



Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 16 May 2024 at 10.00 am at Online/Virtual

PRESENT: Councillor Renata Hamvas (Chair)
Councillor Barrie Hargrove
Councillor Charlie Smith

**OTHER
AUTHORITIES
PRESENT:** P.C. Walter Minka Agyeman, Metropolitan Police Service

**OFFICER
SUPPORT:** Charlotte Precious, legal officer
David Franklin, licensing officer
Wesley McArthur, licensing responsible authority officer
Andrew Weir, constitutional officer

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

There were none.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003: THESE DAYS APERITIVO BAR, 100 DRUID STREET, LONDON SE1 2HQ

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

The meeting adjourned at 10.54am to allow the police officer time to look up crime figures for the area.

The meeting reconvened at 11.07am and the police officer advised the sub-committee of the crime figures for the area.

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

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

The meeting adjourned at 11.42am 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 Oliver Man for a premises licence to be varied under Section 34 of the Licensing Act 2003 in respect of the premises known as These Days Aperitivo Bar, 100 Druid Street, London, SE1 2HQ be granted as follows:

1. The sale of alcohol to be consumed on and off the premises
 - Monday to Sunday: 10:00 to 22:30
2. Opening hours:
 - Saturday to Tuesday: 10:00 to 23:00
 - Wednesday to Friday: 10:00 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 following additional conditions as agreed by the licensing sub-committee:

1. Conditions 369 and 356 be removed.
2. Condition 365 be amended to read as follows:

‘That all external doors and windows shall be kept closed after 22:00 on any day, except for access and egress.’
3. Condition 840 be amended to read as follows:

‘That the premises shall not exceed a capacity of 80 people, inside and outside.’

Reasons

The applicants informed the sub-committee that they had made the application in order to provide patrons with further time to finish their food before the premises closes, as they found they were often having to rush them before the terminal hour at 23:00.

They open Wednesday through to Saturday and serve food on Wednesdays, Thursdays and Fridays. On these days, they have a full menu with lots of sharing plates; it is table service only and two members of staff are on the floor taking orders, nobody is permitted to order from the bar.

On Saturdays the premises provide bar service only, although they also serve some bar snacks including bread and oil, olives, cheese and meats.

The applicants stated that, whilst they are geographically within what is colloquially termed the ‘Bermondsey Beer Mile’, they do not consider themselves to be a part of it. They are not on the unofficial website, and they do not serve pints, shots or persons on a stag do.

The purpose of the application was not to change the hours guests could enter the premises, nor the hours for service of alcohol. The applicant clarified that 23:00 was the terminal hour and no new food orders would be taken after 22:00; however, existing customers would have until 22:30 should they wish to order a little extra dish or dessert to end their meal. By extending the terminal hour to 23:30, those guests would have a little more time to finish their meals. The outside area would still close at 22:00.

The customer base was predominantly those who lived in the local area, and they have a number of repeat customers. They do not take bookings of over 10 people. They considered guests leaving at 23:30 would not contribute to the cumulative disruption caused by other premises along the 'Beer Mile'.

The current capacity of 60 people was determined when the premises had not yet opened; once they began operating, it became apparent that the premises could accommodate a higher capacity of approximately 80 people.

The representative for the Metropolitan Police Service explained that over 80 instances of crime and disorder were reported in March within the London Bridge and West Bermondsey ward, with twenty of them being violent and sexual offences. Over 10 of the offences reported were theft related, mostly occurring after 18:00. The representative later clarified that the offences reported nearer to Druid Street were three drug related incidents, two thefts, one burglary and two incidents of anti-social behaviour.

The police accepted that the premises itself was a slightly different sort of venue throughout the week and wasn't a major contributor to issues within the area; however, they submitted that this may change if the extension applied for was granted.

The police confirmed they would not object to the extension of the opening hours only, should certain conditions be imposed. All parties agreed to the proposed conditions being circulated in accordance with Regulation 18 of the Licensing Act 2003 (Hearings) Regulations 2005 and so they were accepted as part of the police representation.

In relation to these proposed conditions, the applicant contended that security services were not necessary during the week since they predominantly operated as a restaurant on those days and provided table service only. Saturdays was the only day when they offered bar service and security was present on those days. They also contended that there was no need for security officers to scan patrons.

The representative for licensing as a responsible authority considered that extending the operating hours at the premises would be likely to have a negative effect on the prevention of crime and disorder and the prevention of public nuisance licensing objectives and would have a detrimental effect on the quality of life for local residents.

They brought the case of Southwark Brewing Company v London Borough of Southwark [Camberwell Magistrates' Court, 12 April 2019] to the sub-committee's attention. The case concerned an application to extend the licensing hours post 23:00 hours within the same street as These Days Aperitivo Bar, it had previously been refused by the sub-committee. The matter was heard by District Judge Holdham who held that it was perfectly proper to take into account evidence of cumulative impact, as well as to be guided by the framework hours set out within Southwark's statement of licensing policy 2021-2026. Accordingly, the judge

dismissed the appeal.

Whilst the premises wasn't in a cumulative impact area, the area was saturated with licensed premises and the cumulative impact of those premises had a negative effect on the quality of life and amenity for local residents. The representative for licensing stated that the sub-committee could take cumulative impact into account as there were known long-standing issues faced by residents in regards to licensed premises within Druid Street.

The sub-committee considered all the facts before it:

Whilst the premises was not situated in a cumulative impact area, there was evidence of cumulative impact and it was entirely proper that the-committee took it into account.

Paragraph 14.42 of the Section182 Guidance under the Licensing Act 2003 provides:

“14.42 The absence of a [cumulative impact assessment/policy] does not prevent any responsible authority or other person making representations on an application for the grant or variation of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives, However, in each case it would be incumbent on the person making the representation to provide relevant evidence of cumulative impact”.

The sub-committee took into consideration the case of Southwark Brewing Company v London Borough of Southwark [2019]. Whilst this decision doesn't set a precedent, the sub-committee did find it to be persuasive in relation to the extension of licensable hours.

Each application must be judged on its own merits and this premises had operated for just over a year without any complaints. The sub-committee noted that the premises appeared to be operating as the applicants have stated when visited by both the police and licensing authority. They were therefore satisfied that the premises was effectively operating as a restaurant during the week, and a bar on Saturdays.

The sub-committee considered any extension on Saturdays would further increase the cumulative impact within the area and would be contrary to the licensing objectives. However, an extension of the opening hours, limited to Wednesdays, Thursdays and Fridays, when the premises functioned as a restaurant, would balance the needs of the business, the issues within the area and the framework set out within the Southwark statement of licensing policy.

The sub-committee considered the extension of the opening hours by half an hour would not adversely effect the licensing objectives. They did not consider the conditions proposed by the police to be necessary or proportionate, particularly

given similar conditions already existed on the licence. It is on this basis that the variation to the licence was granted.

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 to modify the conditions of the licence; and:

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

- a) The variation ought not to be granted; or
- b) That, when varying the licence, the licensing authority ought not to have modified the conditions of 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.

6. LICENSING ACT 2003: CLUB 701, BASEMENT AND GROUND FLOORS, 516 OLD KENT ROAD, LONDON SE1 5BA - TRANSFER OF PREMISES LICENCE

It was noted that this item had been postponed to 6 June 2024, at the request of the applicant.

The meeting ended at 12.18pm.

CHAIR:

DATED: