

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Wednesday 5 May 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 Dora Dixon-Fyle MBE
Councillor Charlie Smith

OTHER MEMBERS PRESENT: Councillor William Hougbo, ward councillor

OFFICER SUPPORT: Charlotte Precious, legal 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.

During the introductions at the beginning of the meeting it became apparent that the applicant and their representative were not present.

The meeting adjourned at 10.07am to allow the licensing officer time to contact the representative for the applicant. The meeting reconvened at 10.17am, on the arrival of the representative for the applicant. The legal representative explained that there had been a misunderstanding on his part regarding the date of the hearing.

The meeting then adjourned again at 10.30am to allow the legal representative for the applicant time to contact the applicant. The meeting reconvened at 11am, on the arrival of the applicant.

Everyone introduced themselves again, for the benefit of the applicant.

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. LICENSING ACT 2003: THE MILLER, MILLER OF MANSFIELD, 96 SNOWFIELDS, LONDON SE1 3SS

The licensing officer presented their report. They advised that the police had conciliated with the applicant prior to the meeting. 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 ward councillor, objecting to the application addressed the sub-committee. Members had no questions for the ward councillor.

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

All parties were given five minutes for summing up.

The meeting adjourned at 1.03pm for the sub-committee to consider its decision.

The meeting reconvened at 1.47pm and the chair advised everyone of the decision.

RESOLVED:

That the application made by Bunsmiths Ltd for a premises licence to be granted under Section 17 of the Licensing Act 2003 in respect of the premises known as The Miller, Miller of Mansfield, 96 Snowfields, London, SE1 3SS be granted as follows:

1. Plays (indoors):
 - Friday and Saturday: 23:00 to 00:00
2. Live music (indoors):

- Monday to Thursday: 23:00 to 00:00
 - Friday and Saturday: 23:00 to 01:00
3. Recorded music (indoors):
- Sunday to Thursday: 23:00 to 00:00
 - Friday and Saturday: 23:00 to 01:00
4. Performance of dance (indoors):
- Sunday to Thursday: 10:00 to 23:00
 - Friday and Saturday: 10:00 to 00:00
5. Anything of a similar description to live/recorded music (indoors)
- Sunday to Thursday: 10:00 to 23:00
 - Friday and Saturday: 10:00 to 00:00
6. Late night refreshments (indoors):
- Sunday to Thursday: 23:00 to 00:00
 - Friday and Saturday: 23:00 to 01:00
7. Supply of alcohol for consumption (on and off the premises):
- Sunday to Thursday: 11:00 to 00:00
 - Friday and Saturday: 11:00 to 01:00
8. Opening hours:
- Sunday to Thursday: 09:00 to 00:30
 - Friday and Saturday 09:00 – 01:30

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 following conditions and recommendations made by the licensing sub-committee:

1. That conciliated condition 6 shall be amended as follows:

‘That the external area will be out of use by patrons for the consumption of beverages after 22:00. Staff will then have until 22:30 to clear the area and render the outdoor seating unusable.’

2. That the premises licence holder shall operate according to a comprehensive written dispersal policy and all staff shall be trained on its implementation. The policy will be kept on the premises and will be made available to police and licensing officers at their request.
3. That a contact number for the premises will be made available and clearly displayed for residents in the event of any issues.
4. That external bottling and rubbish collections shall take place between 08:00 and 20:00.

Reasons

On 3 March 2021 Bunsmiths Ltd applied under section 17 of the Licensing Act 2003 for a premises licence in respect of the premises known as The Miller, Miller of Mansfield, 96 Snowfields, London, SE1 3SS.

The applicant's representative explained the premises had previously held a licence for many years but it had lapsed upon the death of the premises licence holder and had not been transferred within the required 28 day period. The previous licence holder had operated responsibly at the premises for a period of 15 years with his wife. Bunsmiths Ltd is a family business, the staff and the designated premises supervisor would remain the same. They had recently applied for a series of temporary event notices to allow them to operate whilst the licence had lapsed and no complaints had been received. Detailed risk management plans along with comprehensive proposed conditions were submitted along with the application.

The premises acknowledged that further restrictions had arisen since the original licence was granted, including the recommended hours that were introduced through the statement of licensing policy. In light of this and in conciliation with the police, they agreed to close external areas at 22:00, in accordance with the policy. The applicant also agreed to amend the finishing time for late-night refreshment to permit half an hour for patrons to finish their drinks and food before the premises closes.

Prior to the pandemic, the premises hired one SIA officer from 20:00 to close on Thursdays and two from 20:00 till close on Fridays and Saturdays. The premises confirmed they intend to continue this arrangement and the SIA officer(s) would be directed to tell patrons to be mindful of the local residents upon leaving the premises and the surrounding area.

A councillor of the local area and five residents made representations at the hearing. They primarily voiced concerns in respect of public nuisance and crime and disorder. They were concerned about the noise that would be generated from late night operating hours as well as patrons noisily exiting the premises and urinating, vomiting and defecating in and around the nearby residences and their communal areas.

The sub-committee noted that the Metropolitan Police Service had withdrawn their objection after further conditions were conciliated, nevertheless they were mindful of the representations made by local residents. The premises appeared to take the concerns on board and expressed their keenness to play a part in the community and to establish a constructive relationship with residents. The sub-committee considered making a telephone number available for residents to contact the premises would assist with this. They also recommend regular meetings between the premises and the residents to address any concerns that arise.

The sub-committee considered the use of outdoor seating after the external area of the premises has closed could be addressed by a condition rendering those tables unusable. This will ensure that the tables cannot be used after 22:30, either by patrons exiting to smoke or by those who use the tables once the pub is closed. A written dispersal policy would also assist in managing the noise and nuisance that can arise from patrons leaving the premises. The sub-committee agree with the applicant's proposal that this could be written in conjunction with the residents.

At the time cumulative impact areas were introduced, the premises was considered to be part of the cumulative effect in the area. The sub-committee do not consider it would amount to an additional contribution should the licence be granted. The premises describes itself as a public house but the sub-committee noted the premises operate events every night, namely comedy nights. They therefore consider the premises to be unique and of mixed type: a drinking establishment and an event premises.

The statement of licensing policy 2021-2026 recommends closing times for event premises that are in line with those requested. The sub-committee consider the premises to be an exception to the policy and granted the requested hours on this basis. Additionally, the applicant has proposed a suite of conditions that the sub-committee consider would mitigate concerns and promote the licensing objectives. In reaching its decision, the sub-committee had regard to all the relevant considerations and the four licensing objectives and considered 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 2.01pm.

CHAIR:

DATED: