

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 11 March 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 Adele Morris
Councillor Jane Salmon

OTHER MEMBERS PRESENT: Councillor Andy Simmons, ward councillor

OFFICER SUPPORT: Toyin Calfos, legal officer
Andrew Heron, licensing officer
Andrew Weir, constitutional officer

1. APOLOGIES

This was a virtual licensing sub-committee meeting.

The chair apologised for the late start for the meeting, due to technical issues.

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.

It was noted that items 6, 7 and 8 had been withdrawn from the agenda.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003: PEACE AND RIOT, 12 CROXTED ROAD, LONDON SE21 8SP

The licensing officer presented their report. They advised that the responsible authorities and the Dulwich Society had withdrawn their objections, following conciliation with the applicant.

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

The local residents objectors and the ward councillor, acting as their witness, addressed the sub-committee. Members had questions for the local resident objectors and the ward councillor.

The sub-committee also noted the written representations of the local resident objectors who were not in attendance.

All parties were given five minutes for summing up.

The meeting adjourned at 12.43pm for the sub-committee to consider its decision.

The meeting reconvened at 1.35pm and the chair advised all parties of the decision.

RESOLVED:

That the application made by Play Plus Time Limited for a premises licence to be granted under Section 17 of the Licensing Act 2003 in respect of the premises known as Peace and Riot, 12 Croxted Road, London SE21 8SP is granted as follows:

Opening hours:

- Monday to Saturday: 09:00 to 23:00
- Sunday: 10:00 to 22:00

The sale of alcohol (on sales):

- Monday to Saturday: 11:00 to 22:30
- Sunday: 11:00 to 21:30

The sale of alcohol (off sales):

- Monday to Saturday: 11:00 to 23:00
- Sunday: 11:00 to 22:00

Seasonal variations:

- Bank holidays will follow Sunday hours

The operation of the premises under the licence shall be subject to relevant mandatory conditions. The conditions are derived from the operating schedule highlighted in Section M of the application form, conditions agreed with the Metropolitan Police Service, the Environmental Protection Team and the Licensing Unit during the conciliation process and the following additional conditions agreed by the licensing sub-committee:

1. That the external area shall not be used by patrons after 22:00 daily.
2. That staff must complete the clearing up of the external area by 22:30.
3. That no waste collection or deliveries to take place between 20:00 and 08:00.
4. That no external disposal of bottles, glassware collection, or the like between 20:00 and 08:00.

The licensing sub-committee also recommends:

1. That the premises undertakes not to use single use plastics wherever possible.
2. That the premises shall discourage patrons in their publicity from driving to the premises.

Reasons

The licensing sub-committee heard from the licensing officer who confirmed that through the conciliation process, all representations made by the Metropolitan Police Service, the Environmental Protection Team and the Licensing Unit had been formally withdrawn. The premises had agreed, to a number of conditions being added to their licence.

The licensing officer went on to say that that a number of conditions were also agreed between the premises and the Dulwich Society. The conciliation process and the agreement by the premises adhering to further conditions had led to the Dulwich Society withdrawing their representations.

The licensing officer informed the licensing sub-committee that there remained outstanding representations from residents of which, two attended the meeting along with a local councillor who they intended to call as a witness.

The licensing sub-committee heard from Mr. McCann, the legal representative for the applicant. He stated that the suggested condition regarding 5 smokers allowed in the garden after the area had closed to patrons had been suggested by the police. He said the police were happy for up to 5 smokers to use the garden for that purpose after the area had been closed. Mr. McCann stated that smokers could smoke outside of the premises and not use the garden at all after closing time.

Mr. McCann explained that Peace and Riot is an all-day family friendly restaurant, which engages with children, giving them fun and educational activities to do, assisted by properly trained staff. He stated that the environment meant that parents could enjoy their meal and then hopefully return in the evening time without their children.

Mr. McCann said he was aware of the concerns of the residents. In relation to the residents' concerns that the premises may change in concept; he stated, that Peace and Riot had agreed 19 additional conditions, which meant the concept, could not become a noisy boisterous bar later on down the line. He went on to say the conditions that had been agreed included amongst other things, the cutting down the hours they had initially sought, removing the recorded music provision and limiting the capacity of the patrons. He went on to say that, they had agreed the garden area could closed at 22:00 during week and 22:30 on the weekends.

Mr. McCann stated that in order to pacify the residents fears, it had been agreed that alcohol would only be sold to persons taking a meal and that the agreed capacity of the premises would be 36 person indoors and 48 person in the external gardens. It was later explained that the premises did not expect to host as many as 48 persons in the garden going forward.

Mr. McCann explained that conditions had been agreed in an attempt to conciliate with all of the neighbours and objectors. He went on to add that there was also a condition not to generate noise nuisance. Mr. McCann stated that as a result of the conditions that had been agreed, all responsible authorities and the Dulwich society had withdrawn their objections.

Mr. McCann then addressed the remaining objections. He stated the premises would operate quite differently from a bar as the all alcohol sold would be with a meal; therefore he suggested the atmosphere and noise level would not

resemble that of a bar. He stated that Peace and Riot would continue to liaise with local residents and continue to address any issues that may arise going forward in order to grow a stronger relationship with them.

Mrs. Newte Hardie who is the applicant stated that she was committed to working with the residents and the objectors. She said that all of the residents who raised an objection have her telephone number. She said she had been communicating with the residents during the fit out of the premises and, was keen not to make a negative impact in the community.

Mrs. Newte Hardie explained that the business had a nighttime element where parents would return in the evening without their children. She stated that the evenings would be an adult environment and that the child-orientated service offered earlier in the day, would not be offered in the evening. She said the restaurant would be open for anyone to use in the evening and not just those who paid a loyalty fee.

Mrs. Newte Hardie stated that when the children are in the restaurant they would be in eyesight of their parents, working/playing on panels within the walls. She said that as people are adopting more flexible working conditions, the business aim was to create a calm environment where patrons could catch up on admin or speak with friends with the business providing a childcare element. Mrs. Newte Hardie stated that the business concept had been tested as a pop up, and it was a success.

Mrs. Newte Hardie confirmed that staff would be DBS checked and that they expected to cater to children aged between 1-9 years old and parent(s). She confirmed that the premises was not marketed towards teenagers or unaccompanied children.

Mrs. Newte Hardie confirmed that she was willing to agree not to use single use plastics wherever possible.

The licensing sub-committee heard from two resident and a ward councillor. In essence, the residents were concerned that there had been a lack of notification of the application as it was only by chance that someone noticed the notice in a window.

The licensing officer made it clear that the regulations regarding the advertising of this premises licence had been complied with.

The residents and the Councillor submitted that the external garden area of the premises should not be in use after 10pm during the week, by patrons. They also objected to the condition in relation to the 5 smokers and felt that this condition could be misconstrued.

They stated that the external garden is adjacent to at least one residential property and concerns were raised about the noise levels in the garden area

after 22:30. They expressed concerns regarding patrons in the garden requiring time to drink up which mean they would be in the garden beyond the cut off time.

Concerns were raised in relation to the number of patrons that were allowed to be in the external area and the noise those patrons would generate as the evening went on and they became more intoxicated. The residents and the Councillor felt that the 48 people capacity, in the external garden area was excessive. The residents and the Councillor asked the committee to consider reducing that number.

The residents also suggested that a public nuisance would be caused by patrons travelling to from the premises in their cars and, parking in residential parking spaces.

Mr. McCann made it clear that all conditions in particular, those relating to closing times would always be adhered to.

Mrs. Newte Hardie went on to say none of the chairs and tables located in the garden would be placed along the resident's adjoining fence. She stated that she would also consider planting to help reduce noise.

The licensing sub-committee had sight of, and noted all the written representations made by all the residents and considered their objections. The licensing sub-committee formed the view that the concerns of the residents were addressed by the conditions agreed. The licensing sub-committee noted that the conditions restricted the use and activities taking place in the external garden area of the premises and; the amount of noise the premises could generate without being in breach of its licence.

The licensing sub-committee were satisfied that the conditions placed upon the premises would manage any potential noise nuisance the premises may cause.

In reaching its decision, the licensing sub-committee had regard to all the relevant considerations and the four licensing objectives and; considered that its 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.

6. LICENSING ACT 2003: EUROTRAVELLER HOTEL, 18 AMELIA STREET, LONDON SE17 3PY - REVIEW

Withdrawn from the agenda.

7. LICENSING ACT 2003: EUROTRAVELLER HOTEL, 194-202 OLD KENT ROAD, LONDON SE1 5TY - REVIEW

Withdrawn from the agenda.

8. LICENSING ACT 2003: EUROTRAVELLER HOTEL, 194 - 202 OLD KENT ROAD, LONDON, SE1 5TY

Withdrawn from the agenda.

The meeting ended at 12.54pm.

CHAIR:

DATED: