

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 3 June 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 Margy Newens (Chair)
Councillor Sunil Chopra
Councillor Lorraine Lauder MBE

OTHER MEMBERS PRESENT: Councillor Adele Morris, ward councillor

OFFICER SUPPORT: Debra Allday, legal officer
Charlotte Precious, legal officer
Dorcas Mills, licensing officer
Wesley McArthur, licensing officer
Andrew Weir, constitutional officer

1. ELECTION OF CHAIR

Councillor Sunil Chopra nominated Councillor Margy Newens to chair the meeting. This was seconded by Councillor Lorraine Lauder MBE.

2. 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.

3. CONFIRMATION OF VOTING MEMBERS

The voting members were confirmed verbally, one at a time.

4. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

There were no late and urgent items of business.

5. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

6. LICENSING ACT 2003: GETIR LIMITED, RAILWAY ARCH 199, 85-87 BELLENDEN ROAD, PECKHAM, LONDON SE15 4QJ

The licensing officer presented their report. Members had no 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 licensing sub-committee noted the written representations from the local resident objectors, who were not present at the meeting.

The applicant was given five minutes for summing up.

The meeting adjourned at 10.40am for the sub-committee to consider its decision.

The meeting reconvened at 11.12am and the chair advised everyone of the decision.

RESOLVED:

That the application made by Getir UK Ltd for a premises licence under Section 17 of the Licensing Act 2003 in respect of the premises known as Getir UK Ltd, Railway Arch 199, 85-87 Bellenden Road, Peckham, London SE15 4QJ be granted as follows:

- Supply of alcohol for consumption off the premises:
 - Monday to Sunday: 00:00 to 00:00
- Opening hours:
 - Monday to Sunday: 00:00 to 00:00.

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 following conditions made by the licensing sub-committee:

1. That the premises licence holder will display and make easily visible a dedicated contact number for the manager on site at the premises. This telephone number will be supplied to the licensing authority and be made available to local residents to use in the event of any concerns that arise.

Reasons

On 26 March 2021 Getir UK Limited applied under Section 17 of the Licensing Act 2003 for a premises licence in respect of the premises known as Getir UK Ltd, Railway Arch 199, 85-87 Bellenden Road, Peckham, London SE15 4QJ.

The applicant's representative explained that Getir UK Ltd are an experienced operator throughout London with another premises in Southwark. The business operates very differently from well-known internet-based food delivery companies. They explained that orders are placed through their exclusive app and that orders cannot be placed by other means. They only deliver to verified businesses and residential addresses and their delivery drivers are employees rather than free-lance couriers.

The drivers are contracted to either be out on delivery or waiting within the designated waiting area inside the premises. They are not permitted to loiter. If drivers were found to be meandering or proving a nuisance, they would be disciplined and possibly dismissed. Additionally, all deliveries will be made via electrically powered bikes and mopeds that are almost silent, minimising noise and disruption to the public and local residents.

The applicant advised that there were cameras mounted outside the property but assured the sub-committee that these do not look into neighbouring properties. They also have outside lighting but this is pointed immediately down into the premises to assist drivers in navigating their way in and out of the premises. This lighting is not expected to pose a nuisance to local residents.

Alcohol sales represent a small part of the business, in some areas as small as 2% of the business. The applicant submitted the granting of an alcohol licence would cause no change to the local community. Further, they submitted their presence in the area 24 hours a day would serve as protection and a deterrent against crime.

The sub-committee were mindful of the seven written representations received but noted the premises was operating 24 hours a day in any event. None of the residents who had submitted representations were in attendance at the hearing. It was further noted that no representations had been received from responsible authorities.

The sub-committee considered the applicant to be an experienced operator who had put considerable thought into ensuring they had little to no negative impact on the local community. The applicant appeared to understand the objectors' concerns and proposed an additional condition of providing a dedicated telephone

number to the on-site manager for residents to contact in the event of any concerns. They intend to make this number available on their website and display it upon the premises. The sub-committee agreed this condition would assist in allaying the fears of local residents. The sub-committee also recommended that the applicant contact and meet its neighbours to discuss any concerns.

The sub-committee were pleased the premises used electronic bikes and mopeds as it will mitigate any noise nuisance, they also agreed the presence of a 24 hour operation would deter rather than attract crime. The sub-committee considered the addition of selling alcohol to the premises' operation would not adversely impact the promotion of the licensing objectives, nor would it add to the cumulative effect of premises within the area. The licence was granted on this basis.

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.

7. LICENSING ACT 2003: NEW HIBERNIA HOUSE, GROUND FLOOR, WINCHESTER WALK, LONDON SE1 9AG

It was noted that the applicant had withdrawn their application prior to the meeting.

8. LICENSING ACT 2003: THE LOST ESTATE, 16 GREAT GUILDFORD STREET, LONDON SE1 0HS

The licensing officer presented their report. Members had no 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 addressed the sub-committee. Members had no questions for the ward councillor.

The licensing sub-committee heard from other persons (local residents) objecting to the application. Members had questions for the local residents.

The licensing sub-committee noted the written representations of a number of other local residents objecting to the application, who were not present at the meeting.

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 2.27pm and the chair advised everyone of the decision.

RESOLVED:

That the application made by The Lost Estate for a premises licence under Section 17 of the Licensing Act 2003 in respect of the premises known as 16 Great Guildford Street, London SE1 0HS be granted as follows:

Hours

Sale of alcohol (on and off sales):	Monday to Saturday: 08:00 to 01:00 Sunday: 23:00 to 00:00
Regulated entertainment (plays, films, live & recorded music, performance of dance, & anything of a similar description):	Monday to Saturday: 08:00 to 01:00 Sunday: 08:00 to 00:00
Late night refreshment (applicable after 23:00):	Monday to Saturday: 23:00 to 01:30 Sunday: 23:00 to 00:30

Opening hours	Monday to Saturday: 08:00 to 01:30 Sunday: 08:00 to 00:30
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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 following conditions made by the licensing sub-committee:

1. That a dispersal policy be held at the premises with the premises licence and is made available upon request. All staff shall be trained in respect of the dispersal policy.
2. That there is a total accommodation limit for the premises of 290 not including staff or performers.
3. That the last performance shall start no later than 23:00.
4. That all bottling, refuse collection and deliveries will only take place between 08:00 and 20:00.
5. That a direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
6. That off-sales are limited to sealed gift boxes only.
7. That a minimum of two on-site SIA-trained security guards will be on duty from 30 minutes prior to the start of a performance, except where the performance begins at 18,00 or earlier, until 30 minutes after the end of a performance, except where the performance ends at 18.00 or earlier.
8. That the pick up point for taxis and Ubers (etc.) will be on Southwark Street.
9. That the external area shall not be used after 22:00 save for smokers, limited five persons at any one time.
10. That clear notices shall be displayed at every exit from the premises instructing customers to respect the needs of local residents and leave the premises and the area quietly.
11. That there shall be no drinking outside at any time.
12. That the management will regularly monitor external noise to ensure that it does not cause a nuisance.

13. That doors and windows to be fitted with acoustic seals and closed except for access and ingress egress.

Reasons

This was a an application made by The Lost Estate Property Ltd for a premises licence to be granted under Section 17 of the Licensing Act 2003 in respect of the premises known as The Lost Estate at 16 Great Guildford Street, London SE1 0HS.

The application was described as a performance arts venue and restaurant with restaurant and bar that would be subject to the same hours and conditions as the previous licence for the premises when it operated as Hixter, with the addition of films and plays to the permitted activities and off sales for home delivery or in sealed containers.

The licensing sub-committee heard from the applicant and their solicitor representing them, who advised that The Lost Estate was originally formed from a chamber orchestra, and created nights out that fuse theatre, live music and dining. They advised that the use of the premises was not new and that this application was not subject to the cumulative impact area policy as theatres were exempt under the Borough and Bankside cumulative impact area. The premises was also situated in a designated strategic cultural area, as identified in Southwark's statement of licensing policy, which recognised the benefits of the arts and performing arts as a visitor destination.

The applicant advised that the premises were due to open in November 2021 and received no subsidy from the Arts Council. It was not considered as a nightclub, which under the licensing policy could open until 03:00. It was also not solely a theatre, which under the licensing policy could operate until 02:0. The applicants advised that that their request for off-sales consisted solely of sealed gift boxes that contained spirits, liqueurs and mixers to make a cocktail, so were not designed for street drinking. The applicant also stated that they were in agreement with the single use plastics policy referred to in Southwark's statement of licensing policy and would not use any single use plastics.

The licensing sub-committee noted that none of the responsible authorities had submitted representations objecting to the application.

The licensing sub-committee heard from other person 1, being Councillor Morris who, as the ward councillor, acknowledged that the applicant had attempted to conciliate the application. Councillor Morris noted that whilst such activities should be encouraged, as the premises is situated in a strategic cultural area, consideration for residents had to be given.

The ward councillor stated that she had no general objection to the application and accepted that the premises should be considered under the theatre category (within the statement of licensing policy). Meanwhile she was concerned regarding

the start and finish times of any second performance. For this reason, the ward councillor suggested a condition specifying the time of the last performance and that there should be no admission after it.

The licensing sub-committee then heard from a number of other persons, all of whom were local residents. Other person 2 who stressed concern of the use of the premises as it would generate noise and large numbers of people dispersing into the narrow street below her premises. It was their view that a venue offering live music and entertainment beyond 22:15 would lead to substantial disruption to residential properties and create a public nuisance.

Other person 7 was of the view that the hours applied for were unreasonable, given the number of residential properties there were in the area and that the application demonstrated little mitigation for the potential for nuisance caused when large numbers of people leave the premises. In addition, due to the nature of the site being enclosed between the railway line, high buildings, narrow streets and alleyways in the area, the sound would potentially be greatly amplified resulting in noise nuisance during night time hours.

Other person 9 also raised concern about the noise that would emanate from the premises and that a nightclub was being described in the application. Other person 9 also mentioned traffic congestion and the noise this would create.

Finally other person 13 addressed the licensing sub-committee and stated that there was a risk of public nuisance with the proposed change of use and that it was incompatible with the mixed business and residential character of the area. Furthermore, the application presented real concerns for anyone who works normal office hours and needs to be asleep at the proposed closing time of the premises.

The licensing sub-committee also considered all of the written objections submitted by the ten other persons who were not in attendance at the meeting.

In considering this application the licensing sub-committee considered all of the information presented in the agenda, together with the oral and verbal submissions. It also had regard to Southwark's statement of licensing policy and the Home Office's Section 182 Revised Guidance, issued under Section 182 of the Licensing Act 2003 (April 2018).

This application is granted but the sub-committee attached conditions to it, taking into account the residents' concerns and to promote the licensing objectives.

It was also noted that the applicant also stated that they would be agreeable to meet with local residents on a quarterly basis to discuss any on-going concerns.

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
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9. LICENSING ACT 2003: 176 - 178 OLD KENT ROAD, LONDON SE1 5TY - TEMPORARY EVENT NOTICE

It was noted that the police had withdrawn their objection to this temporary event notice prior to the meeting.

The meeting ended at 2.35pm.

CHAIR:

DATED: