

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 12 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 Sunil Chopra
Councillor Sunny Lambe

OFFICER Debra Allday, legal officer
SUPPORT: Andrew Heron, licensing officer
Andrew Weir, constitutional officer

1. APOLOGIES

The applicant and one of the of the local residents 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 them to join the meeting. The applicant was unable to join the virtual meeting

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 2003: G1 EXPRESS, 87 NORWOOD ROAD, LONDON SE24 9AA

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 representative for the applicant addressed the sub-committee. Members had questions for the applicant's representative.

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

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

The meeting adjourned at 11.18am for the sub-committee to consider its decision.

The meeting reconvened at 11.50am and the chair advised all parties of the decision.

RESOLVED:

That the application made by Velauthampillai Sajeevan for a premises licence to be granted under Section 17 of the Licensing Act 2003 in respect of the premises known as G1 Express, 87 Norwood Road, London SE24 9AA be granted as follows:

The sale by retail of alcohol (off sales only)

- Monday to Sunday from 08:00 to 23:00

Opening hours

- Monday to Sunday from 08:00 to 23:00.

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

1. That the applicant shall provide a telephone number to all local residents and objectors.

Reasons

The licensing sub-committee heard from the applicant, through their representative. They advised that he had been in the retail business for approximately 20 years and had five other licensed premises. The premises was not currently operating, but as soon as it was, anyone working behind the counter would be a personal licence holder.

As a direct result of representations from the responsible authorities, the operational hours of the premises had been reduced from 02:00 hours to 23:00 hours, which was an hour less than the recommended hours set out in Southwark's statement of licensing Policy. A number of other conditions were also agreed as part of the conciliation process, that demonstrated the applicant had responsible attitude to the sale of alcohol.

The licensing sub-committee was informed that the responsible authorities, being the Metropolitan Police Service and Licensing as a responsible authority, had conciliated with the applicant, having agreed conditions.

The licensing sub-committee the heard from Objector K who raised concern about the premises and the problem drinkers known to frequent Brockwell Park. The objector said that the police and licensing as a responsible authority may have withdrawn their representations, as a result of agreed conditions, but a further licensed premises would encourage problem drinkers to acquire alcohol from another outlet, particularly when there were already a plethora of other stores in the area.

The licensing sub-committee then heard from Objector L who objected to the application because of a risk of crime and disorder as well as a risk of causing public nuisance.

The licensing sub-committee noted the representations from the 17 other objectors who were not present. It also noted the representations from the four other objectors who had decided to withdraw.

In a letter dated 9 November 2020 Objector K provided additional information to

support their objections. The letter advised that the applicant had been convicted of an underage sale in December 2009. Pursuant to the guidance on the Rehabilitation of Offenders Act 1974 (issued 10 March 2014), that conviction was deemed spent after 12 months. Due to this, the previous conviction was disregarded. Objector K's letter also refers to a Health and Safety report regarding G1 Express (in Croydon) dated June 2019 and the company being struck off in March 2018. Both of these matters relate to other premises and neither has a bearing to the licensing objectives. Therefore, this information has also been disregarded.

Herne Hill is not in a cumulative impact policy area where the number and density of premises selling alcohol are high or exceptional, where serious problems of nuisance and disorder may arise; is not therefore a consideration. The licensing sub-committee does however recognise the residents anxiety concerning problem drinkers, but the premises had agreed conditions such as not selling single cans in addition to not stocking super strength beers, ciders and lager with a 6.5% ABV (or above). This would discourage problem drinkers.

The licensing sub-committee expects G1 Express 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 where possible, and G1 Express agreed to this. In the circumstances, the members were satisfied with the controls in place and that a premises licence should be issued.

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 11.53am.

CHAIR:

DATED: