

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 23 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 Renata Hamvas (Chair)
Councillor Sunny Lambe
Councillor Jane Salmon

OFFICER SUPPORT: Charlotte Precious, legal officer
David Franklin, 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.

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 none.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003: THESE DAYS APERITIVO BAR, 100 DRUID STREET, LONDON SE1 2HQ

The licensing officer presented their report. Members had no questions for the licensing officer.

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

The sub-committee noted the written representation from one other person, objecting to the application. The other person was not present at the meeting.

The applicant did not request any time for summing up.

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

The meeting reconvened at 10.46am and the chair advised everyone of the decision.

RESOLVED:

That the application made by Oliver Man for a licence to be granted under s.17 of the Licensing Act 2003 in respect of the premises known as These Days Aperitivo Bar, 100 Druid Street, London, SE1 2HQ is granted as follows:

1. The supply of alcohol (on and off the premises):
 - Monday to Sunday: 10:00 to 22:30
2. 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, conditions agreed during the conciliation process and the following additional condition as agreed by the licensing sub-committee:

1. That the premises shall not exceed a capacity of 60 people.

Reasons

This was an application for a premises licence in respect of These Days Aperitivo Bar, 100 Druid Street, London, SE1 2HQ. The premises was described as follows:

- “Arch located on the Bermondsey Beer Mile situated behind on the other side of the tracks to Maltby Street Market. The arch is typical of the others along the stretch - 26m x 5m. One bathroom at the back which will be used for staff only. There's only one entrance at the front which is fully lockable and shuttered. The front third of the arch nearest the door (about 10m) will act as a bar while the back will be a fully functioning canning facility and not open to the public. The arch has about 2.5m x 6m space outside between the front of the arch and the road which we also intend to use for a small number of customers during the summer”

The sub-committee heard from the applicant who advised they are an Aperitivo brand that had launched in 2021. Their values are centred around promoting a drinking style that does not encourage drinking to get drunk, but to drink in a slower, more considered way. This is exemplified in their choices of drinks on the menu, which are predominantly of lower ABV. They will not serve pints or spirits, the latter will not be present at the bar.

The majority of the space at the premises will be taken up by a fully functioning canning facility which will not be open to the public. The canning facility will operate between 09:00 and 17:00, at which point it will be promptly closed and the bar will open. Off sales can be bought whilst the canning facility is open but once it closes no off sales will be permitted. The bar will typically open between 17:00 and 21:00 hours, the applicant stated they are absolutely not focussed on being a late night venue.

The bar will not be the primary revenue driver, the applicant will shortly be partnering with Honest Burgers and supplying drinks to all of their sites. The applicant was keen to make the distinction that they are not a brewery and are distinct from other premises within the area. They are not a beer bar and will only have one small bottled beer on their menu. The space has been designed for predominantly seated customers with no vertical drinking outside.

The premises has three members of staff, two of which have personal licences and years of experience in managing bars and working with neighbours to ensure they are happy. The applicant will be displaying a telephone number that will always be available in the event of any issues and will work in partnership with the existing premises in the area in terms of security.

The applicant confirmed they are aware of the policy regarding single-use plastics within Southwark's statement of licencing policy 2021-2026 and products will be served in cans, bottles or glassware.

One other person submitted a representation against the application in advance of the hearing. The sub-committee gave consideration to this along with the links to other material that had been supplied. Whilst the premises is not situated in a cumulative impact area, there is evidence of cumulative impact and it is entirely proper that the-committee takes it into account.

Paragraph 14.42 of the Section 182 Guidance under the Licensing Act 2003 provides:

“14.42 The absence of a [cumulative impact assessment/policy] does not prevent any responsible authority or other person making representations on an application for the grant or variation of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives, However, in each case it would be incumbent on the person making the representation to provide relevant evidence of cumulative impact”.

The sub-committee considered all the facts before it:

Licensing as a responsible authority and the gatekeeper of Southwark’s statement of licensing policy 2021-2026 did not submit a representation. It was therefore reasonable to conclude that licensing as a responsible authority were satisfied that the application would not undermine any of the licensing objectives.

It was further noted that those responsible authorities who had submitted representations had subsequently withdrawn them after conciliation with the applicant. Comprehensive conditions had been agreed and were set out within the operating schedule. These conditions, coupled with the applicant’s intended operating hours and policies, would prevent further public nuisance within the area by noise and disruption.

The sub-committee considered the premises to be distinct from those in the surrounding area and noted the applicant’s comment that they are trying to diversify the arches. The applicant appeared to have given great thought to avoiding any negative impact on residents and the sub-committee were satisfied that the conditions that would be imposed as a result of granting this licence would facilitate this aim and promote the licensing objectives. It is on this basis that the licence was granted.

In reaching this 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 desires to contend:

- a) That the licence ought not to have been granted; or
- b) That, on granting the licence, the licensing authority ought not 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 10.50am.

CHAIR:

DATED: