

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 29 July 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 Maria Linforth-Hall
Councillor Adele Morris (Reserve)

OTHERS PRESENT: P.C. Graham White, Metropolitan Police Service

OFFICER SUPPORT: Debra Allday, legal officer
Charlotte Precious, legal officer
Andrew Heron, licensing officer
Justin Williams, 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.

Apologies were received from Councillor Dora Dixon-Fyle MBE.. Councillor Adele Morris was in attendance as the reserve member.

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: ARCH 18, ARCH 18 ANGEL LANE, LONDON SE17 3FR

The licensing officer presented their report. They advised that the responsible authorities had conciliated with the applicant.

They also advised that there had been an issue with the planning consultation but the planning application had been granted.

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

The meeting adjourned at 11.35am for a short comfort break. The meeting reconvened at 11.41am.

All parties were given up to five minutes for summing up.

The meeting adjourned at 11.52am for the sub-committee to consider its decision.

The meeting reconvened at 12.38pm and the chair advised everyone of the decision.

RESOLVED:

That the application made by Better World Brewing Pool Limited for a premises licence to be granted under Section 17 of the Licensing Act 2003 in respect of the premises known as Arch 18, Angel Lane, London SE17 3FR be granted as follows:

- The sale by retail of alcohol (both on and off on sales):
 - Monday to Friday: 12:00 to 22:00
 - Saturday: 10:00 to 22:00
 - Sunday: 11:00 to 21:00

- Opening hours:
 - Monday to Friday: 08:00 to 22:30
 - Saturday: 08:00 to 22:30
 - Sunday: 09:00 to 21:30.

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 licensing authority during conciliation and the following additional conditions agreed by the sub-committee:

- 1) That all windows shall be closed at all times.
- 2) That all doors shall be closed at all times with the exception of ingress and egress.
- 3) That deliveries shall take place between 08:00 and 20:00 (Monday to Saturday) and between 10:00 and 15:00 (Sundays). No deliveries shall take place on bank holidays.
- 4) That no external bottling shall take place between 08:00 and 20:00 hours (Monday to Saturday) and between 10:00 to 15:00 (Sundays). No external bottling shall take place on bank holidays.
- 5) That waste shall be collected between 08:00 and 20:00 (Monday to Saturday) and between 10:00 and 15:00 (Sundays). No waste collections shall take place on bank holidays.
- 6) That the premises shall display notices warning patrons that off-sales must not be consumed publicly on the Manor Park Depot site.
- 7) That the premises will use their best endeavours not use Single use plastics.
- 8) That the premise shall provide a telephone number to residents.
- 9) That quarterly meetings shall take place between the premises and residents' association.
- 10) That the premises shall provide a suitable receptacle for smokers to dispose of cigarette butts.
- 11) That the external area shall be kept clear of all rubbish.

Reasons

This was an application made by Better World Brewing Pool Limited for a new premises licence, submitted under Section 17 of the Licensing Act 2003, for a premises licence in respect of the premises known as Arch 18, Angel Lane, London SE17 3FR.

The licensing sub-committee heard from the applicant's representative who advised that Arch 18 was a single storey railway arch. The applicant intended to open the premises as a craft beer taproom (bar) and bottle shop (off licence) and also planned to sell coffee, tea and other items from a small range of local suppliers. The premises would have a limited capacity of 35 patrons. The applicant had invested heavily in the premises and wished to create a relaxing atmosphere. The entire operation would be inside the premises, with no outdoor seating. Noise would not emanate from the premises and only background music would be played. In addition, they advised that the premises were on a major thoroughfare underneath a main train line.

Regarding the objections raised by the other persons, particularly the concerns of crime and disorder, they advised that the applicant's presence on the development would be the best form of security. To support this, neither the police nor any other responsible authority now objected to the application. The benefits in allowing the application outweighed the negatives and would contribute to the vibrancy of the area.

On questioning regarding the council's policy in relation to single use plastics, the applicant confirmed that they were aware of the policy and would comply. They advised that they were a carbon neutral business and to date had eliminated 95% of plastic from use in their business.

The applicant was agreeable to the additional conditions suggested by the licensing authority and the Metropolitan Police Service.

The licensing sub-committee heard from six of the other persons, namely parties A, B, C, E, L, O and W. Party W also read out a statement from party F.

They advised that the Manor Place Depot was a quiet residential development and that was the reason so many of the objectors purchased their properties there. The development was not as busy and vibrant as Elephant Park. They added that trains took seconds to pass by the development.

Many purchased properties on the ground floor with outdoor play areas backing on to Angel Lane, with the intention of starting families. The opening of a licensed premise in the development would lead to residents suffering both directly and indirectly. Patrons under the influence of alcohol would be more inclined to shout expletives.

Furthermore, the applicant could provide no guarantee that noise would not be

heard coming from the premises. The other persons requested that if the licensing sub-committee were minded to grant the licence, that a condition be added, requiring that the applicant's premises licence be automatically terminated in the event that Better World Brewing should terminate their occupation at Arch 18.

The licensing sub-committee noted the representations from 17 other persons who were not present.

Most of the objections received from the other persons referred to the planning application that was determined on 13 May 2021. Licensing is a completely separate regime to planning. Each regime involves consideration of different (albeit related) matters.

Southwark's statement of licensing policy 2021-2026 recognises this and paragraph 101 of the policy acknowledges that whilst the two are completely separate regimes, the licensing sub-committee would try to ensure its decisions align with planning consents.

The members of the licensing sub-committee were sympathetic to the local objectors (other persons), who inferred that they had relied on the representations made by developers who stated that no licensed premises (in terms of public houses and bars) would open on the development. However, these are not considerations for this licensing sub-committee and aggrieved objectors should take the matter up with the developer and/or planning authority.

The licensing sub-committee is also somewhat limited in conditions it can attach to the premises licence. Conditions must be necessary, appropriate and proportionate.

Paragraph 14.12 of the Home Office Revised Guidance issued under Section 182 of the Licensing Act 2003 (April 2018) specifies that: "Conditions are to be focused on matters which are within the control of individual licence holders".

Furthermore, paragraph 14.13 states that: "Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual concerned".

The suggestion of not allowing the licence in perpetuity would be unlawful. The objectors should feel assured that any application to transfer the licence to another operator will be scrutinised by the Metropolitan Police Service. Any objection made by the police would then be considered and determined by the licensing sub-committee.

The licensing sub-committee is confident that with the additional conditions provided in this determination, there will be a suite of robust conditions in place to help ensure that the premises will not cause disturbance or disruption to the residents.

If residents find the operation of the premises undermines the licensing objectives, they may apply to have the premises licence reviewed, which ultimately could result in the revocation of the licence.

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: APPLICATION FOR A PERSONAL LICENCE

The sub-committee noted the open report and considered the information in the closed agenda.

RESOLVED:

That the application for a personal licence issued under the Licensing Act 2003 be granted..

The reasons for the decision are set out in the closed minutes.

7. LICENSING ACT 2003: APPLICATION FOR A PERSONAL LICENCE

EXCLUSION OF PRESS AND PUBLIC

It was moved, seconded and

RESOLVED:

That the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in categories 1 and 2 of paragraph 10.4 of the Access to Information Procedure Rules of the Southwark Constitution.

The following is a summary of the decisions taken in the closed section of the meeting.

The licensing sub-committee considered the closed information relating to this report and agreed to grant the personal licence.

The meeting ended at 1.40pm.

CHAIR:

DATED: