

## Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 21 September 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

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**PRESENT:** Councillor Renata Hamvas (Chair)  
Councillor Charlie Smith  
Councillor Kath Whittam

**OFFICER SUPPORT:** Toyin Calfos, legal officer  
Matt Tucker, licensing officer  
Andrew Weir, constitutional officer

### 1. APOLOGIES

The meeting opened at 10.03am.

The chair explained to the participants and observers how the 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: PLANET OF THE GRAPES, REAR OF 43 LORDSHIP LANE, LONDON SE22 8EW

The licensing officer requested a short adjournment in order to clarify a question with the legal officer. The meeting adjourned at 10.15am and reconvened at 10.25am.

The licensing officer then presented their report. Members had questions for the licensing officer.

The chair allowed the other person objecting to the application to ask a question of the licensing officer.

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

The other person, objecting to the application, addressed the sub-committee. Members had no questions for the other person.

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

The meeting adjourned at 11.44am for the sub-committee to consider its decision.

The meeting reconvened at 12.13pm and the chair advised everyone of the decision.

#### **RESOLVED:**

That the application made by Planet of the Grapes Limited for a premises licence to be granted under Section 17 of the Licensing Act 2003, in respect of the premises known as Planet of the Grapes, Rear of 43 Lordship Lane, London, SE22 8EW be granted as follows:

<b>Activity</b>	<b>Hours</b>
The sale by retail of alcohol (on sales)	Monday to Sunday: 10:00 to 21:30
The sale by retail of alcohol (off sales)	Monday to Sunday: 10:00 to 22:00
Regulated entertainment in the form of recorded music (indoors)	Monday to Sunday: 10:00 to 22:00
Opening hours	Monday to Sunday: 10:00 to 22:00

## **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, L, and M of the application form, the conditions agreed with the Metropolitan Police Service and trading standards during the conciliation process and the following conditions imposed by the sub-committee:

### **Conditions imposed by the sub-committee**

1. That the applicant shall provide an accurate plan of the premises, which includes food preparation and storage areas. This shall be agreed by the licensing unit before opening.
2. That there shall be no vertical drinking.
3. That during the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises. This area shall be swept and/or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
4. That no collections of waste or recycling materials or deliveries (including bottles) from the premises shall take place between 20.00 and 08.00 on the following day.
5. That no external bottling for disposal to take place between 20.00 and 08.00 on the following day.
6. Condition 16 contained within the application shall be amended to read:

“That a glass door to the exit/entrance be installed that can close to contain noise.”

### **Recommendations**

1. That a disabled access toilet is installed if possible
2. That the applicant shall endeavour to not use single use plastic wherever possible.
3. That the applicant shall liaise with other premises using the refuse area to investigate the possibility whether the freeholder and leaseholders can install a gate in the rear yard in Frogley Road.

### **Conditions agreed with the Metropolitan Police Service**

1. That staff shall engage with patrons leaving the premises and ensure they do not loiter in Frogley Road SE22.
2. That staff shall make regular checks on the perimeter of the premises to ensure that no patrons cause a disturbance to their neighbours.
3. That signage be displayed requesting patrons waiting for taxis/mini cabs do so in Lordship lane.
4. That customers leaving the premises to smoke shall not be permitted to take alcohol with them.
5. That the internal capacity of the premises shall not exceed 25.

### **Conditions put forward by applicant in amended application**

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 and smoking areas. The premises shall not be open at any time when the CCTV is not operating correctly.
2. That there shall be at least one member of staff on duty at all times the premises are in operation who is trained and proficient in the operation of the CCTV system and who is capable of operating and retrieving footage at the request of police, council or other authorised officers.
3. 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.
4. 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.
5. That no alcohol shall be removed from the premises with the exception of off-sales of alcohol which shall be sold in sealed containers for consumption away from the premises.
6. That clear legible signage shall be prominently displayed where it can be easily seen and read, requesting that 'off sales' of alcohol are not opened and consumed in the vicinity of the premises.
7. That a challenge 25 scheme shall be maintained at the premises 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.

8. 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 all times and be made immediately available for inspection to council or police officers on request. The training record shall include the trainee's name (in block capitals), the trainer's name (in block capitals), the signature of the trainee, the signature of the trainer, the date(s) of training and a declaration that the training has been received.
9. 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 driving licence
10. That the challenge 25 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.
11. 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.
12. That the premises shall have a written dispersal policy. The written dispersal policy shall be kept at the premises with the licence and made available for inspection by authorised council officers or the police. All relevant staff shall be trained in the implementation of the dispersal policy. The police and the council shall be informed of any future amendments to the dispersal policy.
13. That a direct telephone number for the manager on duty at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
14. That no outdoor area shall be used with the exception of those that temporarily leave to smoke, this shall not exceed three persons and shall be monitored by staff to ensure no nuisance or disturbance is caused to their neighbours.

15. That alcohol sold for consumption on the premises shall be to persons seated only.
16. The existing wooden door will be changed to a glass door that can close to contain noise and give added security.

## **Reasons**

This case concerns an application made by Planet of the Grapes Limited for the grant of a new premises licence in respect of the premises known as Rear of 43 Lordship Lane, London SE22 8EW.

On 20 July 2022 the applicant submitted an application for a new premises licence to the licensing unit. This application was subsequently withdrawn and a replacement application was submitted on 26 July 2023. A number of conditions, aimed at promoting all four of the licensing objectives, were contained within the second application. These conditions can be found in paragraph 2.

The licensing sub-committee heard from the licensing officer. He stated that the premises was not situated within a cumulative impact area and the opening times were in line with the hours recommended in the Southwark statement of licensing policy 2021-2026.

He explained that the Metropolitan Police Service and trading standards, acting in their capacity of responsible authorities had withdrawn their objections after the applicant agreed to further conditions. The Metropolitan Police Service requested the applicant agree to conditions concerning how patrons are to be dispersed and trading standards requested conditions pertaining to challenge 25, staff training and a refusal of sales register to be kept on the premises.

The officer went on to state that there were two outstanding representations from other persons, who lived within the locality. The officer noted the concerns of the residential objectors related to public nuisance and crime and disorder. The officer went on to say that the lease for the premises would not be signed by the applicant until he could determine whether a licence would be granted.

The sub-committee then heard from the applicant. He explained he had withdrawn his first application after discussions with the Metropolitan Police Service and trading standards, putting forward more robust conditions in the second application to address the licensing objectives.

He noted the second application reduced the hours of operation, provided for drinking up time and reduced the number of patrons from 30 to 25. He stated that he was a local resident who wanted to open an establishment that was primarily a retail wine shop that also provided a place for patrons to sit and enjoy charcuterie alongside a glass of wine. Background music would be played at the premises during operational hours. He said it was not a place for loud music, but primarily a place to enjoy fine wine. He told the sub-committee he has similar type of

establishment in The City but wanted to open a premises locally.

The applicant was asked about the plan he had provided to the sub-committee. The applicant said he was given the plan by the landlord and hoped the layout would resemble a shop with seating. He confirmed he had not commissioned plans of the premises for the purposes of this application due to the expense and not knowing whether the licence would be granted. He said if the licence was not granted the premises would not be of interest to him as he intended to run a wine shop. The applicant agreed he would provide a plan to the licensing unit prior to opening, should a licence be granted.

The applicant also confirmed that it was not his intention to have vertical drinking at the premises.

The applicant stated he was considering keeping the existing wooden doors and would place a roller shutter in front them instead of removing the doors as first thought. He went on to say that even if he kept the doors, he intended to put in a glass door with a roller shutter in front of it for security reasons.

The applicant confirmed the company supplies all of its shops using their own vans. Deliveries would be taken directly from its warehouse which is situated outside the borough. He said deliveries are made two or three times a week and supplied all the premises that he owned. When asked, the applicant agreed that no external bottling would take place between 20.00 and 08.00.

The applicant recognised that the refuse area has been prone to fly-tipping and was generally kept in an untidy state by the other leaseholders who were not linked to his premises. He confirmed that the refuse area was used by four other businesses and was situated on private land. He was not sure who owned the land. He said it would be in his best interest to resolve this issue as he intended to open a fine wine shop. He said he was happy to work with other business owners who used the refuse area and the relevant council departments and landowner(s) to try to find a way to resolve the issue of overflowing bins and fly tipping.

On questioning, the applicant confirmed that he would not use single use plastics.

The sub-committee heard from the other person objector (a local resident) who also spoke on behalf of the other objecting resident who was unable to attend. She said she would much rather have a business in the empty space but wanted to achieve a balance between entrepreneurship and the nature of the road.

The local resident stated that the entirety of the premises was on a residential road, despite having an address which gave the impression the premises was on the high street. She stated the existing businesses make a lot of noise which intrudes into her home and was concerned that the grant of a licence to the premises would exacerbate the issues already facing residents.

She stated the existing premises have created issues with crime and disorder caused by employees and delivery personnel on their bikes.

The local resident stated that the refuse area was often overflowing with rubbish which then spilled on to the public road. The rubbish was then taken by the foxes into the neighbouring gardens. She added that some of the waste is very sharp and made neighbours fearful of using the public high street. She expressed concern that an increase in bins would exacerbate the existing problem and could potentially create a fire hazard.

She stated the rubbish issue caused an increase in fly-tipping and the smell was so awful, she could not open her windows during the summer months. She went on to say the rubbish encouraged rats and, maggots were often found in neighbouring gardens from the rubbish brought there by the foxes.

In addition to the anti-social behavior and nuisance, she was very concerned about the licence premises changing the nature to the residential street.

She invited the sub-committee to consider the following proposed conditions:

1. That the bin disposal area be secured with a large gate for waste disposal/rubbish collections with a smaller gate for pedestrians and employees.
2. That CCTV covering the bin area added to plan.
3. That regular deep cleans of the shared bin and access area take place during business hours (09.00 to 17.00).
4. That if the licence was granted it should be for shorter hours which reflect the nature and purpose of the street and the previous and continuing anti-social behavior.
5. That when structural changes to the building take place the flag stone floor should be removed or covered up as acoustics are very loud. There should also be considerate lighting, which would lessen the impact of light pollution.
6. That the entrance and exit and seating area should be moved closer to Lordship Lane.
7. That there should be no deliveries from the premises from Deliveroo type services.

Upon hearing the issues raised by the resident, the chair reminded the resident that she could ask the licensing unit to review the licenses of the premises that were causing issues.

In summing up the applicant confirmed there would not be flashing lights



emanating from the premises as it was not that type of venue. He stated that the premises would have mood lighting. He agreed delivery drivers should not be allowed to park on the residential road. He said in terms of off sale on-line deliveries, deliveries would be made via their warehouse and not the premises.

The licensing sub-committee considered all of the objections put forward and took into consideration all that had been said in the meeting.

The sub-committee were mindful that the complaints put forward by the residents were caused by the existing businesses and not the premises under consideration. In relation to the rubbish issue, the sub-committee were aware the problem was on-going and lots of agencies needed to work together to resolve the issue. The sub-committee were mindful that this was not an issue it could resolve on its own.

The sub-committee were heartened by the applicant's attitude and willingness to help work with other establishments to remedy the rubbish issue currently faced by residents. It also felt that if a licence were granted it would be in the applicant's interest to resolve the issue and not exacerbate it. To that end, the sub-committee agreed with the resident in that it would be better for the vacant premises to be occupied.

The sub-committee were concerned by the absence of a plan. However, it formed the view that the objections put before it could be allayed by the conditions imposed on the licence.

The sub-committee did consider the other conditions put forward by the resident but felt those conditions should not be adopted as they were disproportionate and would have an onerous effect on the viability of the business. The sub-committee could not determine whether the applicant had the power to install security gates as suggested by the resident.

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 12.18pm.

**CHAIR:**

**DATED:**