

## Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 28 January 2021 at 10.00 am at Online/Virtual: please contact [andrew.weir@southwark.gov.uk](mailto:andrew.weir@southwark.gov.uk) for a link to the meeting and the instructions for joining the online meeting

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**PRESENT:** Councillor Renata Hamvas (Chair)  
Councillor Sunil Chopra  
Councillor Maria Linforth-Hall

**OTHER MEMBERS PRESENT:** Councillor Jane Salmon (observing)

**OFFICER SUPPORT:** Toyin Calfos, legal officer  
Charlotte Precious, legal officer  
Wesley McArthur, licensing officer  
Dorcas Mills, 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: NISA, GROUND FLOOR RETAIL UNIT, 1 VARCOE ROAD, LONDON SE16 3FS

The licensing officer presented their report. Member shad questions for the licensing officer.

The applicant and their representative addressed the sub-committee. Members had questions for the applicant and their representative.

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

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

The meeting adjourned at 11.08am for the sub-committee to consider its decision.

The meeting reconvened at 11.37am and the chair advised all parties of the decision.

#### **RESOLVED:**

That the application made by Mehmet Boztepe for a premises licence to be granted under Section 17 of the Licensing Act 2003 in respect of the premises known as Nisa, Ground Floor Retail Unit, 1 Varcoe Road, London SE16 3FS be granted as follows:

1. Supply of alcohol for consumption off the premises:

- Monday to Saturday: 08:00 to 23:00
- Sunday: 08:00 to 20:00

2. Opening hours:

- Monday to Saturday: 07:00 to 23:00
- Sunday: 08:00 to 20:00

#### **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, any conditions agreed with the Metropolitan Police Service and Licensing as a responsible authority during the conciliation process and the following conditions and recommendation made by the Licensing Sub-Committee:

1. That the premises shall provide a litter bin outside of the premises, subject to

permission from the Highways Licensing Department. This shall be emptied regularly by the premises.

2. That a telephone number for the premises shall be prominently displayed in the shop window.

## **Reasons**

On 5 November 2020 Mehmet Boztepe applied under section 17 of the Licensing Act 2003 to vary the premises licence issued in respect of the premises known as Nisa, Ground Floor Retail Unit, 1 Varcoe Road, London SE16 3FS.

The applicant and their representative explained that the applicant is an experienced operator, running a large Nisa in Barking for the past three years. The premises is within a relatively new build central estate and has flats above it, much as the premises subject to this application. The applicant has had no issues with responsible authorities in Barking and has received no complaints from local residents. The applicant is keen to serve the local community and offered to supply a litter bin that will be regularly emptied by the premises. Deliveries will only be received between the hours of 08:00 and 20:00. The applicant did not anticipate concerns on match days at Millwall Football Club but agreed to follow any advice and suggestions given by the police as well as to consider employing an SIA licensed retail guard on match days. The applicant committed to not using single-use plastics where possible.

Five residents living above the premises submitted representations on the grounds of all four licensing objectives, accompanied by a petition signed by 18 other residents. Two of these residents were in attendance and voiced concerns that the long hours proposed for the sale of alcohol would increase noise nuisance and anti-social behaviour, they asked for the installation of a noise barrier to be considered and for the proposed hours for supply of alcohol to be shortened.

The licensing sub-committee noted no representations had been made by responsible authorities but were mindful of the objections that had been raised by the local residents. In respect of a noise barrier, this would involve considerable expense on the part of the applicant as well a complex process of obtaining the requisite permissions. The sub-committee therefore considered that it was not necessary or proportionate to impose any condition requiring the installation of a barrier. This is perhaps an issue that could be raised with the freeholder of the building instead.

The applicant seemed experienced, competent and happy to provide a telephone number to the residents to address any concerns that may arise. The sub-committee had regard to the council's statement of licensing policy 2021-2026 which recommends a closing time of 23:00 for such premises, which is a supermarket rather than an off-licence. It is on this basis that the application was granted. 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 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.

#### **6. LICENSING ACT 2003: LASSCO, ROPEWALK AND ARCHES 46 AND 48 TO 53, 41MALTBY STREET, LONDON SE1 3PA**

The licensing officer presented their report. They advised that the applicant had reduced the hours that they were applying for and had conciliated with the responsible authorities. Members had questions for the licensing officer.

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

The local resident objectors addressed the sub-committee. Members had questions for the local resident objectors.

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

The meeting adjourned at 12.31pm for the sub-committee to consider its decision.

The meeting reconvened at 12.54pm as the sub-committee wanted to check the capacity of the premises with the applicant.

The meeting then adjourned at 12.58pm for the sub-committee to further consider its decision.

The meeting reconvened again at 1.17pm and the chair advised all parties of the

decision.

**RESOLVED:**

That the application made by Mr. Ian William Banfield to vary a premises licence under S34 of the Licensing Act 2003 in respect of the premises known as Lassco, Ropewalk and Arches 46 and 48 to 53, Maltby Street, London, SE1 3PA be granted as follows:

**Opening hours:**

Monday to Saturday: 07:30 to 22:30

Sunday: 08:30 to 7:30

**Supply of alcohol off the premises**

Monday to Saturday: 10:00 to 22:00

Sunday: 10:00 to 17:00

**Supply of alcohol on the premises**

Monday to Saturday: 10:00 to 22:00

Sunday: 10:00 to 17:00

**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 the licensing authority during the conciliation process and the following additional conditions agreed by the sub-committee:

- 1) That the overall accommodation limit for the premises on non-market days shall be no more than 300 persons (not including staff).

**Recommendations**

- 1) That the premises shall not use single use plastics, where possible.

**Reasons**

The licensing sub-committee heard from the licensing officer who explained that the Metropolitan Police Service and the licensing authority had withdrawn their objections to the application after the applicant had, through conciliation amended the hours requested in his original application which brought the operating times of Lassco, within the ambit of the Southwark statement of licensing policy 2019-2021.

The licensing officer confirmed that the applicant was seeking to carry out

licensable activities on Monday and Tuesday and that the opening hours would be extended by an hour in the morning. The licensing officer went on to say there were a number of objections from residents some of whom were in attendance. The licensing officer confirmed that the premises had operated for several years and there had been no complaints in that time about the premises.

The licensing sub- committee confirmed that the hours requested were consistent with Southwark's statement of licensing policy 2019-2021 and that the premises were not located in a cumulative impact area.

The licensing sub-committee heard from the applicant who stated that this was an existing premises license which he had for 12 years without complaint. He stated he was anxious to plan forward, past Covid-19, for his business to bounce back. He wanted to open on Monday and Tuesdays to be able to serve his patrons alcohol with their meal and accommodate increasing business demand. He confirmed that the application in relation to licensable activities concerned Monday and Tuesdays and that those days would mirror his existing license for Thursdays-Saturdays.

He said that he had decided to reduce the hours originally requested as he felt that on reflection, his current closing time had served his company well and, that he could apply for temporary events notices (TENs) if need be. He stated that the motivation behind his reduction of hours was that he was concerned he would leave a licensing legacy for someone else to use and adopt at a later date which would be contrary to the residents concerns. He confirmed that he would primarily sell alcohol with food.

He said that he intended to make an amended application in the future regarding extended hours on Sundays but wanted to have further discussions regarding this development with local residents and his patrons.

He described his premises as a restaurant environment where people would sit at a table and drink alcohol from a glass. He confirmed that he provided an off sales facility and had employed SIA to keep patrons from congregating in the surrounding streets.

The applicant agreed not to use single-use plastics wherever possible in response to the climate emergency declared by the London Borough of Southwark.

The oral representations from the residents concerned the extended opening hours and the impact of the 800 person capacity, leaving the premises late at night. Many were concerned that the extended hours would mean more incidences of anti social behavior and nuisance. All the residents stated that the additional two days applied for meant that they would have no respite from the market. The residents also raised concerns in relation to the application process as they felt that the notices advertising the application were often obscured by street furniture and/or would often succumb to the weather which meant the notice was not displayed. The residents were of the view that many residents were not informed

of the application to change the current license. They felt more residents would have complained if notification was advertised properly.

The applicant apologised about the notices and stated that he had struggled to get his notice laminated and accepted that some of his notices succumbed to the weather. He said he would communicate better with the local residents going forward. He confirmed that the extra hour requested in the morning was to serve coffee and cake and that it was not his intention to carryout licensable activities before 10:00. He went on to say that on non market days (Mondays and Tuesdays) he would limit the capacity of the premises to 300 persons not including staff.

The licensing sub-committee had sight of, and noted, the written representations made by all the residents and considered their objections. The licensing sub-committee formed the view that the fears outlined in the representations of the residents had been addressed by the applicant agreeing to the reduction of their operating hours through conciliation and the reduced capacity of patrons on non-market days.

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:

- b) The licence ought not to be been granted; or
- c) 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 1.25 pm.

**CHAIR:**

**DATED:**