

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Tuesday 27 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 Jane Salmon (vice-chair, in the chair)
Councillor Barrie Hargrove
Councillor Sunny Lambe

OFFICER SUPPORT: Debra Allday, legal officer
David Franklin, licensing officer
Jane Tear, licensing officer
Andrew Weir, constitutional officer

1. ELECTION OF THE CHAIR

This was a virtual licensing sub-committee meeting.

The meeting opened at 10.14am.

In the absence of the chair, Councillor Jane Salmon, as the vice-chair of the licensing committee, was the chair for this meeting.

The chair explained to the participants and observers how the virtual meeting would run. Everyone then introduced themselves.

2. APOLOGIES

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

It was noted that the applicant for item 7 (Café Francois) had come to an agreement with the local residents.

It was agreed to vary the order of business to hear item 7 first.

5. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

6. LICENSING ACT 2003: SET SOCIAL, 55 NIGEL ROAD, LONDON SE15 4NP

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 applicant.

The chair allowed the other persons to ask the applicant questions.

The other persons (local residents) objecting to the application addressed the sub-committee. Members had questions for the other persons objecting to the application.

The sub-committee noted the written representations of other persons who were not present at the meeting also.

The sub-committee heard from one other person (a local resident) supporting the application. Members had no questions for the other person supporting the application.

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

The meeting adjourned at 11.57am for the sub-committee to consider its decision.

The meeting reconvened at 12.26pm and the chair advised everyone of the decision.

RESOLVED:

That the application made by SET Social to vary a club premises certificate under Section 84 of the Licensing Act 2003 in respect of the premises known as SET Social, 55 Nigel Road, London SE15 4NP be granted.

Hours

The applicant withdrew the variation application in respect of the premises hours.

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 environmental protection team and the following additional conditions agreed by the sub-committee:

1. 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 in the vicinity.
2. That there shall be no externally promoted DJ led events at the venue.
3. That a minimum of one (1) SIA registered door supervisor shall be employed on a Sunday to Thursday from 21:00 until all patrons have vacated the venue and Nigel Road SE15
4. That a minimum of two (2) SIA registered door supervisors, shall be employed on a Friday and Saturday from 21:00 until all patrons have vacated the venue and Nigel Road SE15.
5. That SIA shall ensure patrons leave the venue at the terminal hour and cause no nuisance or disturbance to the venues neighbours.

Reasons

This was an application for the variation for a Club Premises Certificate in respect of the premises known as set Social 55, Nigel Road, London SE15 4NP.

The licensing sub-committee heard from the applicant who advised that the premises was a multifaceted arts and community organisation home to an eclectic and experimental arts programme. The premises also provided affordable artist workspace that aimed to bridge gaps between disciplines, creating a platform for collaboration and multidisciplinary experimentation.

The premises comprised of a small bar area, which provides refreshment and hosts an area where recorded music can be played at background volume. Adjacent was a hall area with two pool tables and a number of chairs and tables. There was a small exterior smoking area and a yard garden area. The applicant advised that they had received funding to turn the outside area into a community garden, allowing for drinks to be consumed there.

The variation application was twofold. Firstly, the applicant sought to extend the

opening hours so that they could provide regular entertainment and the provision of alcohol by an additional hour each evening. The applicant also sought to extend its license to include the garden area that abutted the premises. The capacity of the premises would remain the same even in spite of the extension of licensable activities into the garden area.

Agreement had been reached with the Metropolitan Police Service and the council's environmental protection team (EPT) concerning the prevention of crime and disorder and the prevention of public nuisance licensing objectives. Both representations had been withdrawn with several conditions being stipulated. The applicant assured the local residents that it would comply with the conciliated conditions and also promoted and uphold all four licensing objectives.

Most of the proposed conditions have already been in place since the premises had opened in December 2022, but not formalised by way of conditions on the licence. It was felt that there was a misunderstanding among residents regarding the term "club". The premises was not a nightclub; it was an arts and social club for members (and their legitimate guests) of their charity with an interest in or background in the arts, socialize and exchange ideas.

The applicant informed the sub-committee that they knew the name and contact details of each and every member on site at any given time and all members were obliged to comply with the club rules. Members were required to act respectfully while attending the premises with every member cognizant that a breach of conduct would result in their membership being revoked.

In the six months that SET Social had operated, it had not been required to revoke any membership due to misconduct. Some local residents appeared under the misapprehension that SET Social had only been open for three weeks, which the applicant stated reflected well on the management of the club (as well as members), particularly with regards to its dispersal policy. The applicant was therefore, confident that the variation would not negatively impact local residents.

In the unlikely event of incidents of crime and/or anti-social behaviour, the Applicant stated it would welcome residents making contact so that it could be addressed. A CCTV had also been installed to the side of this building, so any instances of anti-social behaviour would be recorded and thereafter, reported to the appropriate authority.

Concerning issues of potential noise nuisance, the applicant assured the residents that no recorded music would be played in the garden area, only music at a background level. A sound limiter had been installed and the sound system did not physically permit music being played at a high volume.

The garden would be closed to members at 21:30. The garden area was different to the smoking area. Under the licence, the applicant was permitted to have up to 10 people outside in the smoking area.

It was emphasised that there would neither be externally promoted DJ events and indeed, no DJ events as part of the club's vision. Such events operated via the applicant's Woolwich premises.

Concerning dispersal, the applicants' dispersal policy stipulated that members would be directed towards Rye Lane and when entering/exiting the premises, patrons would be escorted by members of the security team and reminded to keep noise to an absolute minimum. This was reinforced by way of signage for members. Residents were assured that during the six months the premises had operated, egress had been staggered. This would continue, so that would be no mass exodus of people into the residential streets.

The applicant also advised that they had received over 200 emails and letters, some of which had been circulated to all parties, expressing overwhelming support of the proposed garden area.

The applicant agreed that a condition could be added to the licence for contact details to be provided to residents and also display them at the premises so contact could be made should any issues arise.

The majority of members travelled to the premises either by foot as they were Peckham residents, used bicycles or public transit.

Due to the fact that the applicant wanted a good relationship with the local residents and neighbours, they were agreeable to withdraw the extension of hours aspect of the variation application.

The licensing sub-committee heard from the other persons whose representations were largely concerned noise. There were residents as close as one metre away and hundreds living within 10 to 20 metres from the premises. This would mean that a significant number of residents would be disrupted. The other person's contend also objected to application due to the lateness of the operation of the premises, littering, anti-social behaviour.

Other person 1 stated that the noise from music and patrons, both inside and outside the premises would interfere with the enjoyment of their home and interfere with the sleep of their family.

Other person 1 informed the sub-committee that if the back outdoor space became a pub garden they would be forced to move.

The primary objection of other person 8 also concerned noise. They advised that one night the noise was so loud that it was possible to hear the compere on the microphone in their bedroom. Other person 8 wanted the garden area closed no later than 21:30 with no music outside. They also advised that they had noticed a few people looking lost, while looking for the premises.

Other person 10 was positive that the applicant had provided a space for arts and the community, but stressed that it was now a matter for the applicant to manage the premises to the satisfaction of the local residents.

Other person 12 also agreed with the notion of a community space for the local area but objected to the late night alcohol consumption and loud music. The applicant had stated that the external area would not be used as a beer garden, but it was apparent to them, that it would become a beer garden. A potential capacity of 100 people until 21:00-21:30 hours would be a significant disruption.

The emails and letters from the applicant's members supported the garden for plants, pottery and the like; an outdoor drinking space was not mentioned. Other person 12 stated that the garden area should have the same hours as other gardens in the local area and shut before dark. There was no need for another pub garden in the area. To support their objection, other person 12 cited quotes from the applicant's supporting letters: "it's London", "It's Peckham", "It's loud".

The licensing sub-committee then heard from other person 16 who supported the application and who reiterated that the premises was not a nightclub.

They informed the sub-committee that although 16 other persons had objected to the application, they were under the illusion that the premises was a nightclub, which it was not. Other person 16 also reminded the sub-committee that there had been 70 emails/letters of support.

They advised that there was a pub across the road which made considerable noise, far more than SET Social. The premises was also close to Rye Lane which was known for being a vibrant area and an equally vibrant nightlife. Other person 16 referred to the point raised by other person 8 about people getting lost, while looking for the premises. They advised that as the premises was a members' only club members would only get lost once. The suggestion that members constantly got lost therefore lacked any substance They were of the view that the conditions agreed and discussed at the hearing appeared reasonable.

The licensing sub-committee noted both the Metropolitan Police Service and the council's environmental protection team (EPT) withdrawn their representations after agreeing conditions to be added to the operating schedule. It was noted that other person 15 had also withdrawn their representation.

The licensing sub-committee further noted the letters of support of 70 individuals provided by the applicant.

The remit of the licensing sub-committee is to consider the premises licence application submitted under the Licensing Act 2003. The Licensing Act 2003 is a permissive regime and the licensing sub-committee *must* grant a premises licence if an application is made in accordance with statutory requirements. The determination of applications are required to be evidence based and justified as being "appropriate for the promotion of the licensing objectives and proportionate

to what it is intended to achieve” (paragraph 9.43, Home Office, Revised Guidance issued under section 182 of the Licensing Act 2003 (December 2022)).

The other person’s concerns of crime and disorder (by way of anti-social behaviour), paragraph 2.1 of the Section 182 Guidance provides that: “Licensing authorities should look to the police as the main source of advice on crime and disorder”. The sub-committee noted that there was no objection submitted by the Metropolitan Police Service. It was therefore reasonable to conclude that the police had no reason to believe the application would undermine the crime and disorder licensing objective.

Similarly, it would be the EPT whose responsibilities relate to the prevention of nuisance

As a quasi-judicial body, the licensing sub-committee is required to consider each application on its merits. It must take into account only relevant factors, and ignore irrelevant factors. The decision is based on evidence, which shows the existence or non-existence of relevant facts, or the likelihood or unlikelihood of the occurrence of some future event, the occurrence of which is relevant. The sub-committee is obliged to give fair consideration to the contentions of all persons entitled to make representations to them.

With these matters borne in mind, the sub-committee is unable to narrow the terms of any condition that is already on the licence. For example, condition 315 allows a maximum of 10 customers in the smoking area to smoke. A sub-committee would not be able to reduce this number, which one of the other persons requested, unless the licence was subject to a review application.

There was also a suggestion that the applicant be granted a “probation period” for the licence. There is no provision under the Licensing Act 2003 to grant licences for probation periods. Residents are also reminded that the premises has operated for six months without complaint.

The licensing sub-committee also remind the local residents that should they have serious concerns of the management of the premises, they have a right to call the club premises certificate in for a review, which if the sub-committee is satisfied and it is appropriate and proportionate, could result in the licence being revoked. The residents are also reminded, that they have a right to appeal the decision at the Magistrates’ Court, the details of which are provided in this notice of decision.

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 club premises certificate
- b. To exclude a licensable activity.

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

- a. The club premises certificate ought not to be been granted; or
- b. That on granting the club premises certificate, 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.

7. LICENSING ACT 2003: CAFE FRANCOIS, 14-16 STONEY STREET, LONDON SE1 9AD

The licensing officer updated the sub-committee in relation to the agreement between the applicant and the other persons. Members had no questions for the licensing officer.

The applicant and their legal representative addressed the sub-committee. Members had no questions for the applicant and their legal representative.

The applicant and their legal representative advised that they did not require any time for summing up.

The meeting adjourned at 10.23am for the sub-committee to consider its decision.

The meeting reconvened at 10.40am and the chair advised everyone of the decision.

RESOLVED:

That the application made by Chez Restaurants Limited for a premises licence to be granted under Section 17 of the Licensing Act 2003 in respect of the premises known as Cafe Francois, 14-16 Stoney Street, London SE1 9AD be granted.

Hours

	Sale of alcohol (on & off sales) Films Recorded music Late night refreshment	Opening Hours
Sunday	10:00 to 23:00	10:00 to 23:00
Monday – Saturday	10.00 to 00:00	08:00 to 00:00

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 additional conditions agreed by the sub-committee, listed below:

1. That the supply of alcohol at the premises shall only be to a person taking a table meal there and for consumption by such a person as ancillary to their meal save for in the area hatched black on the premises licence plan. Save for a maximum of 15 persons at any time, customers in the hatched area shall be seated and served by waiter/waitress service.
2. That a CCTV system shall be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV System must be capable of capturing a clear facial image of every person who enters the premises.
3. That all CCTV footage to be kept for a period of 31 days and shall on request be made immediately available to officers of the police and the council.
4. That a 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 the police or authorised council officers.
5. That all staff are trained in their responsibilities under the Licensing Act 2003 and training records to be kept and updated every six months and shall, upon request, be made immediately available to officers of the police and the council.
6. That the premises licence holder shall ensure that the details of all complaints are recorded in an occurrence book and such book shall be available for police inspection.
7. That the premises licence holder shall ensure that the details of all complaints

are recorded in an occurrence book.

8. That no music or amplified sound shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance at the nearest noise sensitive premises.
9. That clearly legible notices shall be displayed at all exits from the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.
10. That a dedicated telephone number for the designated premises supervisor or the duty manager shall be maintained for use by any person who may wish to make a complaint.
11. That the premises shall be adequately mechanically ventilated and comfort cooled to allow doors and windows to remain closed during regulated entertainment.
12. That the premises shall be operated in accordance with the Borough Yards operational management plan. This shall include a dispersal policy. A copy of the operational management plan, and all later revisions, shall be provided to the police, licensing authority and environmental health department. A hard copy of the operational management plan shall be kept at the premises and made available for inspection on request of the police or an authorised officer of the council. Relevant staff shall be trained on the dispersal policy and a copy shall be kept on the premises.
13. That all sales of alcohol for consumption in the designated outside area (hatched blue on the premises licence plan) shall be to persons who are seated at tables and served by waiter/waitress service only.
14. That patrons shall not be permitted to use the external area (hatched blue on the premises licence plan) of the premises before 08:00 (10:00 outside Arch 197) or after 22:00 on Monday to Saturday and 21:00 on Sunday and bank holidays, apart for access and egress and for smoking in the designated smoking area and the area when used for smoking shall be limited to five persons and monitored by staff.
15. That there shall be no drinks permitted in the external area (hatched blue on the premises licence plan), after 22:00.
16. That clearly legible signage will be prominently displayed at all patron exits, where it can easily be seen and read, requesting to the effect that patrons do not take drinks outside after 22:00.
17. That no alcohol shall be removed from the premises at any time with the exception of off sales that shall be in sealed containers only and for consumption away from the premises.

18. That clear, legible signage shall be prominently displayed where it can be easily seen and read requesting that alcohol sold as off-sales should not be opened and consumed in the vicinity of the premises.
19. That all online sales of alcohol are subject to a real time age verification check via an external third party.
20. That drivers (whether employed directly, as self-employed or via third parties) have to undertake training on age restricted policies to ensure that the following checks are conducted at the point of delivery when the person appears to be under the age of 25.
21. That all online age verification checks should only be made by a company which is a member of the following organisation:
<https://www.avpassociation.com>.
22. That the pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
23. That a documented staff training programme shall be provided to key members of staff at the premises in respect of the:
 - a. Age verification policy
 - b. The licensing objectives
 - c. Opening times for the venue
 - d. Safeguarding of children and other vulnerable persons.

With such records being kept for a minimum of six months (For the avoidance of doubt, the six month period relates to each respective entry in the log book and runs from the date of that particular entry).

24. That the maximum number of customers to be allowed on the premises at any one time, shall be 170 internally (including the first floor gantry) and 60 in the external seating area on the ground floor.
25. That a challenge 25 scheme shall be maintained, requiring that staff selling alcohol request that any customer who looks under 25 years old, and who is attempting to purchase alcohol, provides valid photographic identification proving that the customer is at least 18 years old. (Valid photographic identification is composed of a driving licence, passport, UK armed services ID card and any Proof of Age Standards Scheme (PASS) accredited card such as the Proof of Age London (PAL) card.

26. That all staff involved in the sale of alcohol shall be trained in the prevention of sales of alcohol to underage persons, and the challenge 25 scheme in operation. A record of such training shall be kept / be accessible at the stall at all times and be made immediately available for inspection at the premises, to council or police officers on request. The training record shall include:
 - a. The trainee's name (in block capitals),
 - b. The trainer's name (in block capitals),
 - c. The signature of the trainee,
 - d. The signature of the trainer,
 - e. The date(s) of training, and
 - f. A declaration that the training has been received.
27. That clearly legible signs shall be prominently displayed where they can easily be seen and read by customers stating to the effect that a challenge 25 policy is in operation at the premises, that customers may be asked to provide proof of age and stating what the acceptable forms of proof of age are. Such signage shall be displayed at all entrances, points of sale and in all areas where alcohol is displayed for sale. The signage shall be kept free from obstructions at all times.
28. That a register of refused sales of alcohol shall be maintained in order to demonstrate effective operation of the challenge 25 policy. The register shall be clearly and legibly marked on the front cover as a register of refused sales, with the address of the premises and with the name and address of the licence holder. The register shall be kept / be accessible at the premises at all times. The register shall be made immediately available for inspection at the premises to council or police officers on request.
29. That customers shall not be permitted to drink alcohol in Stoney Street, Clink Street, Bank End or Park Street or to remove open vessels of alcohol from the premises (save for designated external areas hatched blue on the overall plan where a unit has access to that area).
30. That there shall be no off-sales of alcohol save for:
 - a. Any alcohol to be delivered ancillary to a food order or
 - b. Sealed bottles of wine or sparkling wine with a minimum price of £15 per bottle.
31. That external tables and chairs are to be rendered unusable by 22:30, until the start of trading hours the following day.
32. That there shall be no vertical drinking permitted in the designated external areas (hatched blue on the premises licence plan).

33. That customers and staff are not permitted to smoke outside a unit at anytime (save for in the designated external areas hatched blue on the premises licence plan).
34. That no loudspeakers shall be positioned externally, or in a place/direction that causes a noise nuisance to residents.
35. That after 22:00 there shall be no collections for delivery of take- away food or drink.
36. That takeaway delivery drivers/riders shall be given clear, written instructions to use their vehicles in a responsible manner so as not to cause a nuisance to any residents or generally outside the licensed premises, not to obstruct the highway and not to raise their voices in a manner that disturbs residents.
37. That no customers shall be permitted to queue on the public highway.
38. That there be no live sports events shall be screened at the premises.
39. That the operational management plan includes: Borough Yards shall employ a taxi marshal or marshals in accordance with a written risk assessment.
40. That the operational management plan includes: There shall be a designated taxi drop off point at Soap Yard for customers of the units in Stoney Street and Park Street.
41. That the operational management plan includes: Borough Yards shall liaise with the residents' forum on appropriate taxi drop off and collection points.
42. That the operational management plan includes: Clink Yard shall be referred to as "Soap Yard" in publicly available documents (including websites). All references to Clink Yard in the licence conditions are to be read as referring to Soap Yard.
43. That the opening hours and licensable activities on Sundays are restricted to 10:00 to 23:00.
44. That toilets within the premises must remain open until the last customer has left the premises.
45. That wherever possible, single use plastics (both receptacles and straws) should not be used, unless there is no alternative.
46. That the operational management plan includes: quarterly meetings with residents and resident representatives shall be facilitated by the Borough Yards' estate managers unless and until all parties agree that they are not required or required to the same frequency.

47. That the operational management plan includes: security shall assist in encouraging buskers creating a nuisance on the immediate periphery to move on.
48. That the operational management plans includes: Borough Yards must deploy sufficient SIA's and/or street marshals, in accordance with a risk assessment, to ensure that customers using the licensed premises do not create a nuisance to nearby residents.

Additional conditions in relation to the external terraces

49. That comprehensive management controls will be implemented to ensure the safe use of the terraces by customers and at all times ensure compliance with the approved operational management plan dated July 2021.
50. That staff shall monitor and supervise the terrace areas and institute suitable methods of controlled entry to these areas at all times.
51. That there shall be no music played within the external seating areas.
52. That no loudspeakers shall be positioned within the external seating area.
53. That there shall be no vertical-drinking permitted in the external seating areas.
54. That smoking shall only be permitted within the designated smoking seats.
55. That there shall be a terrace management plan in place and available for inspection upon request by an authorised officer.

Additional conditions for the use of the food van

56. That there will be no draught beer served from the food van.
57. That there shall be prominent signage displayed that toilets are freely available within the restaurant unit.
58. That all alcohol will be dispensed in sealed containers only and no bottle openers will be available.

Reasons

This was an application to for a premises licence in respect of the premises known as Cafe Francois, 14 - 16, Stoney Street, London SE1 9AD.

The licensing sub-committee heard from the representative for the applicant who advised members that the premises would be a modern French bistro restaurant, delicatessen and bakery, with ancillary bar and external seating area. The

premises would be the second operation for the applicant who already operated a successful trouble free premises in the St James's area of Westminster.

The outstanding issues raised by other person 3 and other person 5 concerned the use of the food truck and the gantry which was elevated on the first floor both of which had been addressed by way of additional conditions and would be subject to the applicant obtaining planning permission.

The proposed hours and conditions were substantially in the same form as the premises licence granted by the licensing sub-committee to the applicant's landlord in 2021. The sub-committee were asked to note that the now chair of the residents association (other person 2) had been engaged in substantial dialogue in 2021 regarding the grant of that premises licence.

There was also no longer any representations from responsible authorities despite the premises being in the Borough and Bankside cumulative impact area. Even if members were concerned with the premises being in a CIA, the application already mirrored the licence granted in 2021.

The representative then went through the conciliated conditions and explained how they addressed the outstanding representations.

The licensing sub-committee noted that the police had conciliated with the premises. The sub-committee also noted that the ward councillor and one of the residents, being the chair of the residents association, had conciliated with the applicant after the plans for the premises and conditions had been amended. Both wanted to withdraw their representations, but under Licensing Act 2003 (Hearings) Regulations 2005 were unable to do because it was less than 24 hours before the hearing. The sub-committee also noted the representations from two other persons who were not present at the hearing.

The licensing sub-committee were satisfied that there was exceptional reason why the CIA policy did not apply. The operating schedule largely replicated the premises licence granted in 2021 and a plethora of additional conditions had been added. Other person 2 who was the chair of the residents association had conciliated their representation and had been involved in the negotiations of the 2021 premises licence.

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.

8. **LICENSING ACT 2003: SENTOSA, 208 BERMONDSEY STREET, LONDON SE1 3TQ**

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

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

The licensing sub-committee heard from one other person (a local resident), objecting to the application. Members had no questions for the other person.

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

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

The meeting adjourned at 1.04pm for the sub-committee to consider its decision.

The meeting reconvened at 1.27pm and the chair advised everyone of the decision.

RESOLVED:

That the application made by Soon Liang Lee for a premises licence to be granted under Section 17 of the Licensing Act 2003 in respect of the premises known as Sentosa, 208 Bermondsey Street, London SE1 3TQ be granted.

Hours

The sale by retail of alcohol (on the premises):	Monday to Thursday: 12:00 to 22:30 Friday and Saturday: 12:00 to 23:00 Sunday: 12:00 to 22:00
Recorded music (indoors):	Monday to Saturday: 12:00 to 23:00 Sunday: 12:00 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 and 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 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 in the vicinity.
2. That there shall be no pick-ups by food delivery drivers after 22:15.
3. That signage shall be erected encouraging patrons not to congregate outside the premises.

Reasons

This was an application made by Soon Liang Lee for a premises licence in respect of the premises known as Sentosa, 208 Bermondsey Street, London SE1 3TQ.

The licensing sub-committee heard from the representative for the applicant who advised that the premises would be a Malaysian and Chinese restaurant. In addressing the objections from the four local residents, the representative for the applicant stated that the hours applied for were standard, with an extra half an hour on Friday and Saturday. Regardless, the applicant would compromise, since the area was relatively quiet at 23:00, so could agree to close at the same time on Friday and Saturday. Concerning smoking, whether there was a restaurant at the

location or not, people were allowed to smoke in the street, so did not recognise this as a problem.

Regarding the concern of waste, the applicant has their own rear courtyard at the back of the restaurant where waste is stored. The area belonged to the applicant and was not shared with residents. The residents' refuse was stored separately behind a private gate that only residents had keys to their area. The applicant also had a contract with the council for the restaurant's refuse collection that would be collected daily between 08:00-10:00.

The representative for the applicant also explained that he had designed the ventilation system and explained that everything was internal. There was no external filtration or fan; it was a recirculating internal system that purifies air which goes back into the restaurant, so absolutely nothing was emitted outside.

It was suggested that the residents were also unjustified in their concerns of late night music from the premises, as the premises would not be a nightclub. It was a fine dining restaurant, with background music. The building in which the restaurant was located is a concrete structure meaning noise wouldn't travel or echo outside. Added to this, the restaurant has acoustic ceilings installed, so it was impossible for either the background music or noise/vibration from the ventilation system to escape.

The licensing sub-committee heard from other person 3 who explained that since they had lived on Bermondsey Street the council had greatly reduced the noise and traffic along Bermondsey Street with change in direction of traffic onto Tooley Street and London Bridge, which had greatly improved the residents' sleep and general well-being.

Despite this, other person 3 still had concerns regarding the delivery drivers, as they speed along the road and then tend to linger in locations where delivery drivers park up. It was feared that following the changes and improvements made along Bermondsey Street would be wasted if the delivery drivers were allowed to loiter.

Although other person 3 acknowledged the applicant's representative point about people smoking, it was explained that even one person smoking on the street below made their home smell of cigarettes. People smoking outside also tended to congregate in the underpass and this would increase with the new restaurant. Other person 3 wanted to see something that would prevent people loitering in the underpass

Other person 3 did however, feel more reassured after hearing from the applicant's representative and having the conciliated conditions explained.

The licensing sub-committee noted the objections from three other persons who were not in attendance at the hearing. It was also noted that the Metropolitan Police Service and licensing as a responsible authority had conciliated their objections, resulting in the applicant agreeing ten additional conditions with the

police and 14 additional conditions with Licensing as a responsible authority.

During the discussion stage of the hearing, the applicant's representative made a number of compromises for the benefit of the residents, mindful that the restaurant was in such close proximity to residential premises. This included a reduction in hours on Fridays and Saturdays, food deliveries by Ubers (etc.) terminating at 22:15 and greater engagement with the residents by providing a contact telephone number in the event of any issues arising. The sub-committee agreed with the conditions imposed in addition to the 24 conciliated conditions addressed the concerns of the residents.

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.

The meeting ended at 1.30pm.

CHAIR:

DATED: