

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 17 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 Renata Hamvas (Chair)
Councillor Dora Dixon-Fyle MBE
Councillor Kath Whittam

OFFICER SUPPORT: Charlotte Precious, legal officer
Wesley McArthur, 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 no late and urgent items of business.

It was noted that item 6 had been conciliated prior to the meeting.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003: MALTBY RESTAURANT, 40 MALTBY STREET, LONDON SE1 3PA

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 sub-committee noted the written representations of the other persons (local residents), who were not present at the meeting.

The applicant was given five minutes for summing up.

The meeting adjourned at 10.34am for the sub-committee to consider its decision.

The meeting reconvened at 10.59am and the chair advised everyone present of the decision.

RESOLVED:

That the application made by Gergovie Wines Ltd for a premises licence to be varied under Section 34 of the Licensing Act 2003 in respect of the premises known as Maltby Restaurant, 40 Maltby Street, London, SE1 3PA be granted as follows:

The operating hours and hours permitted for licensable activities are amended as follows:

- Sale by retail of alcohol to be consumed on/off the premises:
 - Monday and Tuesday: 10:00 to 22:30
- Opening hours:
 - Monday and Tuesday: 10:00 to 23:00

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 additional conditions as agreed by the licensing sub-committee:

1. That on Mondays and Tuesdays the outside area shall be cleared of patrons by 22:00. Clearing up of the outside area by staff shall be completed by 22:30.

Reasons

On 13 April 2021, Gergovie Wines Limited applied under section 34 of the Licensing Act 2003 to vary the premises licence issued in respect of the premises known as Maltby Restaurant, 40 Maltby Street, London, SE1 3PA.

The applicant explained the licence was originally granted in 2010, the premises predates much of the neighbouring residents and businesses but they consider themselves to be conscientious to those around them. They stop selling alcohol at 23:00 and all patrons have to leave by 23:30. The application is to allow them to operate 7 days a week, including Mondays and Tuesdays.

The applicant considered the objectors had confused their premises with the market next door, which is a separate entity. They do not sell open containers of alcohol, even though they are temporarily permitted to by the Business and Planning Act 2020. They only have 4 tables outside of the premises, to which no food is allowed to be ordered after 21:30 with alcohol stopping at 22:00. The applicant has only received one complaint in their 11 years of operating, this concerned a member of staff who played loud music whilst cleaning after customers had left. The complaint was dealt with and has not been repeated.

The sub-committee noted the Metropolitan Police had withdrawn their representation. Four representations were submitted by local residents; whilst none were in attendance at the hearing, the sub-committee were mindful of the objections raised. The nearby market appears to be responsible for much of the residents' concerns such as the sale of open containers of alcohol, permitted temporarily by the Business and Planning Act 2020, and the consequent noisy gathering on nearby pavements.

The sub-committee considered a condition closing the outside area of the premises on Mondays and Tuesdays would prevent further accumulation of noise, nuisance and disorder in the area.

The sub-committee had regard to the council's statement of licensing Policy 2021-2026 which recommends a closing time of 23:00 daily for such premises. The licence was granted on this basis.

In reaching this decision, the sub-committee had regard to all of 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 desire to contend that:

- a) The variation ought not to be granted; 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.

6. LICENSING ACT 2003: FOREVERGOOD, 54 DRUID STREET, LONDON SE1 2EZ

It was noted that this item had been conciliated prior to the meeting.

The meeting ended at 11.05am.

CHAIR:

DATED: