

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Tuesday 10 October 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 Margy Newens (in the chair)
Councillor Natasha Ennin
Councillor Sunny Lambe

OTHER MEMBERS PRESENT Councillor Kath Whittam, ward councillor

OFFICER SUPPORT: Toyin Calfos, legal officer
Andrew Heron, licensing officer
Ray Moore, trading standards officer
Andrew Weir, constitutional officer

1. ELECTION OF CHAIR

The clerk opened the meeting at 10.01am.

Councilor Natasha Ennin nominated Councillor Margy Newens to be the chair for the meeting. This was seconded by Councillor Sunny Lambe.

2. APOLOGIES

The chair explained to the participants and observers how the meeting would run.

Everyone then introduced themselves.

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

There were none.

5. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

6. LICENSING ACT 2003: STRONGMAN'S TIPPLE, LOADING BAY, 1ST FLOOR, UNIT 1, SURREY QUAYS SHOPPING CENTRE, LONDON SE16 7LL

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 other person (a ward councillor), objecting to the application, addressed the sub-committee. Members had questions for the ward councillor.

The trading standards officer, objecting to the application, addressed the sub-committee. Members had questions for the trading standards officer.

The sub-committee requested to see the previous premises licence held by the applicant. All parties agreed to this.

The meeting adjourned at 10.57am for all parties to read the previous premises licence. The meeting reconvened at 11.15am.

Members had some further questions for the trading standards officer.

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

The meeting adjourned at 11.40am for the sub-committee to consider

The meeting reconvened at 12.12pm and the chair advised everyone of the decision.

RESOLVED:

That the application made by Strongman's Tipple Ltd for a premises licence to be granted under Section 17 of the Licensing Act 2003, in respect of the premises known as Strongman's Tipple, Loading Bay, 1st Floor, Unit 1, Surrey Quays Shopping Centre, London SE16 7LL be granted as follows:

The sale by retail of alcohol (off sales)	Monday to Sunday: 09:00-23:00
Opening hours	Monday to Sunday: 09:00-23:00

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 J, K and M of the application form and the following additional conditions imposed by the licensing sub-committee:

1. That the premises shall not be open to the public and there shall be no face to face sales from the premises.
2. That all online sales of alcohol are subject to a real time age verification check via an external third party who is a member of the Age Verification Providers Association.
3. That the premises shall use the services of a courier company(ies) that verifies age at the point of delivery when the person taking delivery appears to be under the age of 25
4. That all staff involved in the sale of alcohol shall be trained on a yearly basis in their obligations under the Licensing Act 2003 and under this licence. A record of the training shall be maintained at the premises and made available for inspection by authorised officers of the council or the police, upon request.

Reasons

This case concerns an application made by Strongman's Tipple Ltd for a premises licence to be granted under Section 17 of the Licensing Act 2003, in respect of the premises known as Strongman's Tipple, Loading Bay, 1st Floor, Unit 1, Surrey Quays Shopping Centre, London SE16 7LL.

On 15 August 2023 the applicant submitted an application for a new premises licence. The application was subject to representation from trading standards in its capacity as a responsible authority. A further objection came from a local ward

councillor whose objections mirrored those of trading standards.

As conciliation could not be reached with trading standards or the ward councillor, the matter was referred to the licensing sub-committee for determination.

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

He explained that trading standards and the councillor objected to the application on the grounds of protection of children from harm. Trading standards had concerns relating to the applicant's unwillingness to adopt any meaningful measures to prevent minors from purchasing alcohol online. These concerns related to age verification.

The sub-committee heard from the applicant. The applicant explained that his business had two parts. The first and primary part concerned the selling of wholesale alcohol to other businesses for which he had an AWRS (Alcohol Wholesaler Registration Scheme) licence. He went on to say the second smaller part of his business accounted for 0.5% of sales and, concerned selling cocktails online from his website. He confirmed that no face to face sales take place at the premises.

He explained the he had a licence at his previous premises but when the company moved, he was advised to relinquished his licence and applied for a new premises licence.

He went on to say, he completed the application, just as he had before. He was surprised by the conditions put forward by trading standards as he was not aware of any restrictions on his previous licence.

He stated that after reviewing the conditions proposed by trading standards, he was now willing to adopt them. He explained that the company had purchased the relevant software from a provider who was a member of the Age Verification Providers Association. Whilst installing the software it transpired that the software was incompatible with his website. He stated that he had a number of engineers looking into the problem but it now seems that he will have to change the website entirely to use the software. He said that online sales on the company website had been suspended immediately after he received advice from trading standards.

He confirmed, after making enquiries with other businesses, he was only able to identify one courier company who could carry out age verification upon delivery.

During questions put to him, the applicant agreed for the licensing sub-committee to have sight of his previous licence after he had stated that his previous licence did not have conditions attached.

Upon reviewing the licence, it transpired that there were robust conditions therein regarding age verification.

He apologised for the oversight and explained he was happy to implement all conditions put forward by trading standards and was eager to work with the authorities to show that his company could operate responsibly.

The sub-committee heard from trading standards. In essence, the trading standards officer expressed grave concerns regarding the applicant's previous unwillingness to adhere to the proposed conditions which included:

1. That all online sales of alcohol are subject to a real time age verification check via an external third party.
2. 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.
3. That all online age verification checks should only be made by a company which is a member of the following organisation <https://avpassociation.com/>.

The officer also expressed a great deal of surprise and concern that the applicant appeared to be completely unaware of the conditions of his previous licence. The officer opined that the previous conditions were more stringent than the conditions he had suggested to the applicant during the conciliation process.

The ward councilor addressed the sub-committee and confirmed that her concerns mirrored those of the trading standards officer. The ward councilor advised that she would be satisfied with conditions on the licence, if the trading standards officer was satisfied.

In summing up, the applicant expressed remorse and stated that he followed the advice of trading standards and was willing to accept its conditions. He expressed that the company was in the process of implementing a real time age verification software and had found a courier who carried out age verification checks.

The licensing sub-committee having decided that the applicant was truthful and remorseful, went on to consider the conditions put forward by trading standards and agreed the conditions were reasonable. The licensing sub-committee noted that the applicant agreed to abide by those conditions and had taken steps to implement them.

The licensing sub-committee were concerned that the applicant was not aware of the conditions of his previous licence which they agreed were more stringent. The licensing sub-committee thought it reasonable in the circumstances to add an additional condition relating to training:

- That all staff involved in the sale of alcohol shall be trained on a yearly basis in their obligations under the Licensing Act 2003 and under this licence. A record of the training shall be maintained at the premises and made available for inspection by authorised officers of the council or the police, upon request.

In reaching this decision, the licensing sub-committee 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 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 12.16pm.

CHAIR:

DATED: