

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 17 March 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 Charlie Smith
Councillor Kath Whittam

OFFICER SUPPORT: Debra Allday, 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.

4. **DISCLOSURE OF INTERESTS AND DISPENSATIONS**

There were none.

5. **LICENSING ACT 2003: PECKHAM FOOD AND WINE, 176 PECKHAM HIGH STREET, PECKHAM, LONDON SE15 5EG**

It was agreed that this item be postponed to a future date (to be confirmed) as requested by the applicant's legal representative.

6. **LICENSING ACT 2003: 97 - 99 COMMERCIAL WAY, PECKHAM, LONDON SE15 6DB**

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 applicant and their legal representative.

It was noted that the responsible authorities had conciliated with the applicant prior to the hearing.

The licensing sub-committee noted the written representations from the other persons objecting to the application.

The applicant and their legal representative were given five minutes for summing up.

The meeting adjourned at 10.36am for the sub-committee to consider its decision.

The meeting reconvened at 11.01am and the chair advised everyone of the decision.

RESOLVED:

That the application made by Mr Jeyendran Alakendran for a premises licence to be granted under s.17 of the Licensing Act 2003 in respect of the premises known as of 97 – 99 Commercial Way, Peckham, London SE15 6DB be granted as follows:

- The sale of alcohol to be consumed off the premises
 - Monday to Sunday: 07:00 to 23:00

- Opening hours:
 - Monday to Sunday: 07:00 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 conditions agreed with the responsible authorities during the conciliation process.

Reasons

This was an application made by Mr Jeyendran Alakendran for a premises licence in respect of the premises known as of 97 – 99 Commercial Way, London SE15 6DB.

The licensing sub-committee heard from the applicant and his legal representative who advised that the premises would be a local convenience store selling day to day products to the locals such as groceries, confectionaries and alcohol. The operation would be a franchise of Londis and the proposed hours of operation and opening hours would be for the sale of alcohol (off sales), Monday to Sunday: 07:00 to 23:00. They stated that these hours were in line with Southwark's statement of licensing policy framework hours and the premises are not situated in a cumulative impact area.

On questioning, the applicant advised that they would avoid using single use plastic where possible.

The applicant's legal representative added that a letter had been sent to the other persons (local residents) via the licensing officer on 3 March 2022. The letter advised them that the representations from the responsible authorities (police, licensing and trading standards) had been submitted based on the crime and disorder, public nuisance and safety licensing objectives. The responsible authorities had requested certain conditions to be added to the licence application before they would agree to withdraw their objections. The responsible authorities proposed conditions had been agreed and they had subsequently withdrawn their representations and raised no further concerns.

The agreed conditions would assist the applicant to ensure they fully promoted the licensing objectives and that the premises would run in accordance with the Licensing Act 2003 and other legislation. The other persons were provided with a copy of these conciliated conditions and it was hoped that this would alleviate fears the local residents may have had and would withdraw their objections. The licensing officer confirmed that he had not received any correspondence from any of the other persons to confirm this.

Due to the fact that none of the other persons (local residents) were in attendance

at the meeting, the applicant's legal representative invited the members of the sub-committee to consider that the local residents were satisfied with the measures agreed with the responsible authorities.

The licensing sub-committee noted the written representations from three other persons (parties 1 and 148, plus a petition from parties 2-147), none of whom were in attendance at the meeting.

The licensing sub-committee noted that the first signature on the petition was not on the same sheet of paper as the petition prayer. Whilst the top of each page of the petition included "Objecting Alcohol Licence 876573- For licensed outlet concentration and crime rate Objectors (please print clearly)", the sub-committee could not be certain that the signatories understood the full extent of the objection they were signing. The petition was not in the correct format as prescribed in Southwark's Petition Scheme (see: [Southwark Council Petition Scheme 2021.pdf](#)). This, in addition to the non-attendance of any of the other persons, limited weight could be attached to the other persons' objections.

The sub-committee were also unable to take into account issues of business competition that had been raised by party 2 and formed a part of the petition submitted.

In the circumstances, the licensing sub-committee agreed to grant the licence as conciliated.

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.

The meeting ended at 11.05am.

CHAIR:

DATED: