

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 6 January 2022 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 Adele Morris
Councillor Margy Newens

OFFICER SUPPORT: Charlotte Precious, legal officer
Andrew Heron, 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: PECKHAM CELLARS LIMITED, 75 CAMBERWELL CHURCH STREET, LONDON SE5 8TU**

The licensing officer presented their report. Members had questions for the licensing officer.

The applicant and their legal representative addressed the sub-committee. Members had questions for the licensing officer and their legal representative.

Other person A, a local resident making representations against the application, addressed the sub-committee. Members had questions for Other Person A.

The sub-committee noted the written representation of Other Person B, a local resident objecting to the application.

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

The meeting adjourned at 10.55am for the sub-committee to consider its decision.

The meeting reconvened at 11.32am and the chair advised everyone of the decision.

RESOLVED:

That the application made by Peckham Cellars Limited for a premises licence to be granted under Section 17 of the Licensing Act 2003 in respect of the premises known as Peckham Cellars Limited, 75 Camberwell Church Street, London, SE5 8TU be granted as follows:

1. Supply of alcohol for consumption on the premises:
 - Monday to Saturday: 11:00 to 22:30
 - Sunday: 11:00 to 19:30
2. Supply of alcohol for consumption off the premises:
 - Monday to Saturday: 11:00 to 23:00
 - Sunday: 11:00 to 20:00

3. Opening hours:

- Monday to Saturday: 11:00 to 23:00
- Sunday: 11:00 to 20:00

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, conditions agreed during the conciliation process with the licensing authority and the following additional conditions as agreed by the licensing sub-committee:

1. That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV System must be capable of capturing a clear facial image of every person who enters the premises.
2. That all CCTV footage be kept for a period of 31 days and shall on request be made immediately available to officers of the police and the council.
3. That a member of staff should be on duty at all times the premises is open that is trained in the use of the CCTV and able to view and download images to a removable device on request of police or council officer.
4. That all staff are trained in their responsibilities under the licensing act 2003 and training records to be kept and updated every six months and shall, upon request, be made immediately available to officers of the police and the council.
5. That all off sales of alcohol shall be sold in sealed containers, save for to any areas which have the benefit of a pavement licence.
6. All sale of alcohol for consumption on the premises, or in an area with the benefit of a pavement licence, shall be by waiter/waitress service.
7. That clear legible signage shall be prominently displayed where it can be easily seen and read, requesting that 'off sales' of alcohol are not opened and consumed in the vicinity of the premises.
8. That a challenge 25 scheme shall be maintained at the premises requiring that staff selling alcohol request that any customer who looks under 25 years old, and who is attempting to purchase alcohol, provides valid photographic identification proving that the customer is at least 18 years old. Valid photographic identification is composed of a driving licence, passport, UK armed services ID card and any Proof of Age Standards Scheme (PASS) accredited card such as the Proof of Age London (PAL) card.

9. That all staff involved in the sale of alcohol shall be trained in the prevention of sales of alcohol to underage persons, and the challenge 25 scheme in operation. A record of such training shall be kept / be accessible at all times and be made immediately available for inspection to council or police officers on request. The training record shall include the trainee's name (in block capitals), the trainer's name (in block capitals), the signature of the trainee, the signature of the trainer, the date(s) of training and a declaration that the training has been received.
10. That clearly legible signs shall be prominently displayed where they can easily be seen and read by customers stating to the effect that a challenge 25 policy is in operation at the premises, that customers may be asked to provide proof of age and stating what the acceptable forms of proof of age are. Such signage shall be displayed at all entrances, points of sale and in all areas where alcohol is displayed for sale. The signage shall be kept free from obstructions at all times.
11. That a register of refused sales of alcohol shall be maintained in order to demonstrate effective operation of the challenge 25 policy. The register shall be clearly and legibly marked on the front cover as a register of refused sales, with the address of the premises and with the name and address of the licence holder. The register shall be kept/ be accessible at the premises at all times. The register shall be made immediately available for inspection at the premises to council or police officers on request.
12. That no noise generated on the premises, or by its associated plant or equipment shall emanate from the premises, nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
13. 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.
14. That patrons shall not be permitted to use the external area of the premises (as defined on the premises plan) after 22:00 Monday to Saturday, 20:00 Sunday until 11:00 the following day, apart from access and egress and those who temporarily leave to smoke.
15. That there shall be no external disposal of glass between 20:00 and 08:00.
16. That the premises will not use single use plastics wherever possible.
17. That the premises shall signpost patrons to use public transport, to leave the area quietly and not to congregate in front of the premises.
18. That the capacity of the premises shall be 50 exclusive of staff, including the external area of the premises.

19. That no alcohol is to be consumed in the external area of the premises unless patrons are seated.
20. That all external furniture must be rendered unusable or taken inside within half an hour of the external area closing.
21. That bins are to be provided for cigarette disposal and the external area of the premises must be swept upon closing.

Reasons

On 2 November 2021 Peckham Cellars Limited applied under section 17 of the Licensing Act 2003 for a new premises licence in respect of the premises known as Peckham Cellars Limited, 75 Camberwell Church Street, London, SE5 8TU.

The applicant proposed a mixed use of the premises: part wine bar with small plates of food and part wine shop selling wines that can't be found in a supermarket. They advised that there would be space for 13 people to be seated inside and 15 outside. They added that this would be a small bar that would not attract large groups drinking, particularly given the price of the drinks. Glasses of wine will be served in measurements of 125ml, the smallest measure. The cheapest bottle of wine will cost approximately £30 and they will not sell draft lager or the usual brands. Service will be by table-service only, the overall capacity is very small and the premises will close well before midnight.

A comprehensive suite of proposed conditions was submitted along with a dispersal policy. The applicant confirmed they had no access to an outside garden.

One resident was in attendance. He expressed concerns regarding noise nuisance in the area caused by the increase in premises and patrons using outside spaces. He was also concerned about the accumulation of rubbish, particularly cigarette waste.

The licensing sub-committee noted that the licensing authority had withdrawn their representation and no other responsible authorities had made representations in respect of this premises. The sub-committee were mindful of the objections raised both in writing and by the resident in attendance. The premises appeared to take objectors concerns on board and expressed their keenness to play a part in the community and establish a constructive relationship with residents.

The resident's concerns in respect of cigarette waste and other rubbish could be addressed by the provision of bins for cigarette ends and a condition requiring the premises to sweep their external area upon closing. The sub-committee considered public use of outdoor seating after external areas of the premises had closed would contribute to the noise nuisance in the area. This could be addressed by a condition rendering those tables unusable. The written dispersal policy will also assist in managing the noise and nuisance that can arise from patrons leaving the premises.

The sub-committee noted there was a discrepancy in the dispersal policy regarding last orders. The applicant agreed that this would be rectified. It is recommended the following wording would be appropriate: ‘...This also applies to the outside area where last orders will be served by 21:30 Monday to Saturday and 19:30 on Sunday’.

Whilst the premises is in the Peckham cumulative impact Area, paragraph 162 of the statement of licensing policy (SOLP) 2021-2026 details factors the sub-committee may take into account in demonstrating there will be no impact on the area. The premises is small and will not operate past 23:00 Monday to Saturday and 20:00 Sunday. The sub-committee noted the extensive conditions proposed by the premises and considered they would mitigate concerns and promote the licensing objectives. Furthermore, the hours proposed are within those recommended by the SOLP.

It is on this basis that the application was granted. 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 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 11.38 am.

CHAIR:

DATED: