

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 22 June 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 Andy Simmons
Councillor Charlie Smith

OTHER MEMBERS PRESENT: Councillor Stephanie Cryan, ward councillor
Councillor Kath Whittam, ward councillor

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 meeting opened at 10.14am.

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: IN MAYFAIR LIMITED, 193 LOWER ROAD, LONDON SE16 2LW

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

The meeting adjourned at 11.17am for a comfort break. The meeting reconvened at 11.23am.

The two ward councillors, objecting to the application addressed the sub-committee. Members had questions for the ward councillors.

The ward councillors also had questions for the applicant.

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

The meeting adjourned at 12.10pm for the sub-committee to consider its decision.

The meeting reconvened at 12.55pm and the chair advised everyone of the decision.

RESOLVED:

That the application made by Eraldo Lacka for a premises licence to be granted under Section 17 of the Licensing Act 2003 in respect of the premises known as In Mayfair Limited, 193 Lower Road, London SE16 be granted.

Hours

The sale by retail of alcohol (on the premises):	<ul style="list-style-type: none">• Monday to Saturday: 11:00 to 22:30• Sunday 11:00 to 21:30
Opening hours:	<ul style="list-style-type: none">• Monday to Saturday: 06:30 to 23:00• Sunday: 08:00 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 and the conditions agreed with the Metropolitan Police Service and Environmental Protection Team and the following additional conditions agreed by the sub-committee:

1. That after 19:00 alcohol in the outside area will be limited to those with a substantial table meal by waiter/waitress service.
2. That all website and written literature shall encourage customers to use public transport.
3. That no live sports events shall be broadcasted at the premises.
4. There shall be a written dispersal policy for the premises a copy of which shall be held with the premises licence and made available to police and authorised council staff.
5. That there shall be at least two customer toilets in the premises.
6. That wherever possible, single use plastics (both receptacles and straws) should not be used, unless there is no alternative.

Reasons

This was an application made by Eraldo Lacka for a premises licence in respect of the premises known as In Mayfair Limited, 193 Lower Road, London SE16 2LW.

The licensing sub-committee heard from the applicant who advised that he had lived in the area for 12 years and had been working in the hospitality industry for over 15 years. The applicant advised that they wanted to bring something new and different to the area, where people could have a coffee, have something to eat and enjoy a glass of wine or pint of beer. The applicant described the premises as a bistro coffee shop.

Regular customers had recently indicated to him that until alcohol was sold, they would not return. His application had been made to respond to customer requests. Customers would not be required to order food in order to buy an alcoholic drink. The applicant stated that he could not force anyone to do so. There was a capacity of 50, excluding three staff.

The applicant was aware that the premises was located in a residential area and a housing estate was very close. He therefore recognised the concerns raised by the ward councillors who objected to the application. The applicant wanted to assure the ward councillors that the premises would not be a place where people would get drunk and cause problems. It would not be a nightclub and the reason he sought hours on Fridays and Saturdays outside of those recommended in Southwark's statement of licensing policy 2021-2026 was because people stay longer at the weekends. There would only be background music as the applicant did not want DJs or anything similar. Any customers who were disrespectful to the neighbours, with regards to noise, would be banned permanently.

There was discussion about the use of the external area. The applicant stated that a pavement license had already been obtained and it allowed the use of tables and chairs until 22:00, after which customers would not drink outside. There would be no dedicated waiter/waitress service. The external furniture would be turned backwards and left outside when not in use. After the premises was closed, staff would bring all the furniture inside. Until the premises was closed to the public, there was simply no room to store the external tables and chairs inside.

In terms of smokers, after 22:00 there would be no more than five people allowed outside to smoke. When asked about how this would be monitored, the applicant said he would inform them to move away from the premises and smoke elsewhere.

The applicant acknowledged that there was currently only one toilet, but planned to undertake renovations to the premises and install a second toilet.

It was also unclear whether the applicant had a written dispersal policy, but it was clear that customers would be asked to leave quietly and would be encouraged to use public transport. This was important because were noise related issues with Ubers and taxis picking up patrons, in addition to environmental issues.

The applicant confirmed that there had been no temporary event notices (TENs) and only the occasional big sporting events would be shown on a television.

When asked about the insulation of the building, the applicant stated that there were no windows in the frontage. During the winter, the doors would be closed, but the doors would remain open during the summer for ventilation.

The applicant also stated that he agreed not to use single use plastics.

The licensing sub-committee heard from Councillor Kath Whittam, one of the ward councillor, who advised that the problem was with the actual fabric of the building, rather than the applicant. It was not purpose built to be a bar or restaurant and that it was inevitable that the premises would generate noise.

As a ward councillor, complaints had been received of noise from patrons outside the nearby pub, with customers sitting on the walls. The Osprey Estate was built in a bowl shape and the noise from people talking, even quietly, would echo. The applicant having customers outside until 22:00 would exacerbate the noise factor.

There were also two residential street doors in a recess, adjacent to the entrance of the premises. With only a single toilet, the adjacent residential doorways were likely to be used a toilet for those customers unwilling to wait.

Concern was also raised of the type of outdoor heating the applicant would be using. The use would be contrary to the climate emergency Southwark declared and/or would be a potential health and safety risk with wires running along the public realm.

The licensing sub-committee then heard from the second ward councilor, Councillor Stephanie Cryan. In addition to the matters raised by Councillor Whittam, Councillor Cryan stated that there were residents' bedrooms facing Tawny Way and the noise of outside furniture being moved early in the morning, and again late in the night, would cause residents disturbance.

The ward councillor also stated that it was not clear if the applicant had a written dispersal policy in place and how he would manage any anti-social behaviour and noise from departing patrons.

The premises were situated on Lower Road and buses came across it. There was no space for taxis and/or Ubers on the other side of river taxis or Ubers around that. The ward councillor wanted to see a sustainable transport plan from the applicant.

Whilst the ward councillors confirmed that they had not received any complaints specifically about the premises, they informed the sub-committee that they generally received complaints about issues when canvassing. They both had reservations about the business being in this location, selling alcohol, and the associated noise nuisance around the business being licensed to sell alcohol. Both objected to vertical drinking being allowed.

The licensing sub-committee are acutely concerned about the noise the premises is likely to generate with residents living immediately above it. Despite the environmental protection team conciliating its objection to the application, it is the sub-committee's role to promote the four licensing objectives as provided in the Licensing Act 2003. It is for this reason, a "restaurant condition" has been imposed, for the outside area after 19:00 for the promotion of the prevention of nuisance licensing objective.

The applicant stated that he wanted to offer something different to the area. The licensing sub-committee were not convinced that the premises would be something out of the ordinary, in terms of its food offerings. Although the members were satisfied that the premises would not operate as a nightclub, the way in which the applicant presented his application and proposals for the premises, it appeared to members a lack of emphasis on the food and more on the sale of alcohol.

The sub-committee noted that as part of the conciliation process the police had agreed with the applicant that the outdoor furniture be either removed or rendered unusable after 22:00. In this case, due to the close proximity of residents and the lack of internal space during hours of operation, the committee felt it advisable that the outdoor furniture should be rendered unusable by 22:00.

On a number of occasions the applicant referred to the premises being used to show football and despite the police and the environmental protection team conciliating, members had serious concerns that the premises would morph into a sports bar.

The applicant failed to allay any fears as to how he would manage the potentially significant noise disturbance that the football events would cause (by way of chanting, singing and shouting) to the immediate residents. It is for this reason the sub-committee imposed condition 3 (above). The applicant is at liberty to apply for a variation of the licence to remove the condition, and that application will be considered on its merits. However, the applicant should note that the condition would only be removed if he can demonstrate that he can operate the premises licence without complaint.

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 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 1.00pm.

CHAIR:

DATED: