

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 26 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 Dora Dixon-Fyle MBE
Councillor Charlie Smith

OFFICER SUPPORT: Charlotte Precious, 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

There were none.

5. LICENSING ACT 2003: NOLA, GROUND FLOOR, 224 RYE LANE, PECKHAM, LONDON SE15 4NL

The licensing officer presented their report. The licensing officer advised that the responsible authorities and two of the local residents 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 10.40am for the sub-committee to consider its decision.

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

RESOLVED:

That the application made by Burrow Music Coffee Ltd for a premises licence to be granted under Section 17 of the Licensing Act 2003 in respect of the premises known as Nola, Ground Floor, 224 Rye Lane, London, SE15 4NL be granted as follows:

1. Provision of late night refreshment:
 - Friday and Saturday: 23:00 to 00:00
2. Supply of alcohol for consumption on the premises:
 - Thursday: 17:00 to 22:30
 - Friday: 17:00 to 23:30
 - Saturday: 13:00 to 23:30
 - Sunday: 13:00 to 22:30

3. Opening hours:

- Tuesday and Wednesday: 07:30 to 16:00
- Thursday 07:30 to 23:00
- Friday and Saturday: 07:30 to 00:00
- Sunday: 07:00 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 and the conditions agreed with the Metropolitan Police Service and the licensing authority during the conciliation process (conditions 1 to 6 listed below):

1. That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV System must be capable of capturing a clear facial image of every person who enters the premises.
2. That all CCTV footage shall be kept for a period of 31 days and shall, on request, be made immediately available to officers of the police and council.
3. That a member of staff should be on duty at all times the premises is open that is trained in the use of the CCTV and be able to view and download images to a removable device on the request of police or a relevant council officer.
4. That all staff shall be trained in their responsibilities under the Licensing Act 2003 and training records will be kept and updated every 6 months and shall, upon request, be made immediately available to officers of the police and the council.
5. That the accommodation limit for the premises is 40 people (excluding staff).
6. That the written dispersal policy shall be kept at the premises with the licence and made available for inspection by officers of the police and the council. All relevant staff shall be trained in the implementation of the dispersal policy.

The following additional condition, imposed by the licensing sub-committee shall also apply:

7. That the depositing of waste glass into external waste receptacles shall not take place between 20:00 and 08:00 the following day.

Reasons

On 3 September 2020, Burrow Music Coffee Ltd applied under section 17 of the Licensing Act 2003 for a premises licence in respect of the premises known as Nola, Ground Floor, 224 Rye Lane, London, SE15 4NL.

The licensing sub-committee noted the licensing responsible authority and the Metropolitan Police Service withdrew their representations after the applicant amended their application and agreed to additional conditions. Two representations submitted by local residents were also withdrawn in advance of the hearing, as a result of the amended application.

The applicant described the premises as predominantly a coffee shop that wished to operate as a cocktail/wine bar with small plates of food on Thursday and Friday from 18:00 as well as on the weekend. The applicant expressed their desire to serve and build a space within the local community rather than be disruptive.

Prior to the hearing, they had agreed to shorten their proposed hours and cease the sale of alcohol 30 minutes before closing. They stated that all staff would be trained to ensure visitors to the premises would not enter drunk or leave disorderly. Staff would also be trained to keep everyone quiet on exit and remain respectful of neighbours.

They further stated that music would be played at a low level in the background so as not to encourage raised voices. The alcohol menu would be small and consist of one bottled beer, wine and five or six cocktails that would be pre-measured and pre-made. No hard liquor would be available so drinks could not be made on demand. The licensing sub-committee considered the applicant to be genuine in their passion and consideration for the local community.

One neighbouring resident was in attendance. He stated he was happy with the changes the premises had made to their application and withdrew his representation.

The licensing sub-committee were mindful of the remaining five representations submitted by residents and the concerns raised in respect of noise caused by patrons of nearby premises.

The licensing sub-committee recommended that patrons be directed away from neighbouring residential premises and across the road to smoke. Patrons leaving and ordering minicabs will be directed to safe pick-up points that are away from residents.

Furthermore, the premises agreed to abstain from using single-use plastics where possible. The premises licence was granted on this basis together with the additional conditions.

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:

- 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 desires to contend:

- a) That the licence ought not to have been granted; or
- b) That, on granting the licence, the licensing authority ought not 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 11.04am.

CHAIR:

DATED: