

## Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Tuesday 8 November 2022 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 Barrie Hargrove  
Councillor Sunny Lambe

**OFFICER SUPPORT:** Toyin Calfos, legal officer  
Jayne Tear, licensing officer  
Maria Lugangira, 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.

**4. DISCLOSURE OF INTERESTS AND DISPENSATIONS**

There were none.

**5. LICENSING ACT 2003: SAYER STREET SPILL OUT SEATING, SAYER STREET, LONDON SE17 1FG**

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

The representative for the applicant's company (Lendlease (Elephant and Castle) Retail Ltd addressed the sub-committee. Members had questions for the applicant representative

Other persons objecting to the application addressed the sub-committee. Members had questions for the other persons supporting the application.

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

The meeting adjourned at 1.35pm for the sub-committee to consider its decision.

The meeting reconvened at 2.10pm and the chair advised everyone of the decision

**RESOLVED:**

**Decision**

That the application made by Lendlease (Elephant & Castle) Retail Limited for a premises licence to be granted under Section 17 of the Licensing Act 2003, in respect of the premises known as Sayer Street Spill Out Seating, Sayer Street, London, SE17 1FG, be granted as follows:

Time Limited from 14 October 2022 to 30 October 2023

The supply and sale of alcohol (on sale)	Monday to Sunday: 10:00 to 21:30
The supply and sale of alcohol (off sales)	Monday to Sunday: 10:00 to 21:30
Opening hours	Monday to Sunday: 08:00 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 following additional conditions agreed by the sub-committee:

1. That by 22:00 the outdoor furniture shall be rendered unusable or removed by 22:00 until 08:00
2. That signage shall be displayed notifying that the defined area is out of use daily between 21:30 and 08:00.
3. That The Tap Inn duty SIA will disperse the area of customers out of the area at 21:30 during peak operational days. On off-peak days, this dispersal will be conducted by the estate security team. The duty security will log via time sealed photographs that the area is clear.
4. That in the event that the outdoor furniture is not removed, each night by 22:00 the area shall be cordoned off with a pedestrian barrier by either the Tap Inn SIA or the estate security deployment, therefore covering all peak/off-peak operational days.
5. That the estate security team shall patrol regularly.
6. That the residents' hot-line number shall be re-issued to residents, for noise related complaints only after curfew. Any resulting action required from a call shall be forwarded to the duty estate security deployment in situ.

## Reasons

The sub-committee heard from the licensing officer who stated that the applicant applied for a temporary licence for 12 months following the grant of the fixed term premises licence 875420 which had expired. The licensing officer told the sub-committee that there had been 2 previous fixed term licenses in respect of the premises and that this application was for a further fixed term license. The licensing officer confirmed that she was not aware of any previous complaints in relation to this premises and that the Responsible Authorities had not raised an objection in relation to this application.

The licensing officer went confirmed the premises was situated in the Elephant and Castle major town centre area and this did not fall within the cumulative impact area. The licensing officer said the hours applied for were compatible with Southwark's statement of licensing policy 2021 – 2026.

The licensing officer explained that there had been an objection from a resident on the grounds of nuisance. The officer confirmed that there had been on-going communications between the objector and the applicant and that a five point action

plan had been presented to the objector. The licensing officer had not been informed of the outcome of those talks, but the five point plan had been submitted to the sub-committee prior to the meeting.

The sub-committee heard from the applicant's lawyer. He explained that the application was for 12 months because the applicant was reviewing its options for use of that part of the land. He went on to say, he thought it would be unlikely for there to be a further renewal application. He stated that the five point plan was in the process of implementation and, he was hopeful it would deal with the concerns raised by the objector.

He pointed out that the five point plan would not stop persons coming into the spill out area from outside the estate, but added, that a security detail could patrol the area of concern, which would prevent people from drinking and congregating there after 22:00.

The applicant's lawyer confirmed that the spill out area consisted of outdoor seating which is moveable. He suggested the furniture could be removed, but arrangements would need to be settled as to where the outdoor furniture would be stored overnight. He went on to suggest that an alternative condition would be to render the outdoor furniture unusable to the public by 22:00. He also stated there would be clear signage notifying the public that the area was out of use daily between 22:00 and 08:00.

The sub-committee heard from the applicant's events manager. He stated that with the five point plan, security could regularly patrol the area and take photographs to make sure there is tangible evidence that they were making their best effort to keep the area clear. However, he stated that it would not be in their power to close the area off completely, as members of the public had a right of access. He went on say that barriers could be placed in such a way as to render the seating area inaccessible whilst allowing the public access. He stated that the area will begin winding down at 21:30 so that the area would be cleared by 22:00.

The sub-committee also heard from the applicant's witness who confirmed that whilst the land was owned by the applicant it was believed that the public had a right of access on it. It was not clear who maintained the land. She went on to confirm that whilst the outdoor furniture is moveable, and there was available space on the estate, space had not been allocated at this time.

She believed the issue was caused by members of the public coming on to the site and unstacking furniture which had been previously put away and; then using that area to congregate and drink.

This witness went on to state that the applicant has a sustainable policy which was imposed on all of their retailers to ensure that single use plastics were not used where ever possible and stated that the policy encouraged the withdrawal of single use plastics.

The sub-committee heard from the objector. He said that prior to the pandemic the area which is a cul-de-sac, was used a turning point for vehicles and that there was no outdoor furniture. During the pandemic, the applicant used the area to provide outdoor seating. He stated that in September 2021 he approached the applicant, as he was concerned about nuisance.

He stated that noisy drinkers were using the spill out area outside the terms of the licence conditions. He said the applicant was responsive to concerns raised, and in turn, devised an action plan to remedy the nuisance. He stated that nuisance persisted as tables and chairs were being used after the 22:00 cut off period. The objector referred to photographs he had submitted as part of his objection.

He stated that up until the summer of this year, the tables and chairs were of a type that could be taken and put away, but that was not done consistently by the applicant. He stated that after the summer, the tables and chairs were replaced with much more fixed furniture which was not foldable or easily removable. Whilst he accepted that sometimes, people using the area after 22:00 came from the Walworth Road, he stated that he witnessed patrons from the Tapp Inn also using the area after 22:00.

The objector was concerned that the applicant had leased a space to a new establishment very close to the premises and that those patrons will significantly increase the volume of people drinking and using the spill out area.

He felt that the five point plan was a step in the right direction as there would now be a dedicated person who would take responsibility for nuisance arising out of that area. He stated that the applicant had been more proactive than previously, in dealing with the issue of nuisance. He went on to say that he felt assured that the applicant had taken appropriate steps to alleviate the nuisance and was hopeful for the five point plan. He went on to express concerns about the area being designated as a permanent outdoor drinking space.

It was confirmed by the applicant's lawyer that the grant of the licence would give the applicant another level of control as to when alcohol is supplied and when the spill area will shut down. He submitted that this in turn would promote the licensing objectives. It also noted that the application was compliant with Southwark's statement of licensing policy 2021 – 2026 and that the responsible authorities had not raised an objection.

The licensing sub-committee were persuaded that granting the licence would promote the licensing objectives as the applicant could take measures to control the nuisance complained of.

The sub-committee formed the view that the objection put, would be allayed by imposing the conditions suggested to the objector and that those conditions would help to alleviate the nuisance.

The sub-committee added an a further condition that outdoor furniture is to be rendered unusable or removed by 22:00 until 08:00 as it formed the view that this condition would go to the heart of the cause of the nuisance.

In reaching its decision, the sub-committee had regard to all of the relevant considerations and the four licensing objectives and considered that its 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 1.40pm.

**CHAIR:**

**DATED:**