

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 16 June 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 Maria Linforth-Hall (Vice-chair, in the chair)
Councillor Barrie Hargrove
Councillor Charlie Smith

OTHER MEMBERS PRESENT: Councillor Natasha Ennin (observing)

OFFICER SUPPORT: Toyin Calfos, legal officer
Wesley McArthur, licensing officer
Andrew Weir, constitutional officer

1. ELECTION OF CHAIR

In the absence of the chair, Councillor Maria Linforth-Hall, in her capacity as the vice-chair of the licensing committee, was confirmed as the chair for this meeting.

2. 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.

3. CONFIRMATION OF VOTING MEMBERS

The voting members were confirmed verbally, one at a time.

4. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

There were no late and urgent items of business.

5. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

6. LICENSING ACT 2003: DROP WINE, 1-3 MELBOURNE TERRACE, MELBOURNE GROVE, EAST DULWICH, LONDON SE22 8RE

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

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

The licensing sub-committee noted the written objections from local residents.

The applicant and their representative had nothing to add for summing up.

The meeting adjourned at 10.32am for the sub-committee to consider its decision.

The meeting reconvened at 10.52am and the chair advised everyone of the decision.

RESOLVED:

That the application made by Hayley's Wines Limited for a premises licence to be granted under Section 17 of the Licensing Act 2003, in respect of the premises known as Drop Wine, 1-3 Melbourne Terrace, Melbourne Grove, East Dulwich, London SE22 8RE be granted as follows:

Supply of Alcohol (On an Off Sales)	Sunday to Wednesday: 09:00 to 21:30 Thursday to Saturday: 09:00 to 22:30
Opening hours	Sunday to Wednesday 09:00 to 22:00 Thursday to Saturday 09:00 to 23:00

Conditions

The operation of the premises under the licence shall be subject to relevant mandatory conditions, conditions derived from the operating schedule highlighted in Parts A, B, C, E, F, G, H, I, J, K, L, and M of the amended application form, the conditions agreed with the Metropolitan Police Service during the conciliation process, and the following additional condition, as agreed by the licensing sub-committee:

1. That there shall be no deliveries, waste collection or disposal of rubbish between 20:00 and 08:00, which, replaces condition 8 in the amended application.

Reasons

The sub-committee heard from the licensing officer who outlined the basis of the application including the objections. The licensing officer explained that there had been an objection from the Metropolitan Police Service, which was withdrawn after the applicant submitted an amended application, reducing its operational hours and subjected the premises to a number of other conditions.

The licensing officer noted that the operational hours were compatible with Southwark's statement of licensing policy 2021-2026 for licensed premises in a residential area. The licensing officer went on to explain that there were four objections outstanding from residents and other interested parties, which had not been conciliated. He confirmed that the objectors were not in attendance.

The sub-committee heard from the applicant's lawyer. He explained that the premises would operate as a friendly local wine merchant, specialising in premium, interesting and hard to find wines. He said that the primary business is the retail shop and the applicant hoped to introduce a wine delivery service to local people in the area. He went on to explain that the premises would provide on and off sales of alcohol to clients who wanted to attend and try a glass of wine before buying a bottle or attend a wine tasting event or the like.

The applicant's lawyer stressed that there was no intention to operate a noisy bar like establish with loud music or a busy hub where wine would be sent out in bulk to clients far afield. He reiterated the business was a premium retail wine merchant, offering specialist wine to the local community.

The applicant's lawyer confirmed that there were no outstanding objections from the responsible authorities. He stated the applicant had tried to engage with the objectors but the objectors did not respond to the applicant directly. He went on to say, the applicant was committed to an open door policy with residents should they wish to engage and that the applicant had adopted a condition where a telephone number for a manager would be made publicly available whilst the premises is opened.

He stated that, the applicant considered the concerns raised and in response, had agreed to reduce the proposed hours of operation, had devised a dispersal policy

and will pause deliveries during the pickup hours of the local school. He went on to add that the applicant has engaged a professional courier company which has signed up to the United Nations Sustainable Development Goal 13, which involves, amongst other things, continuing to phase out the use of petrol engine vehicles and further increasing its use of bicycles and electric vehicles.

The applicant's lawyer concluded that the amended application ensured the promotion of all four licensing objectives and was compliant with Southwark's statement of licensing policy 2021 – 2026.

The sub-committee heard from the applicant. She stated the small plates of food would be provided to accompany wine tasting. The applicant confirmed that food would be offered on a complimentary and sales basis and that the food would be small plates. The applicant went on to say that the 09:00 start time might be used for future events that may require an earlier than usual start. The applicant also stated that they would work with established local businesses to ensure rubbish is collected at a reasonable hour and that their rubbish would not be allowed to pile up on the street.

The applicant was made aware of Southwark's policy in respect of single use plastics and confirmed that she would endeavor where possible, not to use single use plastics.

Having heard from the applicant's representative and the applicant, the sub-committee went on to consider the written objections. Those objections concerned the prevention of public nuisance, in particular, the potential noise caused by the delivery service, the safety of children, as there was a school nearby and public safety, as the premises is located in a residential area.

The sub-committee formed the view that these concerns had largely been allayed by the additional conditions the premises had agreed during the conciliation process and proposed an amendment to one of the conditions.

The sub-committee amended a condition in the following way:

1. That there shall be no deliveries, waste collection or disposal of rubbish between 20:00 and 08:00, which, replaces condition 8 in the amended application.

In reaching its 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:

- 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 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 10.55am.

CHAIR:

DATED: