

## Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 15 April 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 Lorraine Lauder MBE

**OFFICER SUPPORT:** Debra Allday, legal officer  
Wesley McArthur, licensing officer  
Andrew Heron, licensing officer  
Jayne Tear, licensing responsible authority officer  
P.C. Graham White, Metropolitan Police Service  
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 no late and urgent items of business.

#### 4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

#### 5. MIK K-POP FESTIVAL, SOUTHWARK PARK, SOUTH SECTION, HAWKSTONE ROAD, LONDON SE16 2PE

The licensing officer presented their report. 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 other persons objecting to the application were not present. Members noted the written representation from the other persons objecting.

The sub-committee noted that the responsible authorities had conciliated with the applicant.

The applicant was given five minutes for summing up.

The meeting adjourned at 11.15am for the sub-committee to consider its decision.

The meeting reconvened at 12.03pm and the chair advised everyone of the decision.

#### **RESOLVED:**

That the application made by Magic Sound Limited for a time premises licence (to have effect on one weekend, a Saturday and the immediately following Sunday only, between 1 June 2021 and 30 September 2023) under Section 17 of the Licensing Act 2003 in respect of the premises known as MIK K-Pop Festival, Southwark Park, South Section, Hawkstone Road, London SE16 2PE be granted as follows:

- **The provision of plays, films, live music, recorded music, performance of dance, any thing similar to live or recorded music:**
  - Saturday: 12:00 to 22:00
  - Sunday: 12:00 to 22:00
  
- **The sale of alcohol for consumption on the premises**
  - Saturday: 12:00 to 21:30
  - Sunday: 12:00 to 21:30.

- **Opening hours of the premises**

- Saturday: 12:00 to 22:15
- Sunday: 12:00 to 22:15

### **Conditions**

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 and the council's environmental protection team during the conciliation process and the following additional condition agreed by the licensing sub-committee:

1. That no vehicles or generators will be placed beneath trees and event infrastructure will not be positioned where it may be possible to damage tree roots or canopies.

### **Reasons**

This was an application made by Magic Sound Limited for a time limited premises licence, in respect of the premises known as Southwark Park, South Section, Hawkstone Road, London SE16 2PE, to have effect on one weekend (a Saturday and the immediately following Sunday) only between June 2021 and 30 September 2023, to facilitate a festival known as the 'MIK K-Pop Festival'. The application was for the provision of regulated entertainment on a Saturday and Sunday from 12:00 to 22:00, the sale of alcohol (on-sales) on a Saturday and Sunday from 12:00 to 21.30 and with proposed opening hours on both Saturday and Sunday from 12:00 to 22:15.

The licensing sub-committee heard from the representative for the applicant who advised that this was a significant and energetic application for a new event to be held in a section of a Southwark Park for a single weekend, on a Saturday and Sunday over one weekend during the summer period between June 2021 and 30 September 2023.

The event would be for K Pop music (also known as Korean Pop) which has grown in popularity in the UK over the last 10 years with artists being some of most popular acts around the globe.

They advised that there had been an extensive consultation, which had started in July 2020 and engagement would continue with the community and stakeholders even if granted. The event would be ticketed and there would be opportunities for local residents to attend, through ballot ticket schemes and/or allocation of discounted resident tickets.

The application sought to allow up to 14999 people including staff to attend the premises. There would be a strict Challenge 25 policy and 16-18 year olds would

need to provide valid identification to enter the event.

They further advised that the event safety management plan included: event risk assessment, construction phase plan, risk assessments and method statements, fire risk assessment, major incident plan (including counter terrorism measures), security and crowd management plan, medical risk assessment and plan, adverse weather plan, children and vulnerable adults safeguarding policy, transport plan, alcohol management plan, waste management plan. health and safety policy, alcohol and drug use policy, Coronavirus risk assessments and controls.

They advised that If granted, there would be over 100 conditions on the premises licence all of which had been agreed by the responsible authorities and safety advisory group. A final version of the Event Management Plan will be submitted to the safety advisory group no later than 28 days before the first event day.

The licensing sub-committee noted that representations submitted by the responsible authorities (Metropolitan Police Service and the council's environmental protection team) had been conciliated and subsequently withdrawn.

The licensing sub-committee noted the representation submitted by an other person, being a representative of a local tenants and residents association, who was not present at the meeting.

The applicant agreed that they would endeavour not sell or use single use plastics during the course of the event.

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.

**6. LICENSING ACT 2003: BIG TOWN RESTAURANTS, 302 WALWORTH ROAD, LONDON SE17 2TE**

The licensing officer presented their report. Members had questions for the licensing officer.

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

The licensing responsible authority officer addressed the sub-committee. Members had questions for the licensing responsible authority officer.

The officer for the Metropolitan Police Service addressed the sub-committee. Members had questions for the police officer.

All parties were given five minutes for summing up.

The meeting adjourned at 1.18pm for the sub-committee to consider its decision.

The meeting reconvened at 2.18pm and the chair advised all parties of the decision.

**RESOLVED:**

That the application made by Good Food Ventures Ltd (Company Number 09911032) to vary a premises licence to be varied under the Licensing Act 2003 in respect of the premises known as Big Town Restaurants,,, 302 Walworth Road, London, SE17 2TE be granted as follows:

**The sale by retail of alcohol (on sales):**

- Sunday to Saturday from 10:00 to 23:00

**The provision of late night refreshment (both indoors and outdoors):**

**On-sales:**

- Sunday to Thursday from 23:00 to 00:30.
- Friday and Saturday from 23:00 to 01:30

**Off-sales:**

- Sunday to Thursday from 23:00 to 01:00
- Friday and Saturday: 23:00 to 02:00

**Opening hours:**

- Sunday to Thursday: 07:00 to 01:30
- Friday and Saturday: 07:00 to 02:30

**Conditions**

The operation of the premises under the licence shall be subject to relevant mandatory conditions, the conditions derived from the operating schedule highlighted in Section M of the application form and the following additional conditions agreed by the licensing sub-committee:

1. That delivery drivers will park in in designated parking bays and not on residential side streets.
2. That a litter bin in placed directly outside the premises, emptied on a regular basis and removed to within the premises at the end of the trading day.
3. That regular litter picks will take place in the immediate vicinity and the final litter pick will take place when all patrons have left the premises.
4. That the applicant will provide a manager's telephone number for customers regarding concerns or complaints they may have.
5. That the premises has an accommodation limit of 50 customers, not including staff.
6. That a written dispersal policy shall be kept with the premises licence and made available to council officers and the police immediately upon request.

**Reasons**

This was an application made by Good Food Ventures Ltd (Company Number 09911032) to fully vary the premises licence granted under the Licensing Act 2003 in respect of the premises known as Big Town Restaurants, 302 Walworth Road, London, SE17 2TE.

The application was to extend the hours during which the premises would be open to the public from 07:00 to 23:00 on Monday to Sunday to 00:00 to 00:00 hours (24-hours); extend of hours for the sale by retail of alcohol for consumption on the premises from 10:00 to 22:30 hours on Monday to Sunday to 10:00 to 23:00; the provision of late-night refreshment for take-away and consumption on the premises from 23:00 to 05:00 on Monday to Sunday and finally, no regulated entertainment

of any kind.

The licensing sub-committee heard from the applicant who advised that the premises was a small family style restaurant, that offered West African dishes and that attracted an older demographic, with no history of complaints. There was already a lot of night life activity on the Walworth Road and extending the premises hours would make the business more financially viable. It could operate a late night service and put in place all relevant controls in line with Southwark's statement of licensing policy and compliant with the licensing objectives. Such controls would include implementing a hosting system within the premises, the implementation and maintenance of all necessary risk assessments and erect visible signage that provided information alerting patrons against congregating outside the premises and parking.

The licensing sub-committee heard from licensing as a responsible authority whose representation was submitted under the prevention of crime and disorder and the prevention of public nuisance licensing objectives, having had regard to Southwark's statement of licensing policy 2021 – 2026.

They advised that the premises is situated in the Elephant and Castle major town centre area and pursuant to Southwark's statement of licensing policy 2021-2026 the appropriate closing times for restaurants and cafes on Sunday to Thursday is 00:00 and for Friday and Saturday is 01:00. The closing times for takeaway establishments on Sunday to Thursday is 00:00 hours and for Friday and Saturday is 01:00. This application sought hours in excess of those recommended for restaurants and/or takeaway establishments within the policy and the applicant had not provided any reasons to convince the licensing sub-committee to divert from them. The officer recommended that the hours should reflect those detailed in the licensing policy. The officer also advised the sub-committee that the Applicant had agreed an accommodation limit of 50 patrons in addition to providing a written dispersal policy for the premises.

The licensing sub-committee then heard from the officer from the Metropolitan Police Service who objected to the application on the grounds of crime and disorder and public nuisance licensing objective. The current licence contains a minimal number of conditions to negate the extra impact 24 hour opening would have on the area. The police further objected to the granting of the licence as other premises in the vicinity with 24 hour opening have attracted crowds, anti social behaviour and serious violence. In view of this, the police saw no reason to deviate from Southwark's statement of licensing policy.

In the discussion section of the meeting the applicant informed the sub-committee that the delivery of takeaways was via Deliveroo, Uber and Just Eat. Their vehicles were generally parked on Sutherland Street, which was a residential street. The level of disturbance to residents concerned the members and the applicant agreed that they would put a "block" on the residential streets in the vicinity when instructing their delivery partners on pick ups from the premises.

The applicant also advised that none of their drinks were served in glass receptacles and that they would endeavour to not use any single use plastics in line with Southwark's statement of licensing policy 2021-2026.

Whilst members noted the applicant had another premises in the Old Kent Road, the 302 Walworth Road premises had only been issued in October 2019 therefore, much of its life the premises had been closed due to the coronavirus pandemic.

Although, neither the Elephant and Castle or Walworth Road town centre do not form part of a cumulative impact area, they have both been part of a "watch area" for at least four years, whereby the licensing committee considered data from the partnership to allow it to determine whether the threshold had been met for these areas to form a new cumulative watch area.

Similarly, the closing hours detailed in the statement of licensing policy had been established on evidence and statutory consultation. The members of the sub-committee understood the challenges the business faced in the midst of the pandemic, but felt compelled to limit the extended hours sought as the business grows so the applicant was more alive to the issues raised by the police on the Walworth Road.

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 to modify the conditions of the licence; and

Any person who made relevant representations in relation to the application who desires to contend:

- a) That the variation ought not to have been made; 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 2.28pm.

**CHAIR:**

**DATED:**