



## Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 25 April 2024 at 10.00 am at Innovation Space, Ground Floor, 160 Tooley Street, London SE1 2QH

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**PRESENT:** Councillor Renata Hamvas (Chair)  
Councillor Suzanne Abachor  
Councillor Sabina Emmanuel

**OFFICER SUPPORT:** Debra Allday, legal officer  
David Franklin, licensing officer  
Jayne Tear, licensing officer  
Wesley McArthur, licensing responsible authority officer  
Richard Earis, environmental protection officer  
P.C. Mark Lynch, Metropolitan Police Service

### 1. APOLOGIES

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

It was noted that additional information from the licensing authority and environmental protection team had been circulated to all parties a day before the meeting.

### 4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

**5. LICENSING ACT 2003: THE EMPIRE LOUNGE, UNITS 1 AND 2, 777 OLD KENT ROAD, LONDON SE15 1NZ**

The legal representative for the applicant put forward their case that the sub-committee should disregard the information that had been circulated to all parties a day before the meeting.

The chair advised that fair consideration would be given to everything before the sub-committee.

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

The applicant and their legal representative addressed the sub-committee. Members had questions for the applicant and their legal representative.

The meeting adjourned at 11.52am for a comfort break. The meeting then reconvened at 12.03pm.

The Metropolitan Police Service officer addressed the sub-committee. Members had questions for the police officer.

The legal representative for the applicant also had questions for the police officer.

The environmental protection team officer addressed the sub-committee. Members had questions for the environmental protection team officer.

The legal representative for the applicant also had questions for the environmental protection team officer.

The licensing responsible authority officer addressed the sub-committee. Members had questions for the licensing responsible authority officer.

The legal representative for the applicant had questions for the licensing responsible authority officer also.

Two other persons, objecting to the application addressed the sub-committee. Members had questions for the other persons.

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

The meeting adjourned at 1.27pm for the sub-committee to consider its decision.

The meeting reconvened at 2.39pm and the chair advised everyone of the decision.

**RESOLVED:**

That the application made by George Nwachukwu for a premises licence to be granted under Section 17 Licensing Act 2003 in respect of the premises known as the Empire Lounge, Units 1 and 2, 777 Old Kent Road, London SE15 1NZ be granted as follows:

## Hours

Recorded Music	Sunday to Thursday 11:00 to 00:00 Friday and Saturday 11:00 to 02:00
Late Night Refreshment	Sunday to Thursday 23:00 to 00:00 Friday and Saturday 23:00 to 02:00
Sale by Retail of Alcohol (on premises)	Sunday to Thursday 11:00 to 00:00 Friday and Saturday 11:00 to 02:00
Sale by Retail of Alcohol (off premises)	Monday to Sunday 11:00 to 00:00
Operating Hours	Sunday to Thursday 11:00 to 00:30 Friday and Saturday 11:00 to 02:30
Non Standard Timings	On the following days, the permitted opening hours and hours permitted for licensable activities may be extended for an additional hour: <ul style="list-style-type: none"><li>• Thursday, Friday, Saturday and Sunday of the Easter weekend.</li><li>• Friday, Saturday and Sunday of both May Bank Holidays and the August Bank Holiday.</li><li>• From the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.</li></ul>

## Conditions

The operation of the premises under the licence shall be subject to mandatory conditions, conditions derived from the operation schedule highlighted in section M of the application form and the conditions listed in the attached schedule of conditions.

## Reasons

This was an application made by Speedlink Services Ltd for a premises licence in respect of the premises known as The Empire Lounge Executive Lounge), Units 1 and 2, 777 Old Kent Road, London SE15 1NZ.

The licensing sub-committee heard from the representative for the applicant. They advised that a considerable amount of late evidence had been produced by the responsible authorities, including 60 pages from licensing as a responsible authority and eight pages from the environmental protection team (EPT). Although served in sufficient time for the hearing, the applicant's representative described the late service of evidence as being an ambush and that members should give little or no weight to the new information submitted,

The applicant's representative noted that the premises was not situated in a cumulative impact area (CIA).

Dealing with the objections from the responsible authorities, the police evidence showed that there has been no call-outs in the previous 12 months and on the balance of probabilities there was no crime and disorder connected with the premises. The applicant would agree with all of the conditions that the police sought.

They advised that the applicant was looking to acquire the floor above the premises and put it to commercial use. The EPT relied on a single complaint, which had been made by an illegal occupant (housed by another local authority). There were no longer any residents living above the premises. EPT had a duty of candour and their representation failed to mention two inspections where the premises was found to be compliant. The sub-committee were asked not to make any finding(s) from the evidence served late by EPT.

Concerning the issue of parking raised by the residents, the applicant was satisfied that the residents were mistaken. This issue was not due to the patrons of the premises. Anyone parking on Sylvan Grove would not be allowed entry to the premises. The applicant would ensure that its website and social media advised customers to take public transport and that there was no parking at the premises.

The licensing sub-committee heard the Metropolitan Police Service who stated that the premises were situated in a residential area and the hours sought far exceed those recommended in the statement of licensing policy (SoLP) for bar/restaurants in such an area with nightclubs not being considered appropriate in residential areas.

The officer explained that the control measures detailed in the operating schedule were not sufficiently robust for late opening hours in a residential area and if the licence were granted in its current format, it would have a negative impact on all of the licensing objectives, in particular that of the prevention of crime and disorder. A number of conditions had been recommended by the Metropolitan Police Service, which the representative for the applicant accepted.

The licensing sub-committee heard from the representative from the environmental protection team (EPT) who, like the Metropolitan Police Service, advised that the premises was located in a residential area and the hours sought exceeded the 23:00 (daily) closing time, recommended in the SoLP.

The officer had no confidence in the management of the premises as it had been the source of a significant level of complaints, primarily relating to loud amplified music from the premises, in addition to the impact on residents of dispersal, from within the residential element of the mixed use building itself, and also residents on Sylvan Grove.

A statutory noise nuisance had been witnessed on 6 November 2022 and the operator was asked to turn down music. When officers attended the premises, on this date, the applicant advised that the speakers causing the nuisance had not been routed through the noise limiter, in breach of condition 366 on the current premises licence. A warning letter was served on this occasion.

A further statutory nuisance was witnessed on 12 November 2022 resulting in a Section 80 of the Environmental Protection Act 1990 abatement notice. The notice was appealed but this was dismissed by the Crown Court. The abatement Notice remained valid, live and enforceable. To this, the applicant's representative said that they would not contest the abatement notice further.

The officer for EPT referred to other breaches of the current premises licence. They referred particularly to a breach on 16 November 2023 when the applicant informed a noise officer that he was operating without working CCTV (a breach of condition 340) and the premises was operating at 01:50, 50 minutes beyond its licensed hours and without a temporary event notice (TEN) in place. On this occasion the applicant was reported to accept he did not have a TEN in place and “couldn't shut down because the people don't want to leave”.

The officer for EPT concluded that granting a premises licence with the additional hours would likely undermine the prevention of public nuisance licensing objective.

The licensing sub-committee heard the officer representing licensing as a responsible authority who also objected to the grant of the application. Although the Old Kent Road was an extremely busy arterial road with constant traffic 24 hours a day, the area was had a high-density of residential housing estates and blocks in the immediate and wider vicinity of the premises.

The SoLP identified the area as residential, where the recommended closing times for all types of premises as being 23:00. The officer objected to the application, stating that late night/early morning alcohol sales and provision of regulated entertainment would undermine the promotion the crime and disorder, public safety and the prevention of public nuisance licensing objectives, and would be detrimental to the lives of local residents.

Although the premises described itself as a restaurant, the style of operation was more akin to a late night bar/nightclub, which was inappropriate in the locale. Granting the application would mean extended hours every day of the week. This would lead to a high level of intoxication, with a higher risk of confrontation between customers, anti-social behavior and crime and disorder, in addition to noise escape from the premises, which would cause significant noise nuisance in the locale.

The licensing sub-committee heard from other persons 2 and 3. Both other persons objected to the application based on the extended hours seven days a week. They referred to sleeplessness suffered as a result of the noise in addition to the lack of dispersal, with patrons sitting on residents' doorsteps, chatting loudly, smoking and drinking until 02:00.

During the discussion stage of the hearing, the other persons were appeased by the applicant's amendment to the application that they now sought the extended hours only for Fridays and Saturdays. The residents did however remain vocal that the parking issues on Sylvan Grove were due to the patrons of the premises.

The licensing sub-committee also noted the representation from other person 1 who was not in attendance at the hearing.

Although members recognised the other persons complaints of parking of patrons of the premises on Sylvan Grove, other businesses do utilise buildings nearby, and their patrons may be parking there. Licensing are asked to make enquiries to the CCTV team about the possibility of a camera being installed on Sylvan Grove to monitor the residents parking concerns. This would enable the ongoing parking issues, if identified by CCTV to be referred to the parking team for enforcement purposes.

In light of the amended application and the verbal representations, the licensing sub-committee were satisfied that the conditions would address the concerns raised and granted the licence.

In reaching this decision, the sub-committee had regard to all the relevant considerations, the public sector equality duty 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.

### **Schedule of Conditions**

1. That a digital CCTV system shall be installed at the premises, shall be maintained in full working order and shall be continually recording at all times that the premises are in use. The CCTV system must be capable of capturing a clear facial image of every person who enters the premises in all lighting conditions. The CCTV system shall be correctly time and date stamped at all times. The CCTV system shall cover all interior and exterior areas of the premises, including the frontage of the premises, and shall collect clearly defined / focused footage. That all CCTV footage shall be kept for a period of thirty one (31) days and shall be made immediately available to Police and responsible authority officers on request.
2. That a member of staff shall be on duty at all times that the premises are in use, who is trained in the use of the CCTV system and who is able to view, and download to a removable storage device, CCTV footage at the immediate request of Police and responsible authority officers.
3. That clearly legible signage shall be prominently displayed where it can easily be seen and read by customers advising to the effect that CCTV is in operation at the premises. The signage shall be kept free from obstructions at all times.

4. That all relevant staff shall be trained in their responsibilities under the Licensing Act 2003, the promotion of the licensing objectives and the terms and conditions of this licence. Records pertaining to such training ('the staff training logs') shall be kept at the premises, shall be updated every 6 months and shall be made immediately available to responsible authority officers on request. The training logs shall include the trainee's name (in block capitals), the trainer's name (in block capitals), the date(s) of training and a declaration that the training has been received and understood by the trainee. If the staff training logs are a paper hardcopy then the signature of the trainee, the signature of the trainer shall be included. That all Digital records of training and/or logs shall be made immediately available to Police and responsible authority officers on request.
5. That clearly legible signs shall be prominently displayed where they can easily be seen and read by customers at all exits from the premises, requesting that:
  - a. Customers leave the premises and area in a quiet and orderly manner.
  - b. Entry will not be permitted to patrons who use Sylvan Road to either park, drop off or collect by private or hackney carriage vehicles.
  - c. Customers do not consume alcoholic drinks bought at the premises in the vicinity of the premises. Such signs shall be maintained free from obstruction when the premises are in use in accordance with this licence.
6. That relevant members of staff shall receive first aid training and an appropriate number of persons trained in first aid shall be on the premises at all times the premises are in operation.
7. That on each day of the week members of staff shall clear away any litter arising from the operation of the premises, left in the immediate vicinity of the premises, when premises closes.
8. That the sound level of music played at the premises shall be monitored regularly to prevent music played at the premises from causing noise nuisance.
9. That the sound level of music played at the premises shall be controlled at all times solely by the manager, DPS, or other person nominated by the manager or DPS.
10. That all exterior doors at the premises shall be kept closed during the provision of any regulated entertainment except for immediate/emergency access and egress to and from the premises.
11. That all windows at the premises shall be kept closed during the provision of any regulated entertainment.
12. That when taxis are ordered for customers for the collection of customers from the premises staff members shall instruct the taxi service to instruct the taxi services drivers not to sound the driver's car horns outside the premises, but to approach the premises in person and verbally (without raised voices) alert staff that the drivers are at the premises to collect customers.

13. That the details of local taxi firms will be displayed and kept at the premises and provided to customers on request.
14. That a minimum of two (2) SIA registered door supervisors will be employed at the premises at all times after 22:00 on Friday, Saturday. They will be employed to control entry to the premises, to deal with the searching / scanning of customers, to deal with any anti-social or disorderly behaviour at the premises, to de-escalate confrontations, to assist with emergency escape from the premises, to deal with the ejection of people from the premises, to assist management in liaising with the police regarding instances of crime and to assist with ensuring that the premises' dispersal policy is adhered to. When deployed, they shall remain at the premises until all patrons have vacated the premises and until at least 30 minutes after the premises close. The door supervisors shall be easily identifiable by hi-visibility garment.
15. That a minimum of one (1) SIA registered door supervisor will be employed at the premises at all times after 22:00 on a Sunday to Thursday when the terminal hours are beyond midnight. They will be employed to control entry to the premises, to deal with the searching / scanning of customers, to deal with any anti social or disorderly behaviour at the premises, to de-escalate confrontations, to assist with emergency escape from the premises, to deal with the ejection of people from the premises, to assist management in liaising with the police regarding instances of crime and to assist with ensuring that the premises' dispersal policy is adhered to. When deployed, they shall remain at the premises until all patrons have vacated the premises and its immediate vicinity. The door supervisors shall be easily identifiable by hi-visibility garment.
16. The security personnel shall be equipped with mechanical counting devices to ensure that the maximum accommodation limit of the premises is not exceeded.
17. That a minimum of one SIA registered door supervisor shall wear a body worn video camera and all footage is to be made available to police or responsible authority officers upon request.
18. That any individual carrying out security activities at the premises must be:
  - a. authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
  - b. entitled to carry out that activity by virtue of section 4 of that Act.
19. That the SIA registered door supervisors shall at the time of the venue closing, encourage the patrons to disperse from the local area of the venue quietly and prevent any anti-social behaviour.
20. That an entry policy shall be devised and maintained at the premises. A copy of the entry policy shall be kept at the premises with the premises licence and shall be made immediately available for inspection to all responsible authority officers on request. That all digital records of training and/or logs shall be made immediately available to responsible authority officers on request. The entry policy shall cover (but not necessarily be limited to):
  - i. Safe customer entry to the premises,



- ii. If/when applicable searching/ scanning of attendees,
  - iii. The barring of customer entry to the premises for any reason,
  - iv. Restricted items (e.g. weapons / drugs or any other items restricted by the licensee),
  - v. Pre-opening safety checks of the premises,
  - vi. Dealing with overcrowding and / or crowd surges
  - vii. Dealing with suspect packages.
21. That an incident book/incident recording system shall be kept at the premises to record details of any of the following occurrences at the premises:
- i. Instances of anti-social or disorderly behaviour or Violence
  - ii. Calls to the police or fire brigade
  - iii. Abuse of staff and/or customers
  - iv. Ejections of people from the premises
  - v. Visits to the premises by the local authority, police or fire brigade
  - vi. Refused sales of alcohol
  - vii. Any malfunction in respect of the CCTV system
  - viii. Any other relevant incidents.

The incident book/incident recording system shall record the time, date, location, and description of each incident as well as the printed name of the person reporting the incident and any action taken in respect of the incident. The incident book/incident recording system shall be available and accessible at the premises at all times that the premises are in use in accordance with this licence and shall be made available immediately to Police and responsible authority officers upon request. A record of the preceding 12 months' incidents shall be available at the premises at any time. All digital records of training and/or logs shall be made immediately available to police and responsible authority officers of the council on request.

22. That if a Pubwatch scheme exists in respect of the local area, then the licensee/ management will join and participate in the Pubwatch scheme (details can be obtained from Southwark Police Licensing and the night time economy team).
23. That the premises must have a welfare and vulnerability policy and all staff must receive this training. All new staff must receive this training before starting their role and all staff must have refresher training every 12 months. All training must be recorded and these records must be available on immediate request by responsible authority officers. That all Digital records of training and/or logs shall be made immediately available to Police and responsible authority officers on request.
24. That the venue shall support "Ask for Angela" or another similar safety initiative and posters shall be displayed on the premises. All staff shall be trained in "Ask Angela" or a similar safety initiative and a record of this training shall be kept on the premises and made available for inspection immediately to responsible authority officers upon request. That all Digital records of training and/or logs shall be made immediately available to Police and responsible authority officers on request.
25. That customers shall use no outside area other than those who temporarily leave the premises to smoke with no more than eight(8) people permitted to smoke at one any time. The area should be clearly marked by rope/post barrier system so as not

obstruct the highway. The Staff and/or SIA registered door supervisors shall instruct customers to stay within the designated area and the area will be controlled by Staff and/or SIA registered door supervisors to prevent any disturbance to their neighbours.

26. That a zero-tolerance drugs and weapons policy shall be undertaken at the premises:
  - a) Anybody found with/ using drugs and/ or weapons will be ejected from the premises and shall not be admitted to the premises again.
  - b) The details of any person found dealing drugs or using weapons will be taken (if possible) and given to the police.
  - c) Any person who is suspected of having drugs on their person will be asked to consent to a search, and should they refuse the search that person shall be ejected from the premises.
27. That clearly legible signage shall be prominently displayed where it can easily be seen and read by customers in the toilets advising to the effect that the taking of illegal drugs will not be tolerated at the premises.
28. That staff shall regularly monitor the premises' toilets to ensure that they are in a clean and sanitary condition, that no prohibited and/ or illegal activities are taking place in the toilets and to check customer safety.
29. That a challenge 25 scheme shall be maintained requiring that staff selling or delivering alcohol request that any customer who looks under 25 years old, and who is attempting to purchase or take receipt of alcohol, provides valid photographic identification proving that the customer is at least 18 years old. Valid photographic identification is composed of a photo driving licence, passport, UK armed services photo ID card, any Proof of Age Standards Scheme (PASS) accredited card (such as the Proof of Age London (PAL) card) or any age verification card accredited by the Secretary of State.
30. That all staff involved in the sale of alcohol shall be trained in the prevention of sales of alcohol to underage persons (including the prevention of 'proxy sales') and the challenge 25 scheme in operation at the premises. Details of such training, including the printed name(s) of the trainee(s) and the date(s) that the training was given, shall be recorded in the staff training logs at the premises and be made immediately available for inspection at the premises to council and I or police officers on request.
31. 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.

32. 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 used to record details of all refused sales of alcohol. The register shall be kept/ be accessible at the premises at all times. If the refusals register is a paper document then it shall be clearly and legibly marked on the front cover as a register of refused alcohol sales, with the address of the premises and the name of the licence holder. The register shall be made immediately available for inspection at the premises to council or police officers on request.
33. That all alcohol supplied for consumption after 01:00 shall be decanted into either polycarbonate, recyclable plastic, or recyclable paper-based material.
34. That alcohol shall not be sold or supplied for consumption on the premises otherwise than to persons taking substantial table meals and for consumption by such persons as ancillary to their meal.
35. That a dispersal policy to assist with patrons leaving the premises in an orderly and safe manner shall be devised and maintained regarding the premises. A copy of the dispersal policy shall be accessible at the premises at all times that the premises are in operation. The policy should include (but not necessarily be limited to) the following:
  - i. Details as to how customer/ staff egress at the premises shall be managed to minimise causing nuisance.
  - ii. Details of public transport in the vicinity and how customers will be advised in respect of it.
  - iii. Details of the management of taxis to and from the premises.
  - iv. Details of the management of any 'winding down' period at the premises.
  - v. Details of the use of security and stewarding in respect of managing customer dispersal from the premises.
  - vi. Details of any cloakroom facility at the premises and how it is managed.
  - vii. Details of road safety in respect of customers leaving the premises.
  - viii. Details of the management of ejections from the premises.
  - ix. Details as to how any physical altercations at the premises are to be managed.
  - x. Details of how refuse I waste in the local vicinity arising through the operation of the premises will be cleared up (e.g. flyer clean up, post event clean up).

All relevant staff employed at the premises shall be trained in the latest version of the dispersal policy. Details of such training, including the printed name(s) of the trainee(s) and the date(s) that the training was given, shall be recorded in the staff training logs at the premises. If the dispersal policy is a paper document then the signature of the trainees shall also be included. The dispersal policy shall be made immediately available to responsible authority officers on request. That all Digital records of training and/or logs shall be made immediately available to responsible authority officers on request.

36. That there shall be no entry or re-entry permitted after 00:00 on Sunday to Thursday and 01:00 on Friday and Saturday save for those temporarily leaving the premises to smoke.
37. That there shall be no sales of alcohol or food for consumption off the premises after 23:00 Sunday to Thursday or after 00:00 on Friday and Saturday.
38. That there shall be no externally promoted events, including DJ's.
39. That any 'off sales' of alcohol shall be provided in sealed containers to be taken away from the premises.
40. That there shall be no deliveries or off sales after 00:00.
41. That an additional SIA security officer shall be employed by the premises from 21:00 hours whenever he premises is open beyond 00:00 hours until 30 minutes after the terminal hour to be positioned on the corner of Old Kent Road and Sylvan Grove to ensure patrons parking on Sylvan Grove is not permitted entry to the premises and dispersal of patrons managed efficiently.
42. That a telephone number for management shall be made available to local residents.

**6. LICENSING ACT 2003: BOBBY'S BAR, 124-126 RYE LANE, LONDON SE15 4RZ**

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

**7. LICENSING ACT 2003: LONDON BRIDGE LOCAL, PART GROUND FLOOR 85-87 BOROUGH HIGH STREET, LONDON SE1 1NH**

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

The applicants and their representative addressed the sub-committee. Members had questions for the applicants and their representative.

The licensing responsible authority addressed the sub-committee. Members had no questions for the licensing responsible authority officer.

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

The meeting adjourned at 3.10pm for the sub-committee to consider its decision.

The meeting reconvened at 3.19pm and the chair advised everyone of the decision.

### **RESOLVED:**

That the application made by Shital Mehta for a premises licence to be granted under Section 17 Licensing Act 2003 in respect of the premises known as the London Bridge Local, Part Ground Floor 85-87 Borough High Street London SE1 1NH be granted.

### **Hours**

Sale by retail of alcohol (off premises)	Sunday to Thursday: 10:00 to 23:00 Friday and Saturday: 10:00 to 00:00 New Year's Eve: 10:00 to 02:00
Operating hours	Monday to Wednesday: 06:30 to 01:00 Thursday to Saturday: 06:30 to 02:00 Sunday: 07:00 to 00:00 New Year's Eve: 06:30 to 02:00

### **Conditions**

The operation of the premises under the licence shall be subject to mandatory conditions, conditions derived from the operation schedule highlighted in section M of the application form and the following additional condition agreed by the licensing sub-committee

1. That a minimum of one SIA qualified and registered member of security personnel will be engaged on both Friday and Saturday evenings, along with other days of the week subject to an ongoing risk assessment.

### **Reasons**

This was an application made by Shital Mehta for a premises licence to be granted in respect of the premises known as London Bridge Local, Part Ground Floor 85-87 Borough High Street, London SE1 1NH.

The licensing sub-committee heard from the applicant's representative who accepted that they were conscious of the concern of Licensing as a responsible authority that the premises was located in a cumulative impact area (CIA) and that the application had been refused in 2023 largely on the same basis.

Since 2023, the applicant had redesigned the premises. The shop was 30m<sup>2</sup> and all of the blind spots in the shop had been removed. The majority of the alcohol was located behind the counter. The small range of alcohol not behind the counter, was held in a lockable fridge.

There were five staff employed all of whom had received considerable staff training, provided by way of internal staff training and external training providers. The applicant and her husband were current personal licence holders, a third staff member had passed the Highfields accredited personal licence holder (APLH) level 5 course and in the process of applying for their personal licence and the two remaining staff were due to undertake the APLH qualification and would be personal licence holders by early summer. This would guarantee at least one staff member being a personal licence holder in the shop at all times, irrespective of the staff rota.

Although it was accepted that there was a large number of licensed premises in the vicinity, the applicant's representative asserted that with the sub-committee could still make an exception to the CIA policy and grant a licence. The nearest licensed convenience store was Londis and although they had a premises licence, they no longer sold alcohol. Another two licensed premises had recently closed.

In relation to the issue of people drinking in the street, the premises would deter this by ensuring that all alcohol sales were sold in taped plastic bags. In discussion with the members, whilst this was an admirable attempt to curb street drinking, it was at odds with the statement of licensing policy (SoLP) and the use of single use plastics (paragraph 205). The applicant agreed that they would endeavor to find an alternative to using single use plastics in the future,

Finally, the temporary event notices (TENs) at the premises had resulted in no issues being reported.

The licensing sub-committee heard from the licensing as a responsible authority officer, who maintained their objection due to the premises being in a CIA, adding that in accordance with the Home Office Revised Guidance issued under Section 182 of the Licensing Act 2003 TENs should not be seen as a precursor to the grant of a premises licence.

The officer also referred members to paragraph 162 of the SoLP of factors that the authority may consider as demonstrating that there will be no impact to the CIA.

The licensing sub-committee considered the decision from 12 September 2023 in respect of the premises and were satisfied that the previously concerns raised had been addressed.

Concerning the CIA, premises, members were mindful that paragraph 162 of the SoLP (matters that demonstrated a premises would not add to cumulative impact). This was not an exhaustive list. Relevant points that members to into account included were: the premises was small and would not be alcohol led; the premises

had reduced the hours of operation to midnight (Sunday to Thursday); there would be ample staff coverage with at least one personal licence holder on the premises at all times and recent closure of other licensed premises.

The sub-committee were satisfied that granting the applicant a premises licence, would not undermine the licensing objectives.

In reaching this decision, the sub-committee had regard to all the relevant considerations, the public sector equality duty 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 3.21pm.

**CHAIR:**

**DATED:**