

NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 14 FEBRUARY 2020

**LICENSING ACT 2003: DRAKE & MORGAN LTD, 48-50 TOOLEY STREET,
LONDON SE1 2TF**

1. Decision

That the application made by Drake & Morgan Limited for a premises licence to be granted under s.17 of the Licensing Act 2003 in respect of the premises known as Drake & Morgan Ltd, 48-50 Tooley Street, London SE1 2TF is granted for licensable activities, during the hours as follows:

Supply of alcohol (on and off the premises)

Monday to Thursday 10:00 – 23:00
Friday and Saturday 10:00 – 00:00
Sunday 11:00 – 22:30

Late night refreshment (indoors)

Friday and Saturday 23:00 – 00:00

Recorded Music (indoors)

Friday and Saturday 23:00 – 00:00

Closing times

Sunday to Thursday 23:30
Friday and Saturday 00:30

2. Conditions

The licence is subject to the following conditions, as agreed by the applicant with the Police and Licensing Authority, which are in addition to the conditions in the operating schedule highlighted in Section M of the application form (except where there is any duplication or inconsistency then the following conditions shall take precedence) :

- 1) That two SIA registered door supervisors will be engaged when the premises are in operation under the licence on Friday and Saturday. They will be employed at all times after 21:00 until 30 minutes after the end of business and all patrons have vacated the premises. They will be engaged to monitor admission and re-admissions to the premises, security, protection, screening, dealing with conflict and the safe dispersal of customers away from the premises.

- 2) That customers shall use no outside area other than those who temporarily leave the premises to smoke a cigarette with a maximum of 20 customers at any one time.
- 3) That all staff involved in the supply of alcohol will be trained in their responsibilities under the Licensing Act 2003 and training records to be kept and updated every 6 months and shall, upon request, be made immediately available to Officers of the Police and the Council.
- 4) That no drinks shall be allowed outside the premises except off sales, which must be in sealed containers to be consumed away from the premises.
- 5) That a member of staff should be on duty at all times the premises is open that is trained in the use of the CCTV and able to view and download images to a removable device on request of Police or council officer.
- 6) That all staff involved in the supply of alcohol will be trained in their responsibilities under the Licensing Act 2003 and training records to be kept and updated every 6 months and shall, upon request, be made immediately available to Officers of the Police and the Council.
- 7) That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV System must be capable of capturing a clear facial image of every person who enters the premises
- 8) That all CCTV footage be kept for a period of 31 days and shall on request be made immediately available to officers of the Police and the Council.

The Sub-committee also added the following condition with agreement of the applicant and the responsible authorities:

- 9) That the capacity shall be limited to 500 people excluding staff.

Reasons

On 29 November 2019, Drake & Morgan Ltd applied to Southwark Council for the grant of a premises licence in respect of Drake & Morgan Ltd, 48-50 Tooley Street, London SE1 2TF. The premises is described as a bar with provision for substantial food at all times.

The Metropolitan Police and Licensing section Southwark Council (as a responsible authority) both made representations based on the Southwark Statement of Licensing policy 2019 – 2021 (“the SLP”).

The premises is situated within the Bankside, Borough, London Bridge Strategic Cultural & London Bridge District Town Centre Area and situated in the Borough and Bankside Cumulative Impact Policy Area (CIP).

The SLP says that any additional premises within the CIP should be refused, as they will have an impact on the area, which the policy is implemented to stop. The SLP makes it clear that it is the applicant's responsibility to address the rebuttable presumption to refuse. Both objectors stated that the Applicant had failed to do this within the application.

In the application, the premises is described as a bar with the provision of serving food. This would allow people to drink without eating which carries a higher risk than a premises operating as a restaurant. The hours applied for in the application were, for the sale of alcohol from Monday to Saturday from 08:00 to 01:00 hours and Sunday from 10:00 until 00:00 hours. Late night refreshment would also cease the same time.

In the SLP the appropriate closing times in the area for public houses, wine bars or other drinking establishments on Sunday to Thursday is 23:00 hours and for Friday and Saturday 00:00 hours. The premises fall within this definition under the SLP.

Both objectors stated that the applicant has failed to allow for drinking up times and would like to see at least 30 minutes between alcohol sales stopping and the premises closing.

The Police also raised concern that the application did not specify any SIA provision, which they would expect from any premises in this area wanting to operate into the early hours of the morning.

At the outset of the hearing the applicant's solicitor produced and referred to an email dated 22nd January 2020. The email is from the solicitor and is addressed to a representative of the applicant. The email refers to an agreement reached with the Police and the Council in respect of operating hours and conditions. The email says:

"We have met with Police and the council officer and have agreed the following Alcohol hours to be:

10.00 to 23.00 Monday to Thursday
10.00 to midnight Friday and Saturday and
10.00 to 22.30 on Sunday

Closing time shall be half an hour later."

The applicant further explained that the premises is within and part of the London Bridge redevelopment plans. This is a food led business. Although it is in the CIP the impact would be minimal. The applicant would agree to a capacity condition of 500 people excluding staff.

The sub-committee heard further evidence about the applicant's proposed business plan and looked at some food and drink menus. The applicant explained that they are a standard bar operator and with their experience and a set of control measures in place, including a capacity of 500, there would be minimal impact on existing resources in the CIP.

The sub-committee concluded that the applicant was able to demonstrate to the licensing committee that the premises will not be contributing to crime and disorder or public nuisance within the policy area. The sub-committee agreed that 500 people in these premises would not adversely affect the CIP. It was noted that the premises are in a unique location will form part of the London Bridge Station development. It is envisaged that most patrons would disperse into the station and thereby this would mitigate the likely impact that a premises of this size would have on the CIP. Dispersal of customers would be easily facilitated.

The sub-committee was pleased to note that the applicant had addressed the concerns of the police and council and had agreed appropriate conditions if the licence is granted. The police had confidence in the applicant's ability to successfully operate based on a tried and tested business model. The applicants are reputable operators. The applicants have done as the police have asked. They have amended the closing times and allowed for drinking up time.

During the hearing the applicant also expressed an undertaking not to use any single use plastics, where possible, on the premises.

The licensing sub-Committee considered this application very carefully and decided to grant the application, as amended, for a premises licence subject to the conditions agreed. The sub-committee agreed that the conditions were suitable for the premises. 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.

Issued by the Constitutional Team on behalf of the Director of Law and Democracy.

14 February 2020