

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Tuesday 26 September 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

PRESENT: Councillor Renata Hamvas (Chair)
Councillor Sandra Rhule
Councillor Jane Salmon

OFFICER SUPPORT: Debra Allday, legal officer
Matt Tucker, licensing officer
Andrew Weir, constitutional officer

1. APOLOGIES

The meeting opened at 10.00am.

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: EL MERO, BASEMENT, 18 AMELIA STREET, LONDON SE17 3PY

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

6. LICENSING ACT 2003: LA BRASA, 182 JAMAICA ROAD, LONDON SE16 4RT

The licensing officer presented their report. Members had questions for 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. They advised that they were withdrawing their representation, having heard from the applicant.

The sub-committee noted the representation from the other person, who was not present at the meeting.

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

The meeting adjourned at 11.38am for the sub-committee to consider its decision.

The meeting reconvened at 10.50am and the chair advised everyone of the decision.

RESOLVED:

That the application made by Walter Fritz Opitz for a premises licence to be granted under Section 17 of the Licensing Act 2003 in respect of the premises known as La Brasa, 182 Jamaica Road, London SE16 4RT be granted.

Hours

The sale by retail of alcohol (on the premises):	Sunday to Wednesday: 11:00 to 22:30 Thursday to Saturday: 11:00 to 23:00
Opening hours:	Sunday to Wednesday: 08:00 to 23:00. Thursday to Saturday: 08:00 to 23:30.

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 the following additional conditions agreed by the sub-committee:

1. That the total capacity of the premises shall not exceed 50. The maximum capacity for the external area will not exceed 16 at any time.
2. That wherever possible, single use plastics shall not be used, unless there is no alternative.
3. That the website for the premises and all publicity literature will encourage the use of public transport and provide the public transport details for the vicinity.
4. That no glass waste including bottles shall be handled externally between 20:00 and 08:00 with the exception of the collection of empty glasses and bottles from outside dining/smoking area.
5. That external waste handling, collections and deliveries shall not take place between the hours of 20:00 and 08:00.
6. That no more than five customers are permitted in the outside area for the purposes of smoking.

Reasons

This was an application for a premises licence in respect of La Brasa, 182 Jamaica Road, London SE16 4RT.

The licensing sub-committee heard from the applicant who advised that he already had a restaurant called which had an alcohol licence since November 2021. He was extremely familiar his responsibilities under the Licensing Act 2003. Since the grant of the premises licence at La Chingada, the applicant had never experienced any issues with the police or the local residents.

Regarding La Brasa, the premises was to be a restaurant/grill restaurant located in an end of terrace ground floor retail unit with residential properties above. The premises would have room for approximately 30 covers inside and 16 covers outside. It was anticipated that the outside area would be busier in the summer months. The plans as they existed showed a total of 52 covers.

However, the applicant agreed final plans would be provided in advance of the premises opening. The Applicant agreed with members to have a condition of a maximum capacity of 50. Concerning the outside area, only customers of the

restaurant would be able use the outside area and rendered unusable from 22:00, with the furniture taken inside.

The applicant stated that he would only sell alcohol with hot food and there was no intention to allow customers to get drunk and misbehave, it was not the clientele that it wanted to attract. Alcohol would be sold with a bigger profit margin. A bottle of beer could be sold in a local shop for £1, but the same would cost £5.50 in the restaurant. The risk of a customer getting drunk or causing a nuisance was minimal.

Members also noted that the conciliated police representation made reference to taxis. However, because Southwark had declared a climate emergency, the applicant was asked to encourage his customers to use public transport, particularly in view of how close Bermondsey tube station was. The applicant accepted to having a condition added to the licence concerning this.

The applicant also agreed to a condition to not using single-use plastics for the same reason.

Regarding food delivery drivers, the applicant advised this service was likely to be used while the restaurant established its customer base, when drivers could pick the deliveries from either the front or rear of the premises. The service would only be available until 18:30 hours, as the there would be priority to customers in the restaurant.

The applicant advised that it had a waste contract with the council and collections would take place after 08:00, three times a week. Further, because bottling very disruptive to residents the applicant was agreeable to a condition of external bottling and waste collection would only take place between 08:00 and 20:00.

The licensing sub-committee then heard from other person B who advised that their concerns had been addressed by both the conciliated conditions the police and members.

The licensing sub-committee noted the representation of other person A, who was not in attendance at the hearing.

On considering the application, the licensing sub-committee noted that the premises was not located in a cumulative impact area and in advance of the hearing the applicant had conciliated with the Metropolitan Police Service and brought the closing hours in line with those recommended in Southwark's statement of licensing policy 2021-2026 (Monday to Sunday 23:00 hours). On the basis that the objectors representations being addressed, the sub-committee granted the application in the terms above.

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 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 10.53am.

CHAIR:

DATED: