

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 9 March 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 Barrie Hargrove (in the chair)
Councillor Sunny Lambe
Councillor Jane Salmon

OFFICER SUPPORT: Toyin Calfos, legal officer
David Franklin, licensing officer
Andrew Weir, constitutional officer

1. ELECTION OF CHAIR

Councillor Barrie Hargrove was nominated by Councillor Jane Salmon to chair the meeting. This was seconded by Councillor Sunny Lambe.

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 for absence.

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 none.

5. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

6. LICENSING ACT 2003: LONG LANE FOOD & WINE STORE, 160-162 LONG LANE, LONDON SE1 4BS

The licensing officer presented their report. They advised that the responsible authorities had conciliated and that one of the other persons objecting had also withdrawn their representation. Members had no questions for the licensing officer.

The applicant, supported by his daughter, addressed the sub-committee. Members had questions for the applicant and his daughter.

The sub-committee noted the written representations from the other persons objecting to the application, who were not present at the meeting.

The applicant was given up to five minutes for summing up.

The meeting adjourned at 11.38am for the sub-committee to consider its decision.

The meeting reconvened at 12.03pm and the chair advised everyone of the decision.

RESOLVED:

That the application made by Olufemi Williams and Taiwo Olanrewaju to vary a premises licence to be granted under S34 of the Licensing Act 2003 in respect of the premises known as Long Lane Food & Wine Store, 160-162 Long Lane, London SE1 4BS be granted as follows:

Opening hours	Monday to Sunday: 08:30 to 23:00
The supply of alcohol (sales) to be consumed on the premises:	Monday to Saturday: 12:00 to 22:30 Sunday: 12:00 to 22:00
Recorded Music	Monday to Sunday: 08:30 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 conditions agreed with the Metropolitan Police Service and trading standards and approved by the sub-committee.

Metropolitan Police Service Agreed Conditions:

1. That a CCTV system shall be installed and maintained in full working order. The CCTV system will record footage of evidential quality in all lighting conditions and should be able to capture a clear facial image of all persons that enter the venue. All public areas will be covered by the CCTV system including the bar, smoking areas, and frontage of the premises. The premises shall not be open at any time when the CCTV is not operating correctly.
2. That all CCTV footage shall be kept for a period of thirty one (31) days and shall be made immediately available for inspection to officers of the Police and the council on request.
3. That at least one member of staff should be on duty at all times the premises is open that is trained in the use of the CCTV and able to view and download images to a removable device on request of police or council officer.
4. That all staff shall be trained in their responsibilities under the Licensing Act 2003 and in regards to the terms and conditions of this licence. Such training should include the prevention of sales of alcohol to underage persons, and the challenge 25 scheme in operation at the premises. Records pertaining to such training shall be kept / be accessible at the premises at all times, shall be updated every 6 months and shall be made immediately available for inspection at the premises to council and / or police officers on request.
5. That clearly legible signs shall be prominently displayed where they can easily be seen and read by customers at all exits from the premises, requesting to the effect that customers leave the premises and area in a quiet and orderly manner. Such signs shall be maintained free from obstruction when the premises are in use in accordance with this licence.
6. That an incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police. It must be completed within 24 hours of the incident and will record the following: a) all crimes reported to the venue; b) all ejections of patrons; c) any complaints received concerning crime and disorder; d) any incidents of disorder; e) all seizures of drugs or offensive weapons; f) any faults in the CCTV system, searching equipment or scanning equipment; g) any refusal of the sale of alcohol including date, time and name of staff member; h) any visit by a relevant authority or emergency service.

7. That all staff are trained in their responsibilities under the Licensing Act 2003 and the signs of drunkenness and training records to be kept and updated every six months and shall be made immediately available to officers of the police and the council upon request.
8. That customers shall use no outside area other than those who temporarily leave the premises to smoke a cigarette at the front of the premises with no more than four people permitted to smoke at one any time. This shall be controlled by staff
9. That the supply of alcohol on the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
10. That all licensable activities shall cease 30 mins before the terminal hour.
11. That there shall be no vertical drinking in the premises.
12. That staff shall monitor the internal and external areas of the premises and ensure that its patrons conduct does not cause nuisance to the venues neighbours.
13. That clearly legible signs shall be prominently displayed where they can easily be seen and read by customers at all exits from the premises stating that no alcohol shall be removed from the premises.
14. That no alcohol shall be removed from the venue.
15. That the accommodation limit shall not exceed 30 persons.
16. That at closing time staff shall remain on duty and ensure that all patrons leave the venue and its vicinity in a quiet and orderly manner so as not to cause nuisance to the venues neighbours.
17. That when taxis are ordered for customers for the collection of customers from the premises staff members shall instruct the taxi service to instruct the taxi services driver's not to sound the driver's car horns outside the premises, but to approach the premises in person and verbally (without raised voices) alert staff that the drivers are at the premises to collect customers.
18. That the premises shall provide and display a dedicated telephone number of the management of the premises to local residents.

Trading Standards Agreed Conditions:

19. That the premises shall operate an age check 'Challenge 25' policy whereby customers purchasing alcohol who look or appear to be under 25 years of age will be asked for an approved form of proof of age to verify their age. Approved forms shall include a driving licence, passport or a PASS approved proof of age card such as the Southwark Proof of Age (SPA) card.
20. That all staff involved in the sale of alcohol shall be trained in the age check 'Challenge 25' policy. A record of their training, including the dates that each member of staff is trained, shall be available for inspection at the premises on request by the council's authorised officers or the police.
21. That Age check or 'Challenge 25' signage shall be displayed at entrances to the premises, areas where alcohol is displayed for sale and at points of sale to inform customers that an age check 'Challenge 25' policy applies and proof of age may be required.
22. That a register of refused sales of alcohol shall be maintained in order to demonstrate effective operation of the policy. The register shall be available for inspection at the premises on request by council authorised officers or the police.
23. That no beers, lagers or ciders in single cans, bottles or multi-packs with an ABV of more than 6.5% will be displayed, sold or offered for sale from the premise, or be stored on the premise. This condition does not apply to Dragon Stout (7.5% ABV), Nigerian Export Guinness (7.5% ABV) and Irish Guinness (7.5% ABV), Henry Weston vintage Cider (8.2% ABV), Aspoll Suffolk Premier "Cru Cyder" (7% ABV) and Leffe blonde (6.6% ABV)

Reasons

The sub-committee heard from the licensing officer. They stated that the applicant had conciliated with the police and trading standards and as a result, their representations had been withdrawn. The committee were given a copy of the agreed conditions which are incorporated into this notice.

The officer went on to state conciliation was achieved after the applicant agreed to reduce the requested operational hours which in turn, brought the application into line with Southwark's statement of licensing policy 2021-2026.

The residents who objected to the application were informed of the conciliated conditions, which led to a resident withdrawing his representation. The remaining two residents did not respond to the licensing officer regarding reconciliation. The sub-committee were informed that none of the resident would be attending the meeting.

The sub-committee then heard from the applicant. He stated that he had operated

an off licence from the premises for the last 23 years. Upon reviewing what was best for the community and his business, he decided to apply for planning permission to change the use of the building, turning the premises into a restaurant/cafe. He confirmed that his planning application had been granted.

He stated that he had not responded directly to any of the residents that had put forward representations as he did not know who they were. He stated that in agreeing to the conciliation conditions, he had the residents in mind. He said that the conditions agreed would hopefully show the residents that he had considered their objections. He went on to say that he would welcome anyone with concerns to attend his business should they wish to discuss any issues around the business further. The applicant's daughter, who was assisting the applicant, went on to say that the venue would resemble a café bar more than a restaurant as she believed this would be better received by the residents.

They confirmed that the business would be a venue where patrons could sit down and eat, with good signage throughout. The applicant stated that he believed that as a result of working in the business for nearly 23 years, local residents knew that they could reach him with ease as he also owns the flower shop next door and that the neighbouring shops have his contact number.

He stated that the business would be supplying African, Caribbean and British foods and that the business would be food led. He said in addition to selling pastries, they would serve food which would be cooked on site. He confirmed that he was modernising the building to accommodate the cooking of food. He stated that he wanted to create a café where families would come to eat and said that the café would be community led. He felt that this business would be beneficial to the area.

He said that he wanted the business to be as green as possible and he would endeavour wherever possible not to use single use plastics. He also stated that patrons would be encouraged not to drive, but use public transport instead, as the premises is located in the Congestion Charge zone.

The sub-committee considered the written representations of the remaining other persons (local residents) who had not withdrawn their objections.

The members of the sub-committee were impressed that the venue was a family run business which was trying to adapt to the changing needs of the community. It was also impressed that applicant had voluntarily agreed to a number of stringent conditions which they felt not only satisfied the responsible authorities but, brought the application into line with Southwark's statement of licensing policy.

The sub-committee were satisfied that the agreed conditions would adequately mitigate the concerns put forward by some of the local residents. The sub-committee were also impressed that the applicant has voluntarily agreed to endeavour to not use single use plastic wherever possible.

In reaching this decision, the licensing sub-committee had regard to all the relevant

considerations, the four licensing objectives and; considered that its decision was appropriate and proportionate in all the circumstances

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 11.09am.

CHAIR:

DATED: