:00 to 23:00
 - Sunday: 08:00 to 22:00
- The supply of alcohol to be consumed off the premises:
 - Monday to Saturday: 07:00 to 23:00
 - Sunday: 08:00 to 22:00

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

The licensing sub-committee would also recommend:

1. That the applicant engages with the Setchell Estate Tenants and Residents Association and Longfield Tenants and Residents Association and that the applicant provides them with a contact number.
2. That the applicant undertakes not to use single use plastics wherever possible

Reasons

The licensing sub-committee heard from the licensing officer who explained that the Metropolitan Police Service and the Licensing Unit had withdrawn their objections to this application after Mr. Theivendram had, through conciliation, agreed to a number of conditions. The agreed conditions were that all alcohol sales should be sold in sealed containers for consumption away from the premises and; that he would not sell, offer to sell or display from his premises, beer or cider in single cans or multi packs that had an ABV of above 6.5% except for Guinness and Dragon Stout. He also agreed that he would display clear, legible signage requesting that all alcohol sold as “off sales” should not be opened and consumed in the vicinity of the premises.

The licensing officer confirmed that objections had been raised by five local residents (parties 1-5) who were members of a single household. Party 1 had emailed the licensing officer to state that they were the main representative of parties 2-5, that they would not be attending the meeting but wanted all of their representations to be taken into consideration by the licensing sub-committee.

It was confirmed that the applicant had no connection to the previous licence holders, that it is a new business and there had been no complaints regarding the licenced premises to the licensing authority or the ward councillors. The licensing officer confirmed that the hours applied for, were within the hours suggested in the Southwark statement of licensing policy 2019-2021 and; the premises were not located in a cumulative impact area.

The licensing sub-committee heard from Mr. Ikechi Okere, the legal representative for the applicant. He confirmed that a number of conditions had been agreed through conciliation and that there had been no issues with his neighbours since he had taken over the business. He stated that he had never operated outside his opening hours as alleged. The legal representative advised that he had obtained statements from a number of other residents and the previous business owners, all of whom stated that the business had not caused a nuisance.

The applicant stated that he did not allow anyone to drink inside or outside the premises and that he had installed additional CCTV cameras so he could watch outside. He also stated that he did not allow patrons to enter the premises with open containers of alcoholic drinks. He went on to say that he had the challenge 25 notice displayed and that he kept a book of refusals.

The applicant confirmed that he had asked some of his patrons to give a statement in support of his application. He went on to confirm that he now has a business parking permit and an allocated parking space in the front of the shop, which would ensure that parking issues raised by the local residents would not happen again.

The applicant also confirmed that he would work with the local resident associations and that a member of staff would patrol the surrounding premises to ensure his patrons did not consume alcoholic drinks purchased from his premises outside or around his premises. He said that there would be two members of staff, one taking sales and the other would either be standing in the shop or would go outside to ensure that their patrons did not consume alcoholic drinks outside the premises.

The applicant also agreed that he would not use single use plastic where possible stating, that he encouraged his patrons to bring their own bags.

The licensing sub-committee considered the representations put forward by parties 1-5. In essence, their objections pertained to anti social behaviour namely, littering, noise and/or patrons using the surrounding buildings including their property as a urinal or as a place to loiter and get drunk. They stated that patrons of the premises would block the front access to their building.

They stated that on a number of occasions, alcoholic drinks were sold to patrons who were already drunk and that the applicant had made little or no attempt to curtail the obstructive behaviours of his patrons. They went on to state that the applicant works in his shop past 23:00.

The parties complained that the applicant had blocked access to a road with his van. They also stated that school children who used the premises would congregate outside in very large numbers; early in the morning and that they would harass party 2 who is a vulnerable adult.

The licensing sub-committee formed the view that the majority of the objections put forward by parties 1-5 had been addressed by the applicant agreeing to conditions put forward by the Metropolitan Police Service and the licensing unit, by agreeing to work with the two local resident association groups and by agreeing to provide a contact telephone number to those associations.

In reaching this decision, the licensing 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.

The meeting ended at 11.42am.

CHAIR:

DATED: