

## Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 24 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 Jane Salmon  
Councillor Andy Simmons

**OFFICER SUPPORT:** Debra Allday, legal officer  
Jayne Tear, 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.

### 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 none.

#### 4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

#### 5. LICENSING ACT 2003: ROCA CAFÉ, 188 GRANGE ROAD, LONDON SE1 3AA

The licensing officer presented their report. It was noted that the responsible authorities had conciliated with the applicant. Members had no questions for the licensing officer.

The meeting adjourned at 10.20am as the applicant had technical issues. The meeting reconvened at 10.34am.

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

The written representations of the other persons objecting to the application were noted.

The applicant was given five minutes for summing up.

The meeting adjourned at 10.46am for the sub-committee to consider its decision.

The meeting reconvened at 11.00am and the chair advised everyone of the decision.

#### **RESOLVED:**

##### **Decision**

That the application made by Turker Akcil for a premises licence to be granted under Section 17 of the Licensing Act 2003, in respect of the premises known as Roca Café, 188 Grange Road, London SE1 3AA be granted as follows:

- The sale by retail of alcohol (on and off the premises):
  - Monday to Sunday from 12:00 to 22:00
- Opening hours:
  - Monday to Wednesday from 07:00 to 22:30
  - Thursday and Friday from 12:00 to 22:30
  - Saturday from 07:00 to 22:30
  - Sunday to 08:30 to 22:30

## **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, the conditions agreed with the Metropolitan Police Service and trading standards and the following additional condition agreed by the sub-committee:

1. That no more than five customers shall be permitted outside to smoke at any one time.

## **Reasons**

This was an application made by Turker Akcil for a premises licence to be granted under Section 17 of the Licensing Act 2003, in respect of the premises known as Roca Café, 188 Grange Road, London SE1 3AA.

The licensing sub-committee heard from the applicant who advised that they had previously held a premises licence from 2015 to 2018, which allowed the service of alcohol. During the premises licence history, there were no issues and no complaints. The licensing officer confirmed this. The premises licence was surrendered in 2018, as the applicant's business partner did not want to operate a business that served alcohol.

The applicant did not propose operating the premises as a vertical drinking establishment. He was now a sole trader and wanted to replicate the previous business concept. He advised that he wanted to offer a casual dining experience with alcohol served to compliment food. The premises has a small capacity of 28 seated customers. However, it had never reached the maximum capacity. The applicant also stated that the layout of the premises meant that it could never be physically extended.

The applicant advised that he would offer takeaway service via Uber Eats (etc.) and when asked about issues of delivery drivers obstructing the pavements, the applicant stated that he had already made arrangements with the delivery driver operators to park in Fendall Street which was approximately five metres away from his premises and had plenty of parking space.

The applicant confirmed that he did not use any single use plastics, in compliance with Southwark's statement of licensing policy 2021-2026 and the takeaway containers were made out of cardboard.

The licensing sub-committee noted the representations from two other persons who were not in attendance at the meeting. Both other persons objected to the application based on the prevention of crime and disorder and the prevention of public nuisance licensing objectives.

The licensing sub-committee noted that the Metropolitan Police Service and trading standards had both conciliated with the applicant, having agreed additional conditions.

In considering the application, the licensing sub-committee noted that the premises was located in a residential area, but not in a cumulative impact area. There was therefore, no rebuttable presumption that a new premises licence would add to any existing cumulative impact. The premises was also small, with a maximum of 28 covers; it was also not physically possible to extend the size of the premises. The applicant did not operate late and the hours applied for were within those recommended in Southwark's statement of licensing policy.

It was noted that the responsible authorities had conciliated with the applicant and the sub-committee considered that the additional conditions would mitigate the concerns raised by the other persons. In view of the premise being located in a residential area, the sub-committee felt it was appropriate and proportionate to add a condition relating to smokers, so that the applicant could regulate this.

In reaching this decision the licensing 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 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 11.03am.

**CHAIR:**

**DATED:**