

## Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Tuesday 23 May 2023 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  
Councillor Barrie Hargrove  
Councillor Jane Salmon

**OFFICER SUPPORT:** Toyin Calfos, legal officer  
Jayne Tear, licensing officer  
Matt Tucker, licensing officer (observing)  
Andrew Weir, constitutional officer

### 1. APOLOGIES

This was a virtual licensing sub-committee meeting.

The meeting opened at 10.01am.

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: BILL OR BEAK, 34-36 CHOUMERT ROAD, LONDON SE15 4SE

The licensing officer presented their report. It was noted that the responsible authorities had conciliated with the applicant. 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 licensing sub-committee then heard from other persons (local residents), objecting to the application. Members had questions for the other persons.

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

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

The meeting adjourned at 10.56am for the sub-committee to consider its decision.

The meeting reconvened at 11.30am and the chair advised everyone of the decision.

#### **RESOLVED:**

That the application made by Bill or Beak Limited for a premises licence to be granted under Section 17 of the Licensing Act 2003, in respect of the premises known as Bill or Beak, 34-36 Choumert Road, London SE15 4SE is granted as follows:

The sale by retail of alcohol (on sales)	Monday to Sunday: 08:00 to 22:30
The sale by retail of alcohol (off sales)	Monday to Sunday: 08:00 to 23:00
Regulated entertainment in the form of recorded music (indoors)	Monday to Sunday: 08:00 to 23:00
Opening hours	Monday to Sunday: 08:00 to 23:00

## Conditions

The operation of the premises under the licence shall be subject to relevant mandatory conditions, conditions derived from the operating schedule highlighted in Parts F,J, K, L, and M of the application form, the conditions agreed with the Metropolitan Police Service and the licensing authority during the conciliation process, and the following conditions agreed by the sub-committee:

1. That the internal capacity of the premises shall not exceed 40.
2. That the premises shall engage the services of an accredited acoustic expert to provide a noise impact assessment report.
3. That the acoustic expert's report will be shared with Choumert Square Residents Association representative.
4. That the applicant shall have a meeting with representatives of the Choumert Square Residents Association and anyone who has made representations prior to opening the premises to discuss the findings within the expert's report.
5. That after consulting with the Choumert Square Resident's Association and other concerned parties, the applicant is to implement the recommendations in the noise impact assessment report.
6. That the premises shall display within it a contact number for a member of the management team.
7. That any deliveries of alcohol from the premises shall only be made when the alcohol being delivered is part of a food order.
8. That only 3<sup>rd</sup> party delivery companies that provide age verification training to its delivery drivers shall be used.

## Reasons

This case concerns an application made by Bill or Beak Limited, for the grant a new premises licence in respect of the premises known as Bill or Beak, 34-36 Choumert Road, London SE15 4SE. Bill or Beak is described as a restaurant within the application.

The licensing sub-committee heard from the licensing officer who explained that the Metropolitan Police Service and the licensing authority had withdrawn their objections to this application after the applicant had agreed to a number of conditions. The Metropolitan Police Service requested amongst other things, conditions that related to CCTV and staff training in the use of CCTV, crowd dispersal, and drinks being served ancillary to a meal.

The applicant also agreed to a number of conditions imposed by the licensing authority some of which, related to deliveries of alcohol being part of a food order, timings for the disposal of waste and the training of staff.

The licensing officer told the sub-committee that the premises was situated within a cumulative impact zone, but as the premises is a restaurant, the cumulative impact consideration did not apply. The officer went on to confirm that there were seven outstanding representations from other persons who lived within the locality.

The officer noted that a number of representations related to the alteration of the existing premises. She expressed that that particular issue fell within the planning regime and confirmed that it would not be a relevant consideration for sub-committee.

The licensing sub-committee heard from the legal representative for the applicant. He stated the applicant is an independent operator who started by selling street food from a kiosk. The applicant specialises in burgers which he sourced from regenerative agricultural sources. He confirmed that the agreed conciliated conditions 12-14, which limited the sale of alcohol to persons who are seated and did not allow vertical drinking. He explained that the venue is small, seating no more than 40 patrons. He confirmed the applicant had agreed to numerous conditions with the police and the licensing unit, which led to the withdrawal of their objections. He said, the applicant did not want to take on a premises where he would be in conflict with the local residents.

The legal representative went on to say, he and the applicant had reviewed the representations and identified that there was a clear concern surrounding noise nuisance. In response to that concern, the applicant, agreed to instruct an accredited acoustic expert to provide a noise impact assessment report prior to the premises opening and would comply with recommendations set out in the report to reduce the risk of noise nuisance.

He stated that he would not open the premises until the recommendations in the report had been implemented. He confirmed that he would be happy to share the report with the licensing unit and the resident's association. He went on to state that the applicant would have a meeting with the chair of the resident's association and those who had put forward representations prior to the opening of the restaurant. He said he would be happy to hand over a contact number to the resident's association.

He said there is currently a separate planning application in respect of the premises which related to the extractor fan amongst other things.

The applicant confirmed that currently the premises would be re-designed to comply with the plan but work had not been carried out at this time as he had not taken on the lease. He hoped that when works started, he would be able to look into access for disabled persons. He confirmed that he would expect the maximum accommodation capacity to not exceed 40 persons.

The applicant said he was familiar with Southwark's statement of licensing policy and would endeavour not to use single use plastics wherever possible.

The licensing sub-committee heard from the chair of the Choumert Square Residents Association. She stated that the residents applauded the effort of trying to lift the economy of Choumert Road and believed that commercial business and residents should live in harmony together. She opined that in that, businesses were moving away from retail to entertainment and the night time economy and felt applicants should be addressing the compatibility of the building fabric with the nature of the businesses they would like to run. In doing so, applicants should be upgrading the fabric of those buildings to meet modern standards.

She opined, historically, noise nuisance was not an issue because business premises consisted of shops with backyards with the yards acted as a noise buffer. She wanted the premises to make good the back yard wall which separates the premises to neighbouring back gardens to comply with current building regulations and provide sound insulation. The chair of the association went on to ask for a condition of inaudibility to be applied. She clarified that a condition of inaudibility is a condition where the transfer of noise is planned for.

The chair of the resident's association stated she had not had any contact with the applicant, but felt that it would be advantageous for all parties if the resident's association were to play a role in relation to acoustic expert.

The other resident who gave oral evidence, went on to explain the issues she had had with other premises and noise nuisance and made the point that sound travels with ease from one premises to another and that sound proofing could significantly mitigate noise nuisance.

It was confirmed by the residents and the chair of the association, the acoustic expert would be allowed entry into residential premises abutting Bill and Beak with a view to carrying out acoustic tests.

In summing up, the applicant made it clear that the acoustic expert will be instructed early on in the renovation and the report would be shared with residents and the association. He said the recommendations of the report will be implemented prior to opening of the business. He concluded, all of the agreed conditions coupled with the noise impact report should allay the fears put forward by residents.

The licensing sub-committee considered all of the objections put forward. The committee formed the view that the objections put before it could be allayed by the applicant being made subject to the conditions

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4. The applicant will have a meeting with representatives of the Choumert Square Residents Association and anyone who has made representations prior to opening the premises to discuss the findings within the expert's report.
5. That after consulting with the Choumert Square Resident's Association and other concerned parties, the applicant is to implement the recommendations in the noise impact assessment report.
6. That the premises shall display within it a contact number for a member of the management team.
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8. That only 3<sup>rd</sup> party delivery companies that provide age verification training to its delivery drivers shall be used.

The sub-committee were impressed by the additional measures put forward by the applicant to instruct an acoustic expert who would carry out a noise impact assessment on the premises. The sub-committee felt that a compromise between the applicant and the residents could be achieved as all relevant parties were willing to have their properties assessed as part of the report writing process.

The sub-committee felt that there would be a meaningful exchange between the residents and the applicant as to how noise nuisance could be resolved and were heartened that the applicant stated that he would implement the measures suggested by the report prior to opening the premises.

In reaching its decision, the licensing sub-committee considered all of the oral and written representations put forward, 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 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: BLAME GLORIA, LONDON BRIDGE STATION, 48 TOOLEY STREET SE1 2TF**

It was noted that this item had been conciliated prior to the meeting.

The meeting ended at 11.38am.

**CHAIR:**

**DATED:**