

## Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 12 August 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 Margy Newens  
Councillor Charlie Smith

**OFFICER SUPPORT:** Toyin Calfos, legal officer  
Titilope Hassan, legal trainee (observing)  
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.

**4. DISCLOSURE OF INTERESTS AND DISPENSATIONS**

There were none.

**5. LICENSING ACT 2003: IVANY STORE, UNIT 1, 7 FARRELL COURT, ELEPHANT ROAD, LONDON SE17 1LB**

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 business partner of other person who objected to the application addressed the sub-committee. Members had questions for the business partner of the other person, objecting to the application.

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

The meeting adjourned at 10.56am for the sub-committee to consider its decision.

The meeting reconvened at 11.15am and the chair advised everyone of the decision.

**RESOLVED:**

That the application made by Ivany Limited for a premises licence to be granted under Section 17 of the Licensing Act 2003, in respect of the premises known as Ivany Store, Unit 1, 7 Farrell Court, Elephant Road, London SE17 1LB be granted as follows:

The sale by retail of alcohol (off sales)	Monday to Sunday: 10:00 to 22:00
Opening hours	Monday to Sunday: 10:00 to 22:00

**Conditions**

The operation of the premises under the licence shall be subject to relevant mandatory conditions, conditions derived from the operating schedule highlighted in Section M of the application form and the conditions agreed with the Metropolitan Police Service and the Licensing Unit during the conciliation process.

## Reasons

The licensing sub-committee heard from the licensing officer who explained that the Metropolitan Police Service and the Licensing Unit had withdrawn their objections to this application after the applicant had agreed, through conciliation to a number of conditions. Those conditions included amongst other things, that all 'off sales' of alcohol shall be provided in sealed containers and that 'off sales' of alcohol should not be opened and consumed in the vicinity of the premises. The applicant agreed to having clear and legible signage, which will be prominently displayed where it can be easily seen, and read, requesting that off sales of alcohol should not be opened and consumed in the vicinity of the premises. The applicant also agreed that the premises would not sell, or offer to sell, or display beer or cider in single cans or multi packs with an ABV of above 6.5%.

The licensing officer confirmed that there was one objector. His objections fell loosely within the licensing objectives of crime and disorder and prevention of public nuisance. Additionally, his objections also concerned the lease and planning permissions. He was of the view that the lease did not allow the applicant to sell alcohol from the premises and that the premises did not have the correct planning permissions in place to sell alcohol.

The licensing officer pointed out that the licensing sub-committee could not take into consideration leasehold issues or planning issues between the objector and the applicant, but they would consider his objections in the context of the licensing objectives.

The licensing sub-committee heard from the applicant's representative. He explained that Ivany Store is to be a small convenience store. He said that there would not be an opportunity to drink inside the store due to the conditions within the premises and that the sale of alcohol would be ancillary to other sales. He opined that alcohol floor space equated to no more than 20% of the business. He said it was not their intention to sell individual beers to members of the public. He also pointed out that the lease did not expressly bar the applicant from selling alcohol despite the representations made by the objector. He confirmed that all members of staff are experienced in that the applicant had another store nearby which sold alcohol.

The licensing sub-committee heard from the applicant. She stated that she had been running Ivany Store for the last 3 years. She confirmed that she and her father both had personal licences and that her sister was in the process of applying for a licence. She agreed that she would only carry out licensable activities when a personal licence holder is present on the premises. She also undertook not to use single use plastics wherever possible.

The licensing sub-committee heard from the representative of the objector. He was concerned about how the granting of a licence would impact him and his other business ventures within the arch. He wanted assurances that the premises would be managed properly. He explained that there were a number drug users who would hang around the premises. He was concerned their presence outside the

arch would become entrenched if they knew they could obtain alcohol from within the arch.

He explained that he had a sublease with Ivany Store and he believed that Ivany Store would have to apply for a change of use under the planning provisions. He could not say whether the lease directly prohibited the sale of alcohol.

The Chair of the licensing sub-committee reminded the objector's representative that he could ask for the license to be reviewed if he felt that the premises was not being managed in accordance with its conditions.

The licensing sub-committee formed the view that the objections put before the sub-committee had been allayed by the applicant agreeing to conditions put forward by the Metropolitan Police Service, the licensing responsible authority and by agreeing to only carry out licensable activities from the premises when a personal licence holder is present.

In reaching this decision, the licensing sub-committee had regard to all the relevant considerations, the four licensing objectives and; considered that its decision was appropriate and proportionate in all the circumstances.

### **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.

The meeting ended at 11.20am.

**CHAIR:**

**DATED:**