

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Tuesday 31 January 2023 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 Sunny Lambe
Councillor Margy Newens

**OFFICER
SUPPORT:** Debra Allday, legal officer
Barry O'Callaghan, licensing officer
Ray Moore, trading standards officer
Paul Newman, environmental protection officer
Andrew Weir, constitutional officer

1. APOLOGIES

This was a virtual licensing sub-committee meeting.

The meeting opened at 10.15am. The meeting then adjourned at 10.20am as the applicant was having technical issues. The meeting then reconvened at 10.36am.

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 or urgent items of business.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003: ANGEL GROCERY, 14 COLEMAN ROAD, LONDON SE5 7TG

The meeting opened at 10.15am. The meeting then adjourned at 10.20am as the applicant was having technical issues. The meeting then reconvened at 10.36am.

The chair of the licensing sub-committee informed the parties present that because the applications of Angel Grocery (14 Coleman Road, SE5 7TG) and St Georges Tavern (14 Coleman Road, SE5 7TG) were made by the same applicant and the representations were made by (non-responsible authority) other persons, the sub-committee would hear both applications together, but determine each application separately, each on its own merits. This was accepted by all parties present.

The licensing officer presented their report and advised that the police and licensing authority had withdrawn their representations for both items. 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 meeting adjourned at 12.03pm for a comfort break. The meeting reconvened at 12.15pm.

The trading standards officer addressed the sub-committee. Members had questions for the trading standards officer.

The environmental protection officer addressed the sub-committee. Members had no questions for the environmental protection officer.

The licensing sub-committee heard from other persons objecting to the application. Members had questions for the other persons.

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

The meeting adjourned at 1.40pm for the sub-committee to consider its decision.

The meeting reconvened at 2.30pm and the chair advised everyone of the decision.

RESOLVED:

That the application made by Franima Angel Limited for a premises licence to be granted under Section 17 of the Licensing Act 2003 in respect of the premises known as Angel Grocery, 14 Coleman Road, London SE5 7TG is granted.

Hours

The supply of alcohol: Monday to Sunday: 10:00 to 22:00

Opening hours: Monday to Sunday: 10:00 to 22:00.

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, the conditions agreed with the Metropolitan Police Service and Licensing as a responsible authority and the following additional conditions agreed by the sub-committee:

1. That a maximum of 25% of the floor space of the sales area of the premises should display alcohol for sale.
2. That external waste handling, collections, deliveries and the cleaning of external areas shall not take place between the hours of 22:00 and 08:00.

Reasons

This was an application made by Franima Angel Limited for a premises licence in respect of Angel Grocery, 14 Coleman Road, London SE5 7TG.

The chair of the licensing sub-committee informed the parties present that because the applications of Angel Grocery (14 Coleman Road, SE5 7TG) and St Georges Tavern (14 Coleman Road, SE5 7TG) were made by the same applicant and the representations were made by (non-responsible authority) other persons, the sub-committee would hear both applications together, but determine each application separately, each on its own merits. This was accepted by all parties present.

The licensing sub-committee heard from the representative for the applicant who advised that the hours for the Angel Grocery was limited to the supply of alcohol (only) Sunday to Saturday 10:00 to 22:00. The application for St. George's Tavern had also been amended to the supply of alcohol only Sunday to Saturday 10:00 to 23:00. These hours were in accordance with those recommended in Southwark's statement of licencing policy 2021-2026. Both premises were situated in a residential area, and the recommended closing time for both pubs and off-licences was 23:00. Concerning the Angel Grocery, the applicant not only chose to abide by

23:00, but agreed to close an hour earlier.

The applicant and their representative advised that the Angel Grocery premises was a small shop and could only have a maximum of five customers. The grocery store was previously part of the pub, in the back of the garden. Licensing as a responsible authority had issues with the delivery service: how it would be conducted, whether it would be on-line and how the premises ensured compliance with Challenge 25 on a customer's receipt of alcohol.

Although a noise management policy and dispersal policy being more unusual for smaller premises, the applicant was agreeable. There was concern regarding alcohol above 6.5% ABV being available, but agreement was reached permitting such beer, ciders and lagers over 6.5% ABV such as African Guinness with prior written authority from the police licensing unit.

Through discussion with the police and licensing (as a responsible authority) additional conditions were agreed and their representations were withdrawn.

Trading standards had raised concerns regarding planning consent. The applicant's representative referred to photographic evidence taken from the internet of the grocery shop's location being in situ since at least 2008.

The applicant/designated premises supervisor (DPS) stated that they believed that it had been there for 20 to 30 years, albeit derelict. The freeholder had informed the applicant that he could renovate it and use it as something more profitable for the community. Renovation works had taken place, making it a more solid structure.

The members were reminded by the applicant's representative that there was no legal basis to refuse a licence application solely due planning and that it was not a relevant consideration the determination of the licensing application. Regardless, the applicant would abide with the necessary regulations imposed by planning, if an application were required.

Although local residents had raised issues concerning nuisance, no representation had been received from the environmental protection team identifying any issues, or at all.

The residents raised issues that the off-sales from the Angel Grocery would encourage street drinking. To this, the applicant's representative stressed that there would be no single cans or beers and ciders sold. Additionally, beers, ciders and lagers sold from the premises would be 6.5% ABV or under, with the exception of those beers, ciders and lagers above 6.5% ABV approved by the police. This would discourage any street drinking. Further, the police did not raise anything about street drinking, or concerns of drinking in Burgess Park, or any concerns about alcohol related crime.

During the discussion stage of the hearing, the applicant informed members that the premises was a normal grocery and would sell 60% food and 40% alcohol and had been operating as a grocery store, but without the sale of alcohol currently for approximately 12 months.

Due to the fact that the shop was opposite St. George's Primary School, all spirits in the shop would be behind the counter.

It was proposed that there would be two staff running the shop. At present only the DPS had a personal licence, but his wife had just applied for one.

The applicant agreed that he would endeavour not to use single use plastics at the shop.

Regarding St George's Tavern, local residents made reference to a 02:00 closing time. Members were reminded by the applicant and their representative that the hours applied for in the application had been amended to 22:00 daily. This application had also been amended, removing all licensing activities with the exception of the supply of alcohol. Only background music would be played in the pub. There was no space for dancing, and it was not the intention of the applicant to make the premises into such a place.

Licensing withdrew their representation following the change in hours and the addition of conditions, particularly concerning the back yard area. This would be closed from 22:00, with all the outdoor furniture being rendered unusable at this time. After 22:00 only a maximum of five smokers would be permitted in the rear outside area. No smoking would be permitted to the front of the pub. No glassware was permitted outside the front of the pub at any time.

The applicant again agreed that all bottling up/deliveries and waste collection would only take place between 08:00 and 20:00 hours to minimise noise disturbance to local residents.

The police also withdrew their representation after conditions were agreed.

The premises had been operating under temporary event notices (TENs) since November 2022 to date. During this time, there have been neither any objection notices submitted nor had there been any complaints received either during or after the TENs activities.

Concern was raised by local residents relating to additional traffic that the operation of the premises may create. This was particularly relevant since the area was residential, but also because there was no through way on one of the adjoining roads.

The members were reminded that the premises would have a maximum capacity of 70 patrons, signage would be displayed in the premises reminding patrons to consider local residents and driving would be discouraged. It is for this reason that

the sub-committee recommended that the premises licence holder specify on its website and in all publicity that patrons use public transport.

On questioning, the applicant was agreeable not to use single use plastics as the premises.

Many of the representations referred to the DPS' involvement in the Cool and Cozzy (at the Flying Dutchman, 156 Wells Way, London SE5 7SY). This was a completely separate premises and although both the Angel Grocery and St George Tavern would have the same DPS, the Cool and Cozzy licence had not been revoked because of bad management. The review of the premises licence may have been instigated due to bad management, but the licensing sub-committee made no finding against the designated premises supervisor (DPS).

It was confirmed that non-standard timings had been withdrawn from the application and TENs would only be applied for exceptional occasions.

The trading standards officer outlined history of the St George's Tavern and its review of the licence in 2021. This review was not related to the DPS, but because of that review, the officer had spent quite a bit of time on that premises and was familiar with its layout. The "shop area" had been derelict. It was in the back yard area where there had been a pool table and was effectively at smoking area for people from the pub. The area had essentially been open to the elements.

The officer raised major public safety concerns, and although they are different regimes, public safety is a licencing objective. If the grocery shop had not been constructed in a way that fits with regulations, then there would be possible severe public safety concerns about that structure. They advised that nothing like the current structure was there in 2020.

The licensing sub-committee then heard from the environmental protection team (EPT) officer and the officer agreed that the applicant had accepted some changes to the operating schedule. The officer highlighted that the TENs had not been objected to by EPT as a test of the DPS' ability to manage the premises.

It was confirmed that no complaints has been received by either EPT or the noise nuisance team and this was to the applicant's credit. The officer's only remaining concern was EPT's confidence in the DPS, in light of the complaints when he was the DPS at the Cool and Cozzy Lounge.

The licensing sub-committee then heard from other persons E and F who together has lived in the vicinity in excess of 25 years. It was accepted that the DPS had consulted with residents, but he had failed to advise when the licence applications had been submitted. The residents were extremely shocked when they saw that the application was originally until 02:30 hours. To the applicant's credit, as soon as other person F emailed about the proposed 02:30 closing time, the application was amended immediately to the standard 23:00 closing time.

The applicant's vision of turning St George's Tavern to a well run local community pub/ restaurant was welcome to the neighbourhood and residents were very supportive of this. However, the residents' primary outstanding concern regarding the pub surrounded the TENs.

The DPS had told residents that he would inform residents when he would be operating under a TEN, but residents had not been informed of a number of TENs that had operated at the pub. Residents did not have an objection if the premises were a pub, but did if there was going to be an almost permanent fixture requiring security on the door. Because of this, residents wanted a moratorium on any TENs being granted.

Regarding Angel Grocery, the sub-committee were concerned to hear of the safety issues that were raised by trading standards. It was also concerned that the shop did not have either the requisite planning consent or approval from Building Control.

The applicant's representative quite rightly reminded the sub-committee that licensing and planning were separate regimes. However, paragraph 101 of Southwark's statement of licensing policy 2021-2016 reminds applicants that the council will look to ensure that licensing has a proper integration with the planning regime for clarity and consistency for applicants and in response to any enforcement action.

When questioned about the premises planning status, the applicant agreed that he would comply with all the necessary planning and building control regulations. Notwithstanding this, the sub-committee emphasises to the applicant that it is necessary that correct permissions are in place. In the event that planning set an earlier terminal hour than that permitted under the premises licences, the earlier closing time must be complied with. If this was not complied with, enforcement action can be expected from the planning enforcement team.

Both licensing as a responsible authority and the Metropolitan Police Service withdrew their representations. The sub-committee is therefore satisfied that with the conciliated conditions with the responsible authorities together with the addition conditions imposed by this sub-committee sufficiently address the matters raised in all of the representations objecting to this licence application.

Turning to the St George's Tavern, the licensing responsible authority, Metropolitan Police Service and trading standards withdrew their representations, following conciliation with the applicant.

The EPT sought further assurances from the applicant/proposed DPS following the matters that arose at the Cool and Cozzy Lounge.

The review of the premises licence was considered by another licensing sub-committee on 13 October 2022, when the licence was revoked. That sub-committee made no finding against the DPS, after the premises licence holder

agreed that the licence be revoked.

Because there was no finding against the DPS, this sub-committee is somewhat limited as to the weight residents' objections can be attached to this particular application. It is accepted that there is a degree of bad feeling on the part of the residents and the applicant. However, TENs have operated at the premises since November 2022, which have not been objected to by either the police or the EPT and no complaints were made by residents regarding the premises. It was primarily this reason why the residents' request for a moratorium on TENs could not be agreed with by the sub-committee.

Residents have no objection to the premises being a pub/restaurant. They object to a late night operation/nightclub under TENs. The applicant stated that he intends to only operate as a pub/restaurant. TENs would be reserved for exceptional occasions. For this reason the sub-committee has added a condition relating to the need for SIA officers, should the premises operate after 00:00.

Although the applicant has suggested that last orders would be 20 minutes before closing, because the premises is located in a residential area, the sub-committee have made the terminal hour for alcohol 22:30. It is for the same reason a condition has been added that all bottling up/deliveries/waste collection shall only take place between 08:00 and 20:00.

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.

6. LICENSING ACT 2003: ST GEORGES TAVERN, 14 COLEMAN ROAD, LONDON SE5 7TG

Please see item 5 for the proceedings of the meeting, as items 5 and 6 were considered together.

RESOLVED:

That the application made by Franima Angel Limited for a premises licence to be granted under Section 17 of the Licensing Act 2003 in respect of the premises known as St Georges Tavern, 14 Coleman Road, London SE5 7TG be granted:

Hours

The supply of alcohol: Monday to Sunday: 10:00 to 22:30
Opening hours: Monday to Sunday: 10:00 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, the conditions agreed with the Metropolitan Police Service, licensing as a responsible authority, environmental protection team and trading standards and the following additional conditions agreed by the sub-committee:

1. That whenever the premises are open after 00:00 that at least one SIA security officer should be employed from 22:00 until 30 minutes after closing.
2. That half yearly meetings shall take place with local residents.
3. 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.
4. That external waste handling, collections, deliveries and the cleaning of external areas shall not take place between the hours of 20:00 and 08:00.

Reasons

This was an application made by Franima Angel Limited for a premises licence in respect of St Georges Tavern, 14 Coleman Road, London SE5 7TG.

The chair of the licensing sub-committee informed the parties present that because the applications of Angel Grocery (14 Coleman Road, SE5 7TG) and St Georges Tavern (14 Coleman Road, SE5 7TG) were made by the same applicant and the representations were made by (non-responsible authority) other persons, the sub-committee would hear both applications together, but determine each application separately, each on its own merits. This was accepted by all parties present.

The licensing sub-committee heard from the representative for the applicant who advised that the hours for the Angel Grocery was limited to the supply of alcohol (only) Sunday to Saturday 10:00 to 22:00. The application for St. George's Tavern had also been amended to the supply of alcohol only Sunday to Saturday 10:00 to 23:00. These hours were in accordance with those recommended in Southwark's statement of licensing policy 2021-2026. Both premises were situated in a residential area, and the recommended closing time for both pubs and off-licences was 23:00. Concerning the Angel Grocery, the applicant not only chose to abide by 23:00, but agreed to close an hour earlier.

The applicant and their representative advised that the Angel Grocery premises was a small shop and could only have a maximum of five customers. The grocery store was previously part of the pub, in the back of the garden. Licensing as a responsible authority had issues with the delivery service: how it would be conducted, whether it would be on-line and how the premises ensured compliance with Challenge 25 on a customer's receipt of alcohol.

Although a noise management policy and dispersal policy being more unusual for smaller premises, the applicant was agreeable. There was concern regarding alcohol above 6.5% ABV being available, but agreement was reached permitting such beer, ciders and lagers over 6.5% ABV such as African Guinness with prior written authority from the police licensing unit.

Through discussion with the police and licensing (as a responsible authority) additional conditions were agreed and their representations were withdrawn.

Trading standards had raised concerns regarding planning consent. The applicant's representative referred to photographic evidence taken from the internet of the grocery shop's location being in situ since at least 2008.

The applicant/designated premises supervisor (DPS) stated that they believed that it had been there for 20 to 30 years, albeit derelict. The freeholder had informed the applicant that he could renovate it and use it as something more profitable for the community. Renovation works had taken place, making it a more solid structure.

The members were reminded by the applicant's representative that there was no legal basis to refuse a licence application solely due planning and that it was not a relevant consideration the determination of the licensing application. Regardless, the applicant would be abide with the necessary regulations imposed by planning, if an application were required.

Although local residents had raised issues concerning nuisance, no representation had been received from the environmental protection team identifying any issues, or at all.

The residents raised issues that the off-sales from the Angel Grocery would encourage street drinking. To this, the applicant's representative stressed that there would be no single cans or beers and ciders sold. Additionally, beers, ciders and lagers sold from the premises would be 6.5% ABV or under, with the exception of those beers, ciders and lagers above 6.5% ABV approved by the police. This would discourage any street drinking. Further, the police did not raise anything about street drinking, or concerns of drinking in Burgess Park, or any concerns about alcohol related crime.

During the discussion stage of the hearing, the applicant informed members that the premises was a normal grocery and would sell 60% food and 40% alcohol and had been operating as a grocery store, but without the sale of alcohol currently for approximately 12 months.

Due to the fact that the shop was opposite St. George's Primary School, all spirits in the shop would be behind the counter.

It was proposed that there would be two staff running the shop. At present only the DPS had a personal licence, but his wife had just applied for one.

The applicant agreed that he would endeavour not to use single use plastics at the shop.

Regarding St George's Tavern, local residents made reference to a 02:00 closing time. Members were reminded by the applicant and their representative that the hours applied for in the application had been amended to 22:00 daily. This application had also been amended, removing all licensing activities with the exception of the supply of alcohol. Only background music would be played in the pub. There was no space for dancing, and it was not the intention of the applicant to make the premises into such a place.

Licencing withdrew their representation following the change in hours and the addition of conditions, particularly concerning the back yard area. This would be closed from 22:00, with all the outdoor furniture being rendered unusable at this time. After 22:00 only a maximum of five smokers would be permitted in the rear outside area. No smoking would be permitted to the front of the pub. No glassware was permitted outside the front of the pub at any time.

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The members were reminded that the premises would have a maximum capacity of 70 patrons, signage would be displayed in the premises reminding patrons to consider local residents and driving would be discouraged. It is for this reason that the sub-committee recommended that the premises licence holder specify on its website and in all publicity that patrons use public transport.

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It was confirmed that no complaints has been received by either EPT or the noise nuisance team and this was to the applicant's credit. The officer's only remaining concern was EPT's confidence in the DPS, in light of the complaints when he was the DPS at the Cool and Cozzy Lounge.

The licensing sub-committee then heard from other persons E and F who together has lived in the vicinity in excess of 25 years. It was accepted that the DPS had consulted with residents, but he had failed to advise when the licence applications had been submitted. The residents were extremely shocked when they saw that the application was originally until 02:30 hours. To the applicant's credit, as soon as other person F emailed about the proposed 02:30 closing time, the application was amended immediately to the standard 23:00 closing time.

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the conciliated conditions with the responsible authorities together with the addition conditions imposed by this sub-committee sufficiently address the matters raised in all of the representations objecting to this licence application.

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Because there was no finding against the DPS, this sub-committee is somewhat limited as to the weight residents' objections can be attached to this particular application. It is accepted that there is a degree of bad feeling on the part of the residents and the applicant. However, TENs have operated at the premises since November 2022, which have not been objected to by either the police or the EPT and no complaints were made by residents regarding the premises. It was primarily this reason why the residents' request for a moratorium on TENs could not be agreed with by the sub-committee.

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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.

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Any person who made relevant representations in relation to the application who desire to contend that:

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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.

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

It was noted that this item would be heard on a future date, at the request of the applicant.

The meeting ended at 2.35pm.

CHAIR:

DATED: