

Licensing Committee

Tuesday 27 July 2010
7.00 pm
Town Hall, Peckham Road, London SE5 8UB

Membership

Councillor Lorraine Lauder MBE (Chair)
Councillor Catherine Bowman (Vice-Chair)
Councillor Sunil Chopra
Councillor Robin Crookshank Hilton
Councillor Dan Garfield
Councillor Norma Gibbes
Councillor Jeff Hook
Councillor David Hubber

Councillor Eliza Mann
Councillor Darren Merrill
Councillor Michael Mitchell
Councillor Wilma Nelson
Councillor the Right Revd Emmanuel Oyewole
Councillor Althea Smith
Councillor Ian Wingfield

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Contact

Sean Usher on 020 7525 7222 or email: sean.usher@southwark.gov.uk
Webpage: <http://www.southwark.gov.uk>

Members of the committee are summoned to attend this meeting

Annie Shepperd
Chief Executive
Date: 19 July 2010



Licensing Committee

Tuesday 27 July 2010
7.00 pm
Town Hall, Peckham Road, London SE5 8UB

Order of Business

Item No.	Title	Page No.
	PART A - OPEN BUSINESS	
1.	APOLOGIES	
	To receive any apologies for absence.	
2.	CONFIRMATION OF VOTING MEMBERS	
	A representative of each political group will confirm the voting members of the committee.	
3.	NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT	
	In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.	
4.	DISCLOSURE OF INTERESTS AND DISPENSATIONS	
	Members to declare any personal interests and dispensation in respect of any item of business to be considered at this meeting.	
5.	MINUTES FROM THE LICENSING COMMITTEE	1 - 4
	To approve as a correct record the Minutes of the open section of the meeting held on 9 March 2010.	
6.	MINUTES FROM THE LICENSING SUB-COMMITTEES	5 - 41
	To agree as a correct record the Minutes of the open sections of the meetings held on 1 March 2010, 17 March 2010, 26 April 2010, 2 June 2010, 7 June 2010, 11 June 2010, 28 June 2010, 7 July 2010 and 12 July 2010.	

7. UPDATE ON SATURATION POLICY

The head of licensing will update the committee on the saturation policy, the current saturations zones and how they affect decision making at the sub-committees.

9. LICENSING SUB-COMMITTEE - VENUES

The committee is to discuss the venue for licensing sub-committees.

ANY OTHER OPEN BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT.

EXCLUSION OF PRESS AND PUBLIC

The following motion should be moved, seconded and approved if the sub-committee wishes to exclude the press and public to deal with reports revealing exempt information:

“That the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1-7, Access to Information Procedure rules of the Constitution.”

PART B - CLOSED BUSINESS

ANY OTHER CLOSED BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT.

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Date: 19 July 2010



Licensing Committee

MINUTES of the OPEN section of the Licensing Committee held on Tuesday 9 March 2010 at 7.00 pm at Town Hall, Peckham Road, London SE5 8UB

PRESENT: Councillor Robin Crookshank Hilton
Councillor Jelil Ladipo
Councillor Lorraine Lauder MBE
Councillor Wilma Nelson
Councillor Sandra Rhule
Councillor Althea Smith
Councillor Eliza Mann
Councillor Ian Wingfield

OTHER MEMBERS PRESENT: Councillor Linda Manchester

OFFICER SUPPORT: Richard Parkins, Licensing Unit Manager
Bill Legassick, Environmental Protection Team
Dave Littleton, Environment and Housing
John McHenry, Markets Development Manager
Kate Heap, Legal Officer
Sean Usher, Constitutional Officer

1. APOLOGIES

Apologies were received from Councillors Abdul Mohamed, Jane Salmon and Dora Dixon-Fyle. Apologies for lateness were received from Councillors Robin Crookshank Hilton and Eliza Mann.

2. CONFIRMATION OF VOTING MEMBERS

The members listed above were confirmed as voting members.

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. MINUTES FROM THE LICENSING COMMITTEE

RESOLVED:

That the minutes of the meeting held on 8 October 2009 be agreed as a correct record and signed by the chair.

6. MINUTES FROM THE LICENSING SUB-COMMITTEES

RESOLVED:

That the minutes of the meetings held on 2 November 2009, 16 November 2009, 25 November 2009, 2 December 2009, 14 December 2009, 18 December 2009, 11 January 2010 and 25 January be agreed as a correct record and signed by the chair.

7. THE LICENSING ACT 2003 - CONSIDERATION OF LOCAL SATURATION POLICIES DEALING WITH THE "CUMULATIVE IMPACT" OF LICENSED PREMISES - BOROUGH AND BANKSIDE, CAMBERWELL AND PECKHAM AREAS

RESOLVED:

1. That the committee agreed, that on the basis of the partnership analytical report and the report from the environmental protection team, it is appropriate and necessary to maintain the existing saturation policies in
 - a) Borough and Bankside;
 - b) Camberwell; and
 - c) Peckham.

2. That the committee further agreed, on the basis of the partnership analytical report and the report from the environmental protection team to:
 - a) Consult on an extension of the Borough and Bankside saturation zone with the new western boundary of the zone being the border with the borough of Lambeth and including The Cut and Isabella Street; and
 - b) To maintain the Peckham zone in its current state but to monitor the proposed extension for a further six months.

8. THE LICENSING ACT 2003 - CONSIDERATION OF LOCAL SATURATION POLICIES DEALING WITH THE "CUMULATIVE IMPACT" OF LICENSED PREMISES - ELEPHANT & CASTLE AND OLD KENT ROAD CORRIDOR

RESOLVED:

1. That based on the partnership analytical report and the report from the environmental protection team, further monitoring for a period of 6 months should be undertaken at the stage in both of the following areas, prior to wider consultation being undertaken:

- a) the Elephant and Castle: and
- b) the Old Kent Road corridor.

2. The committee requested that the Old Kent Road corridor be split into 2 zones (northern and southern) and monitored for a further six months; and
3. The committee requested that the East Street/Walworth Road area be monitored at data presented at a future committee meeting in 2010-11.

9. THE LEGISLATIVE REFORM (MINOR VARIATIONS TO PREMISES LICENCES AND CLUB PREMISES CERTIFICATES) ORDER 2009 & LICENSING ACT 2003 (PREMISES LICENCES AND CLUB PREMISES CERTIFICATES)(MISCELLANEOUS AMENDMENTS) REGULATIONS 2009

RESOLVED:

The committee noted the content of the report including the DCMS guidance and draft protocol and raised no issues.

10. LEGISLATIVE CHANGE RELEVANT TO LICENSING ISSUES 2010

RESOLVED:

The committee noted the content of the report.

11. BANKSIDE STREET TRADING - UPDATE

The street trading officer presented an update on the work being carried out in the Bankside area and the proposed designation of zones for trading. The committee noted the update and it was agreed that a report would be presented to the committee later in 2010-11.

EXCLUSION OF PRESS AND PUBLIC

It was moved, seconded and

RESOLVED:

That the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in category 7 of paragraph 10.4 of the Access to Information Procedure Rules of the Southwark Constitution.

The following is a summary of the decisions taken in the closed section of the meeting.

12. MINUTES FROM THE LICENSING SUB-COMMITTEES

RESOLVED:

That the closed minutes of the meetings held on 2 November 2009, 16 November 2009, and 18 December 2009, be agreed as a correct record and signed by the chair.

The meeting ended at 8.35pm.

CHAIR:

DATED:

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Monday 1 March 2010 at 10.00 am at Town Hall, Peckham Road, London SE5 8UB

PRESENT:	Councillor David Hubber (Chair) Councillor Mackie Sheik Councillor Sandra Rhule
OTHERS PRESENT:	Mr M Arif, applicant Ms Awet Ghebreslassie, manager Mr E Tsegsye, associate Stephen Hewson, local resident Mr Alex Horbige, local resident Jasper Tomlinson, local resident Rosalynde Culling, local resident Marie Stone, local resident PC Paul Compton, Metropolitan Police Debbie Lawless, environmental health
OFFICER SUPPORT:	Kristie Ashenden, licensing officer Dave Swaby, licensing officer Felix Rechtman, legal services Virginia Wynn-Jones, constitutional officer

1. APOLOGIES

There were no apologies.

2. CONFIRMATION OF VOTING MEMBERS

The members present were confirmed as the voting members.

3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

The chair agreed to accept the following in relation to Wabe Shebele Restaurant – colour photos provided by the licensing officer.

The chair agreed to accept a minor variation application in relation to The Wishing Well, 77-79 Choumert St, SE15, as a late and urgent item.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003 - BUILDER'S CAFE, 16 ELEPHANT AND CASTLE, LONDON SE1 6TH

This item was withdrawn from the agenda.

6. LICENSING ACT 2003 - WABE SHEBELE RESTAURANT, 189 NEW KENT ROAD, LONDON SE1 4AG

The licensing officer highlighted the main points of the report.

The applicant presented his case. Members of the sub-committee questioned the applicant. Objectors questioned the applicant.

The police representative presented his case. Members of the sub-committee questioned the representative. The applicant questioned the representative.

The environmental health team representative presented her case. Members of the sub-committee questioned the representative. The applicant questioned the representative.

Local residents objecting to the application outlined their case. The sub-committee and the applicant then questioned the local residents.

The applicant and other interested parties then summarised their cases.

At 11.10 all parties were requested to leave the room while the meeting went into closed session. At 11.25 all parties were recalled to the meeting and the chair read out the sub-committee's decision:

RESOLVED:

That the licensing sub-committee having considered the written representations contained in the report and oral representations of those present decided that the application be refused.

Reasons for the decision

The sub-committee considers that extending the hours will have adverse effect on the prevention of nuisance objective as the premises are in the immediate vicinity of residential properties and the premises has a history of noise nuisance and a history of non-compliance with their existing license conditions.

Appeal rights

That the licensee and any person who made relevant representations in relation to the application may appeal against the decision. Any appeal must be made to the magistrate court for the petty sessions area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' chief executive 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.

7. LATE ITEM: LICENSING ACT 2003 - THE WISHING WELL, 77-79 CHOUMERT ROAD SE15

The chair decided to accept this item of business onto the agenda as urgent because the timescale for minor variations is set out in the legislation at 15 working days, and this meeting was the last available within the timescale.

The licensing officer highlighted the main points of the report. Members of the sub-committee questioned the officer.

RESOLVED:

That the licensing sub-committee having considered the written representations contained in the report and oral representations of those present decided that the application be refused.

Reasons for the decision

The application for a minor variation is refused under the prevention of nuisance objective based on an objection from environmental protection team on the basis that granting such minor variation could lead to noise nuisance. Therefore this application should be made under section 34 of the Act.

Appeal rights

There is no appeal rights under Section 41A (1) of the Licensing Act 2003. The applicant can submit a variation application under section 34 of the Licensing Act 2003.

The meeting closed at 11.45am.

CHAIR:

DATED:



Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Wednesday 17 March 2010 at 10.00 am at Town Hall, Peckham Road, London SE5 8UB

PRESENT:	Councillor David Hubber (Chair) Councillor Abdul Mohamed Councillor Althea Smith
OTHERS PRESENT:	Councillor Robin Crookshank Hilton (Village Ward) Mr Heaysman, local resident (The Ship York) Mr Charalmbous, licensee (The Ship York) Reverend Doyle, local resident (The Ship York) Mr Lopez, legal representative (Hynotik) Ms Stewart, licensing agent (Hypnotik) Mr L Smith, licensee (Hypnotik) Mr S Thompson Smith (Hypnotik) Mr Grant, barrister for the metropolitan police PC Paul Compton PC Ian Clements PC Stephen Turnbull Dr John Brunton, Herne Hill Society Mr Adrian Hill, Stradella & Springfield Residents Association
OFFICER SUPPORT:	Dave Swaby, licensing officer Dave Franklin, licensing officer Dorcas Mills, licensing officer Felix Rechtman, legal officer Sean Usher, constitutional officer

1. APOLOGIES

There were no apologies.

2. CONFIRMATION OF VOTING MEMBERS

The members present were confirmed as voting members.

3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

There were none.

4. **DISCLOSURE OF INTERESTS AND DISPENSATIONS**

Councillor David Hubber declared for item 5, that he is a ward councillor in Surrey Docks but has no personal or prejudicial interest in this premises.

5. **LICENSING ACT 2003 - THE SHIP YORK, ROTHERHITHE STREET, LONDON SE16 5LJ**

The licensing officer presented his report, there were no questions. Mr Heaysman, the applicant for the review, addressed the sub-committee. Members had questions for Mr Heaysman.

Mr Charalmbous, the licensee, spoke to the sub-committee. Members had questions. Mr Heaysman had questions for Mr Charalmbous. Reverend Doyle spoke to the sub-committee in support of the licensee, there were no questions.

At 10.50am the sub-committee went into closed session to consider the review application. At 11.15am the sub-committee came out of closed session and made the following decision.

RESOLVED:

The licensing sub-committee, having had regard to the application by Mr Heaysman and Ms Sharma for a review of the premises licence granted under the Licensing Act 2003 to Mr and Mrs Charalmbous in respect of the premises known as The Ship York situated at 375 Rotherhithe Street, London, SE16 5LJ, and having had regard also to all other relevant representations, decided to make no changes to the license or its conditions.

Reasons

Having considered the application for a review, the sub-committee considered that all the grounds for the complaint are insufficient to make amendments to existing conditions of the license or to add new conditions. In view of the above, the licence conditions remain the same as previously granted.

Appeal Rights

This decision is open to appeal by either:

- a) The applicant for the review;
- b) The premises licence holder; or
- c) Any other person who made relevant representations in relation to the application

Such appeal must be commenced by notice of appeal given by the appellant to the justices chief executive for the magistrates court for the area within the period of 21 days beginning with the day on which the appellant was notified by this licensing

authority of the decision. This decision does not have effect until either:

- a) The end of the period for appealing against this decision; or
- b) In the event of any notice of appeal being given, until the appeal is disposed of.

6. LICENSING ACT 2003 - HYPNOTIK (REVIEW)

The licensing officer presented his report. It was noted that warning letters had not been circulated with the agenda and would be circulated at the meeting with the agreement of all parties.

There were some anomalies in the version of the licence included in the agenda which was highlighted by the licensee's legal representative. It was agreed by all parties, that they were in agreement to go ahead with the review hearing and would not appeal based on this administrative error.

The licensee submitted a bundle of documents and witness statements which had been received in time and were accepted by the sub-committee. At 10.20am it was agreed to have a 15 minute adjournment for the members and all relevant parties to read the papers.

The chair had agreed to give all relevant parties 20 minutes to speak, this time was to include time for any witnesses to speak.

The sub-committee resumed at 10.35am after the 15 minute break and the police began the presentation of their review application. Members had questions for the police officers and their legal representative. The legal representative of the licensee also had questions for the police.

The local residents and ward councillor were then given 20 minutes each to address the sub-committee. Members had questions for the local residents and ward councillor. The legal representative of the licensee had questions for the local resident, the ward councillor and the local resident acting as a witness for the ward councillor.

The licensee and the local resident were then given 20 minutes to present their case against the review. The members had questions for the licensee and his representative. Local residents had questions for the licensee. The police representative had questions for the licensee.

All parties were given 5 minutes to sum up.

The meeting went into closed at 2.40pm. All parties were invited back into the meeting at 3.30pm. The sub-committee made the following decision.

RESOLVED:

That the application by Metropolitan Police Licensing Service for the review of the premises licence in respect of the premises known as Hypnotik 75-79 Norwood Road SE24 9AA is granted as follows:

The premises licence is suspended for 21 days.

Reasons

Having considered the evidence submitted by the Police, the Licensee and the interested parties, the sub-committee is satisfied that there have been repeated breaches of a number of license conditions in particular:

- The club-scan system was inoperative over a prolonged period of time;
- Failure to conduct physical searches on each and every occasion; and
- Admission beyond permitted hours.

The sub-committee was not satisfied on the police evidence that the premises are directly connected to crime and disorder incidents outside the premises and therefore find insufficient justification for a revocation of the licence. In addition the identified breaches of the conditions cannot be remedied by adding further conditions as the existing conditions on the licence are adequate to promote the licensing objectives when complied with.

The sub-committee views the breach of any condition seriously and in view of the above identified breaches the sub-committee decided to suspend the licence for a period of 21 days.

Appeal Rights.

This decision is open to appeal by either:

- a) The applicant for the review;
- b) The premises licence holder; or
- c) Any other person who made relevant representations in relation to the application

Such appeal must be commenced by notice of appeal given by the appellant to the justices chief executive for the magistrates court for the area within the period of 21 days beginning with the day on which the appellant was notified by this licensing authority of the decision. This decision does not have effect until either

- a) The end of the period for appealing against this decision; or
- b) In the event of any notice of appeal being given, until the appeal is disposed of.

7. LICENSING ACT 2003 - TEMPORARY EVENT NOTICE - ORIWU SPOT, 44 WANLEY ROAD, LONDON SE5 8AT

The licensing officer presented her report. It was noted that a second letter from the police regarding the events on 2, 3 and 4 of April had been left out of the agenda and were circulated at the meeting. Members had questions for the licensing officer.

The police presented their application for a counter notice against the temporary event notices. Members had questions for the police.

The licensee addressed the sub-committee. Members had questions. The police had

questions for the licensee.

All parties were given the opportunity to sum up.

At 4.00pm the sub-committee went into closed session to consider the application.

At 4.15pm the meeting resumed and the following decision was read out.

RESOLVED:

That the application for three temporary event notices on 20 March 2010, 2 April 2010 and 4 April 2010 by Mr Olarenwaju Jimoh for The Oriwu Spot, 44 Wanley Road, SE5 8AT be granted (no counter notice) and the application for a temporary event notice on 3 April 2010 be refused as this does not meet the statutory requirements as per the Licensing Act.

Reasons

The licensing sub-committee have considered the objection notice submitted by the metropolitan police licensing service on the temporary event notices on the above dates, under section 100 of the Licensing Act 2003 and as the police failed to produce sufficient evidence to show that the granting of a Temporary Event Notice on the above dates would have an adverse effect on the prevention of crime and disorder, the sub-committee have allowed the events on 20 March 2010, 2 April 2010 and 4 April 2010 to go ahead.

Appeal Rights

Where the relevant licensing authority gives a counter notice under section 105(3), the premises user may appeal against that decision. An appeal under this paragraph must be commenced by notice of appeal given by the appellant to the justices' chief executive 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.

But no appeal may be brought later than five working days before the day on which the event period specified in the temporary event notice begins.

The meeting closed at 4.20pm.

CHAIR:

DATED:

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Monday 26 April 2010 at 10.00 am at Town Hall, Peckham Road, London SE5 8UB

PRESENT: Councillor David Hubber (Chair)
Councillor Wilma Nelson
Councillor Ian Wingfield

OTHERS PRESENT: Mrs Justina Ogunbiyi (applicant)
Mr Joseph Ogunbiyi (applicant)
Ms Cécile Azzola (local resident)
Ms [name] (local resident)
Dorcas Mills (licensing officer)
Felix Rechtman (legal services)
Virginia Wynn-Jones (constitutional team)

1. APOLOGIES

There were none.

2. CONFIRMATION OF VOTING MEMBERS

The members present were confirmed as the voting members.

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 - MOYO.MA, 347 WALWORTH ROAD, LONDON SE17 2AL

The licensing officer presented her report. There were no questions. The applicants presented their case to the sub-committee. Members had questions for the applicant.

The objector presented her case to the sub-committee. Members had questions for the objector.

At 10.35am the sub-committee went into closed session to consider the review application. At 10.58am the sub-committee came out of closed session and made the following

decision.

RESOLVED:

That the application by Moyo Ma Ltd for a grant of a premises licence in respect of the premises known as Moyo Ma, Ground floor and Basement 347 Walworth Road, London SE17 be approved in so far as:

1. The following licensable activities will be permitted under the licence during the times shown.

	Mon	Tues	Weds	Thur	Fri	Sat	Sun
Recorded music (basement only)	18.00- 23.00	18.00- 23.00	18.00- 23.00	18.00- 23.00	18.00- 00.00	12.00- 00.00	12.00- 23.00
Late night refreshments (ground floor takeaway only)					23.00- 02.00	23.00- 02.00	
Supply of alcohol (both floors)	12.00- 23.00	12.00- 23.00	12.00- 23.00	10.00- 00.00	12.00- 00.00	12.00- 00.00	12.00- 00.00
Hours premises open to the public	12.00- 23.30	12.00- 23.30	12.00- 23.30	12.00- 00.00	12.00- 02.00 (ground floor takeaway y)	12.00- 02.00 (ground floor takeaway y)	12.00- 00.30

2. The operation of the premises under the licence shall be subject to compliance with the operation schedule highlighted in Section Q of the application form and the following conditions:

a) All mandatory conditions set out in the Licensing Act 2003 relating to

- (i) Authorisation of the retail sale of alcohol; and
- (ii) The provision of door supervision

b) The following additional special conditions developed through discussion from the original operating schedule attached to the application as follows:

That recorded music will only be played at a level that does not exceed background level within the ground floor.

The reasons for this decision are as follows.

In view of the fact that there are residential flats in the immediate vicinity of the premises, in order to prevent public nuisance, the sub-committee considers it necessary to limit the hours for late night refreshments to 2am on Friday and Saturday.

The Council expects that all terms, conditions and restriction of the premises licence

will be complied with at all times that the premises are used under the licence. The failure to comply with terms, conditions and restrictions of the premises of the premises licence is a matter to which the Licensing Sub-Committee may have regard in the event that any request is made for the review of the licence.

Appeal Rights

1. The applicant may appeal against any decision to modify the conditions of the licence; and
2. Any person who made relevant representations in relation to the application who desire to contend that:
 - a) That the grant ought not to have been made; or
 - b) That, when granting 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.

3. Any appeal must be made to the magistrate court for the petty sessions area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' chief executive 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 closed at 11.00am.

CHAIR:

DATED:



Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Wednesday 2 June 2010 at 10.00 am at Town Hall, Peckham Road, London SE5 8UB

PRESENT: Councillor Ian Wingfield (Chair)
Councillor Eliza Mann
Councillor Althea Smith

OTHERS PRESENT: Councillor Lorraine Lauder – Ward Councillor (Faraday)
Councillor Abdul Mohamed – Ward Councillor (Faraday)
Councillor Mark Glover – Ward Councillor (The Lanes)
Mr R Nash, representing Bananas Bar
Ms S Alves, manager, Bananas Bar
Mr Ian Powe, local resident
Mr John Morse, representing Paddy Powers

OFFICER SUPPORT: Dave Franklin, licensing officer
Dorcas Mills, licensing officer
Gafar Gbadamosi, legal officer
Sean Usher, constitutional officer

1. APOLOGIES

There were none.

2. CONFIRMATION OF VOTING MEMBERS

The three members listed as present were confirmed as voting members.

3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

There was none.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003 - BANANA'S TAPAS BAR RESTAURANT, 374 WALWORTH ROAD, LONDON SE17 2NF

The licensing officer presented her report and notified the sub-committee that a late set of

documents had been submitted by the interested parties. The applicant refused to allow the late documents and they were not circulated to the members. There were no questions for the officer.

The applicant's representative addressed the sub-committee and called upon his witness, Ms Alves, manager of the premises. Members had questions for the applicant. The local resident and the local ward councillors had questions for the applicant.

The local resident and the ward councillors addressed the sub-committee. Members had questions for the local resident and the councillors. The applicant had questions for the local resident.

Each party was given 5 minutes to sum up.

The sub-committee went into closed session at 11.13am. The meeting resumed at 11:55am.

RESOLVED:

That the application by Minho Montalegre Limited for variation of the premises licence issued under the Licensing Act 2003 in respect of Banana's Tapas Bar Restaurant, 374 Walworth Road, London SE17 2NF is granted with the following times and conditions:

Licensable Activity	Monday to Thursday	Fri	Sat	Sun
Live Music		11:00 – 02:30	11:00 – 02:30	11:00 – 00:00
Recorded Music		11:00 – 02:30	11:00 – 02:30	Same as existing licence
Performance of Dance		11:00 – 02:30	11:00 – 02:30	11:00 – 00:00
Provision of facilities for making music		11:00 – 02:30	11:00 – 02:30	11:00 – 00:00
Provision of facilities for dancing		11:00 – 02:30	11:00 – 02:30	Same as existing licence
Late night refreshment	23:00 – 00:00	23:00 – 02:30	23:00 – 02:30	23:00 – 01:00
Supply of alcohol		01:00-02:30	01:00 – 02:30	01:00-01:00
Opening Hours of premises		09:00-03:00	09:00-03:00	09:00-01:30

Conditions

1. No external sound systems shall be imported onto the premises; any imported musical instruments requiring amplification shall be amplified via the existing sound system (controlled by means of the Sound Limiting Device).
2. There shall be no removal and loading of equipment from the premises between the

terminal hour and 08.00 hours. After 22.00 hours, no more than ten (10) patrons shall be permitted to use the smoking area at any one time.

3. Secondary acoustic double glazing must be installed before new hours can be implemented.
4. Secondary acoustic double glazing must be installed before new hours can be implemented.
5. No new admissions after 1.30am on Friday and Saturday nights.
6. Male and female SIA door staff to be employed.
7. A contact name and number to be provided by the premises for local residents.

Reasons

The reasons for the decision are as follows:

The licensing sub-committee heard evidence from the applicant, the local resident and the ward councillors. In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives. The licensing sub-committee considered it was necessary and proportionate for the prevention of public nuisance to impose conditions in respect of opening and closing times, noise control and use of the external area for smoking.

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) That variation ought not to have been made; 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 magistrate court for the petty sessions area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' chief executive 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. GAMBLING ACT 2005 - APPLICATION FOR A PREMISES LICENCE IN RESPECT OF A BETTING SHOP, PADDY POWERS, 66 RYE LANE, LONDON SE15 5BY

The licensing officer presented his report. There were no questions. The applicant had brought additional documentation to the hearing. As all parties did not agree to accept this documentation it was rejected and not used as part of the deliberations.

The representative for the applicant addressed the sub-committee. Members had questions for the representative. The ward councillor had questions for the applicant.

The ward councillor addressed the sub-committee. Members had questions for the ward councillor. The applicant had questions for the ward councillor.

Each party was given 5 minutes to sum up.

The sub-committee went into closed session at 12.48pm. The meeting resumed at 1.05pm.

RESOLVED:

The licensing sub-committee having considered the application by Power Leisure Bookmarkers Limited in respect of non-track betting premises licence at Paddy Powers, 66 Rye Lane, London SE15 5BY have made the decision to grant as applied for.

Mandatory conditions

- 1) The conditions specified in paragraphs (2), (3) and (4) shall be attached to the premises licence;
 - (2) The summary of the terms and conditions of the premises licence issued under section 164(1)(c) of the Act shall be displayed in a prominent place within the premises;
 - (3) The layout of the premises shall be maintained in accordance with the plan;
 - (4) The premises shall not be used for –
 - (a) The sale of tickets in a private lottery; and
 - (b) The sale of tickets in any other lottery in respect of which the sale of tickets on the premises is otherwise prohibited;

A “private lottery” means a private society lottery or a work lottery within the meaning of paragraphs 10 and 11 of Schedule 11 to the Act; and

A “customer lottery” has the same meaning as in Part 3 of schedule 11 to the 2005 Act

The following mandatory conditions applicable to betting premises licences (other than tracks) will also be attached:

- (1) A notice stating that no person under the age of 18 years is permitted to enter the premises shall be displayed in a prominent place at every entrance to the premises;
- (2)(1) Access to the premises shall be from a street or from other premises with a betting premises licence;
- (2) (2) Without prejudice to sub-paragraph (2) (1), there shall be no means of direct access between the premises and other premises used for the retail sale of merchandise or services
- (3) Subject to anything permitted by virtue of the 2005 Act, or done in accordance with paragraphs 4, 5, 6 and 7 below, the premises shall not be used for any purpose other than for

providing facilities for betting;

(4) Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to leave any gaming machine or betting machine in order to do so;

1. A "private lottery" means a private society lottery or a work lottery within the meaning of paragraphs 10 and 11 of Schedule 11 to the Act; and
2. A "customer lottery" has the same meaning as in Part 3 of schedule 11 to the 2005 Act

The following mandatory conditions applicable to betting premises licences (other than tracks) will also be attached:

(1) A notice stating that no person under the age of 18 years is permitted to enter the premises shall be displayed in a prominent place at every entrance to the premises;

(2)(1) Access to the premises shall be from a street or from other premises with a betting premises licence;

(2) (2) Without prejudice to sub-paragraph (2) (1), there shall be no means of direct access between the premises and other premises used for the retail sale of merchandise or services

(3) Subject to anything permitted by virtue of the 2005 Act, or done in accordance with paragraphs 4, 5, 6 and 7 below, the premises shall not be used for any purpose other than for providing facilities for betting;

(4) Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to leave any gaming machine or betting machine in order to do so;

(5) No apparatus for making information or other material available in the form of sounds or visual images may be used on the premises, except for apparatus used for the following purposes –

(a) Communicating information about, or coverage of, sporting events, including –

- (i) Information relating to betting on such an event; and
- (ii) Any other matter or information, including an advertisement, which is incidental to such an event

(b) communicating information relating to betting on any event (including the result of the event) in connection with which betting transactions may be or have been effected on the premises.

(6) No publications, other than racing periodicals or specialist betting publications, may be sold or offered for sale on the premises;

(7) No music, dancing or other entertainment shall be provided or permitted on the premises, save for entertainment provided in accordance with paragraph 5;

(8)(1) No alcohol shall be permitted to be consumed on the premises at any time during

which facilities for gambling are being provided on the premises;

(8)(2) A notice stating the condition in sub-paragraph (8) (1) shall be displayed in a prominent place at every entrance to the premises; and

(9) A notice setting out the terms on which customers are invited to bet on the premises shall be displayed in a prominent place on the premises to which customers have unrestricted access.

Default Conditions

The following default condition will be attached to the premises licence:

(1) No facilities for gambling shall be provided on the premises between the hours of 10pm on one day and 7am on the next.

Reasons

The licensing sub-committee considered the verbal representations of the applicant's solicitor and the applicant. The licensing sub-committee also considered the verbal representations of the interested parties. The licensing sub-committee read the licensing officer's report and considered the written representations of those interested party who were not in attendance.

The licensing sub-committee determined that the application met the guidelines under the Gambling Commission's guidance and the council's statement Gambling Licensing Policy and found no reason to refuse the application.

Appeal Rights

That the licensee and any person who made relevant representations in relation to the application may appeal against the decision. Any appeal must be made to the magistrate court for the petty sessions area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' chief executive 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 closed at 1:30pm.

CHAIR:

DATED:



LICENSING SUB-COMMITTEE

MINUTES of the Licensing Sub-Committee held on Monday 7 June 2010 at 10.00 am at Room G02c - 160 Tooley Street, Ground Floor

PRESENT: Councillor David Hubber (Chair)
Councillor Eliza Mann
Councillor Wilma Nelson

OTHERS PRESENT: Ms Sarah Connolly, applicant
Mr Steve Renn, local resident
Ms Cath King, local resident

Pc Paul Compton, Southwark Police, Licensing Officer
Alan Blissett, environmental protection team
Councillor Lorraine Lauder, ward councillor (Faraday)
Councillor Abdul Mohamed, ward councillor (Faraday)
Ms Saba Naqshbandi, lawyer representing D'Eclipse
Torben Andersen, Acoustic engineer
Dr Afolabi, licensee, D'Eclipse

Councillor Norma Gibbes, observing
Councillor Catherine Bowman, observing
Councillor Emmanuel Oyewole, observing

OFFICER SUPPORT: Dave Franklin, licensing officer
Dorcas Mills, licensing officer
Felix Rechtman, legal officer
David Perry, legal officer
Sean Usher, constitutional team

1. APOLOGIES

There were none.

2. CONFIRMATION OF VOTING MEMBERS

The three members were confirmed as voting members.

3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

There was none.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There was none.

5. LICENSING ACT 2003 - D'ECLIPSE BAR & RESTAURANT, 57-59 CAMBERWELL ROAD, LONDON, SE5 0EZ (REVIEW)

The licensing officer presented her report and it was agreed to circulate some additional papers for information only, this included an acoustic report on the premises.

The applicant for the review, Ms Connolly, addressed the sub-committee. She was accompanied by two other local residents, Mr Renn and Ms King, both of whom addressed the sub-committee. Members had questions for the local residents. Officers from the environmental protection team had a question for the applicant.

The two local ward councillors addressed the sub-committee in support of the review. There were no questions for the councillors.

The police officer addressed the sub-committee in support of the review. Members had questions for the police officer. The local residents had questions for the officer.

The environmental protection officer addressed the sub-committee in support of the review. Members had questions for the officer. Local residents had questions for the officer.

The legal representative for the premises addressed the sub-committee and called upon two witnesses, including Dr Afolabi the licensee. Members had questions for the representative and her witnesses. Local residents had questions for the representative and her witnesses.

All parties were given 5 minutes to sum up.

The meeting went into closed session at 12:04pm. The meeting resumed at 1.28pm.

RESOLVED:

The licensing sub-committee, having had regard to the application by Sarah Connelly for a review of the premises granted under the Licensing Act 2003 to Dr Taiwo Afolabi in respect of the premises known as D'Eclipse Bar & restaurant, situated at 57-59 Camberwell Road, London, SE5 and having had regard also to all other relevant representations has decided it necessary for the promotion of the licensing objectives to:

Suspend the premises licence applicable to the basement area for 14 days or a shorter period if the mitigating works detailed below are completed to the satisfaction of the Environmental Protection Team.

Conditions

The following additional conditions were applied by the sub-committee:

1. Music on the ground floor is to be limited to background music only.
2. That at least 6 SIA registered door staff are to be employed from 11pm on Fridays and Saturdays until the premises closes.
3. No Temporary Event Notices are to be applied for until the mitigating works are carried out and approved by the Environmental Protection Team.

The mitigating works (as detailed in the Acoustic Engineer's report section 6.4 and 6.5) are as follows:

4. Acoustic upgrading works to the basement area to be undertaken to prevent the transmission of flanking sound through the building structure. These works to include the introduction of independent wall linings to the main structural elements including masonry external walls, column and stairwells.
5. Following completion of the works in 4 above, appropriate sound limiting equipment shall be installed to limit the power of the amplification of recorded and live music. Such system shall have the capability of controlling a full range of individual octave bands and this system shall be configured so that it is only alterable by the installing engineer, thus preventing any tampering by either visiting DJs, patrons of the venue or venue management and staff.

Reasons

The reasons for this decision are as follows:

Having considered the evidence submitted by the applicant, environmental protection team, the police and the licensee. The sub-committee is not satisfied that the premises are directly connected to the crime & disorder and therefore find insufficient justification for revocation of the licence.

The sub-committee is satisfied on the evidence that the premises do cause public nuisance by (1) music emanating from the premises and (2) noise from patrons leaving the premises.

As far as the nuisance created by the music, the licensee proposed that the music on the ground floor be limited to background music throughout the hours of operation (and this is now a condition). The licensee also relied on an expert report from an Acoustic Engineer, Mr Anderson, in which further measures are proposed in order to address the issue of music escape from the premises. Such measures are stated above (and on page 6 of the Acoustic Engineer report).

The sub-committee is satisfied that the measures proposed by Mr Anderson should address the issue of the music noise emanating from the premises if implemented in accordance with the report and approved by the Environmental Protection Team.

In their submissions the licensee stated that such works can be completed within 7-14 days and therefore the sub-committee has decided to suspend the licence applicable to the basement area for up to 14 days depending on the completion of the mitigating works to the satisfaction of the Environmental Protection Team. For the avoidance of any doubt, these measures are now conditions of the licence.

To address the noise of patrons leaving the premises, the sub-committee decided that it was necessary for 6 SIA registered door staff to be employed from 11pm on Fridays and Saturdays until the premises close.

The sub-committee felt this decision and the additional conditions to be necessary and proportionate to address the licensing objectives, particularly prevention of nuisance.

Appeal rights

This decision is open to appeal by either

- a) The applicant for the review;
- b) The premises licence holder; or
- c) Any other person who made relevant representations in relation to the application.

Such appeal must be commenced by notice of appeal given by the appellant to the justices chief executive for the magistrates court for the area within the period of 21 days beginning with the day on which the appellant was notified by this licensing authority of the decision.

This decision does not have effect until either

- a) The end of the period for appealing against this decision; or
- b) In the event of any notice of appeal being given, until the appeal is disposed of.

The meeting closed at 1.40pm.

CHAIR:

DATED:



Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Friday 11 June 2010 at 10.00 am at Town Hall, Peckham Road, London SE5 8UB

PRESENT: Councillor Lorraine Lauder MBE (Chair)
Councillor Ian Wingfield
Councillor Althea Smith

OTHERS PRESENT: Councillor Sunil Chopra, observing
Mr Richard Nash, representing Classic News
Mrs Ranjan Patel, applicant
Mr Hitendra Vyas, witness for the applicant
Erina Rayner, local resident

OFFICERS: Wesley McArthur, licensing officer
Felix Rechtman, legal officer
Andrew Weir, constitutional officer

1. APOLOGIES

There were none.

2. CONFIRMATION OF VOTING MEMBERS

The three members listed as present were confirmed as voting members.

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 - CLASSIC NEWS, 109 BOROUGH HIGH ST , LONDON SE1 1NL

The licensing officer informed the sub-committee that the applicant wished to submit some additional documentation.

The sub-committee adjourned at 10.15am to consider the additional documentation and to allow the local resident time to consider the additional documentation also.

The meeting resumed at 10.25am.

The local resident objected to the additional papers as they were essentially the applicants' written arguments. The sub-committee agreed that the additional documentation should not be considered.

The licensing officer presented his case. Members had no questions for the licensing officer.

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

The local resident objector addressed the sub-committee. Members had questions for the local resident.

Each party was given 5 minutes to sum up.

The sub-committee went into closed session at 11.15am. The meeting resumed at 11.45am

RESOLVED:

That the application by Narendra and Ranjan Patel for a variation to the premises license granted in respect of the premises known as Classic News, 109 Borough High Street, London, SE1 1NL is refused.

Reasons

The reasons for this decision are as follows:

Having considered the submissions made by the applicant and interested parties and taking into account that the premises are located within the Borough & Bankside Saturation Zone, the sub-committee is not satisfied that by granting the application that there will be no negative cumulative impact on the licensing objectives of prevention of crime and disorder. In the circumstances the saturation policy should be followed.

The sub-committee also consider that granting of this application would have an adverse impact on the prevention of nuisance objective in the licensing act.

Appeal Rights

The applicant may appeal against the decision of the sub-committee; and

Any person who made relevant representations in relation to the application may appeal against the decision.

Any appeal must be made to the magistrate court for the petty sessions area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' chief executive 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 closed at 11.47am.

CHAIR:

DATED:



LICENSING SUB-COMMITTEE

MINUTES of the Licensing Sub-Committee held on Monday 28 June 2010 at 10.00 am at Town Hall, Peckham Road, London SE5 8UB

PRESENT: Councillor Lorraine Lauder MBE (Chair)
Councillor Jeff Hook
Councillor Sunil Chopra

OTHERS PRESENT: Councillor Michael Mitchell (Observing)
Councillor Catherine Bowman (Observing)

Mr Cole, applicant, Nivla
Mrs Cole, applicant, Nivla
Mr L Csutas, local resident
Mrs Csutas, local resident
Mr Bennetts, applicant, Wazobia
Mr Bolagun, applicant, Wazobia
Mr Nicholson, local resident
Mrs Nicholson, local resident

OFFICER SUPPORT: Alan Blissett, environmental protection officer
Dorcas Mills, licensing officer
Kate Heap, legal officer
Sean Usher, constitutional team

1. APOLOGIES

There were none.

2. CONFIRMATION OF VOTING MEMBERS

The members listed above were confirmed as the voting members.

3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

There were no late items.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were no declarations of interest.

5. LICENSING ACT 2003 - NIVLA RESTAURANT, 51 CAMBERWELL ROAD, LONDON SE5 0EZ

The licensing officer presented her report. Members had questions for the officer.

When the applicant, Mr Cole began his presentation it was evident that Mrs Cole needed to be present as this was a joint application. The sub-committee sought legal advice from the legal officer and it was agreed to adjourn Item 5 for an hour to allow Mrs Cole to attend.

The members agreed to move on to Item 6 as all parties were present.

Item 5 resumed at 12.25.

The licensing officer circulated photos of the premises. The applicant confirmed that they had reduced the hours on their application. Members had questions for the applicants. The local resident had questions for the applicants.

It was confirmed that Mrs Cole will be the DPS and she is awaiting her personal licence certificate to be sent to her.

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

The local resident addressed the sub-committee. Members had questions for the resident.

All parties were given 5 minutes to sum up.

The meeting went into closed session at 1.05pm. The meeting resumed at 1.36 and the decision was read out as follows.

RESOLVED:

That the application by Mr & Mrs Cole for grant of the premises licence issued under the Licensing Act 2003 in respect of Nivla Restaurant, 51 Camberwell Road, London SE5 0EZ is granted as follows:

The following licensable activities are allowed:

Licensable Activity	Monday to Thursday	Friday	Saturday	Sunday
Recorded Music	11:00 – 00:00	10:00 – 01:00	10:00 – 01:00	14.00-23.00
Performance of Dance	11:00 – 00:00	10:00 – 01:00	10:00 – 01:00	14.00-23.00
Late night refreshment	23:00 –	23:00 –	23:00 –	

	00:00	01:00	01:00	
Supply of alcohol	11:00 – 00:00	10:00 – 01:00	10:00 – 01:00	14.00- 23.00
Opening Hours	07:00 – 00:30	07:00 – 01:30	07:00 – 01:30	13.00- 23.30

Conditions

All appropriate mandatory conditions as defined by the Licensing Act 2003 (as amended); and

The following additional conditions are imposed.

1. Sound insulation and sound limitation equipment to be installed and maintained to the standard set by the council's environmental protection team and to be operated in full working order at all times that the premises are open to the public;
2. All speakers and amplification equipment to be installed at locations set by the council's environmental protection team and to be used only at those locations;
3. No more than 5 smokers to be permitted to remain outside the premises at any time and no drinks to be taken outside the premises.
4. Ventilation to be installed in the basement and maintained to the standard set out by the council's environmental protection team and to be operated in full working order at all times that the basement is open to the public;
5. A personal licensing holder is to be on the premises at all times that the premises are open for the supply of alcohol.

Reasons

The reasons for this decision are as follows:

In reaching its decision the licensing sub-committee heard representations from the applicants, Mr & Mrs Cole, Alan Blissett from environmental protection officer and local residents including written representations. The licensing sub-committee concluded that the conditions were both necessary and proportionate to address the licensing objectives, in particular, the prevention of public nuisance and the promotion of public safety.

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) That grant ought not to have been made; or
- b) That, when granting 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 magistrate court for the petty sessions area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' chief executive 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 - WAZOBIA RESTAURANT, 670 OLD KENT ROAD, LONDON SE15 1JF

It was agreed by the sub-committee to hear item 6 before Item 5 to allow for both applicants to appear at the meeting.

The licensing officer presented her report to the sub-committee. The sub-committee were notified that appendix D2 had been omitted in error and would be circulated at the hearing. Members had no questions for the officer.

The applicant, Mr Bennetts and his business partner, Mr Bolagun, addressed the sub-committee. Members had questions for the applicants. Local residents had questions for the applicants.

The environmental protection officer addressed the sub-committee but confirmed that they had withdrawn their representation.

The local residents addressed the sub-committee. Members had questions for the local residents. The applicants had questions for the local residents. The environmental protection officer had questions for the local residents.

All parties were given 5 minutes to sum up.

At 11.43 the sub-committee went into closed session. At 12.20 the sub-committee resumed and the following decision was read out.

RESOLVED:

That the application by Richard Bennetts for the variation of the Premises Licence issued under the Licensing Act 2003 in respect of Wazobia Restaurant, 670 Old Kent Road, London, SE15 1JF is granted as follows:

Licensable Activity	Monday to Thursday	Friday	Saturday	Sunday
Live Music	12:00 – 00:00	12:00 – 03:00	12:00 – 03:00	12:00 – 00:00
Recorded Music	12:00 –	12:00 –	12:00 –	12:00 –

	00:00	03:00	03:00	00:00
Provision of facilities for making music	12:00 – 00:00	12:00 – 03:00	12:00 – 03:00	12:00 – 00:00
Late night refreshment	23:00 – 00:00	23:00 – 03:00	23:00 – 03:00	23:00 – 00:00
(m) Supply of alcohol	12:00 – 00:00	12:00 – 03:00	12:00 – 03:00	12:00 – 00:00
(o) Opening Hours of premises	12:00 – 00:30	12:00 – 03:30	12:00 – 03:30	12:00 – 00:30

Conditions

All appropriate mandatory conditions as defined by the Licensing Act 2003 (as amended); and

All existing conditions including conditions, 315 and 424 are to remain on the licence.

Reasons

The reasons for this decision are as follows:

In reaching its decision the licensing sub-committee considered the representations made by the applicant and the local residents including written representations. The licensing sub-committee noted that there had been a complaint of public nuisance in November 2009. The licensing sub-committee noted that the applicant had stated he did not intend to operate the premises as a club and that when the restaurant was busy there was no room for dancing. The licensing sub-committee concluded that the variation as granted above was necessary and proportionate to address the licensing objectives, in particular the prevention of crime & disorder and the promotion of public safety and the prevention of public nuisance.

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) That variation ought not to have been made; 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 magistrate court for the petty sessions area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' chief executive for the magistrate's 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 closed at 1.45pm.

CHAIR:

DATED:



LICENSING SUB-COMMITTEE

MINUTES of the Licensing Sub-Committee held on Wednesday 7 July 2010 at 2.00 pm at Town Hall, Peckham Road, London SE5 8UB

PRESENT: Councillor Lorraine Lauder MBE (Chair)
Councillor Catherine Bowman
Councillor Norma Gibbes

OTHERS PRESENT: Councillor Michael Mitchell (observing)
Ward councillor Adele Morris
Maria Sayers, local resident
Maxine Walker, local resident
Kamal Hussain, applicant, Blue Eyed Maid
Steve Charlton, applicant's witness, Blue Eyed Maid
Andrew Griffin, applicant's representative

Kate Heap, legal officer
Bill Legassick, environmental protection officer
Kristie Ashenden, licensing officer
Andrew Weir, constitutional officer

1. APOLOGIES

There were no apologies.

2. CONFIRMATION OF VOTING MEMBERS

The members present were confirmed as the voting members.

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 - RAFFAELLO, 202-206 UNION ST, LONDON, SE1 0LH

The meeting started at 10.25am, due to the fact that the applicant had not turned up and officers wanted to contact the applicant in order to find out if they intended to attend the meeting. Officers called the applicant and were advised that they would not be attending, nor would they be sending a representative.

The licensing officer presented her case. Members had questions for the licensing officer.

The local resident objectors and ward councillor addressed the sub-committee. Members had questions for the local residents and ward councillor.

Each party was given 5 minutes to sum up.

The sub-committee went into closed session at 10.50am. The meeting resumed at 11.10am.

RESOLVED:

That the application by Silver Grapes Limited for the variation of the Premises Licence issued under the Licensing Act 2003 in respect of Raffaello, Unit 3, 202 Union Street, London, SE1 0LH is refused.

Reasons

In reaching its decision the licensing sub-committee heard that the applicant was aware of today's hearing but had not attended. The licensing sub-committee had regard to the written representations of local residents and the oral representations of Ward Councillor Morris on their behalf. The licensing sub-committee noted that the applicant had not specifically addressed the fact that the premises were subject to the special policy applicable to Borough and Bankside. The licensing sub-committee considered that refusing the application was a necessary and proportionate response to ensure that there was no detrimental impact on the licensing objectives, in particular the prevention of nuisance.

Appeal Rights

The applicant or any person who made relevant representations to the application may appeal against the decision of the sub-committee.

Any appeal must be made to the magistrate court for the petty sessions area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' chief executive 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 - BLUE EYED MAID, 173 BOROUGH HIGH STREET, LONDON, SE1 1HR

The licensing officer advised that there were some photographs of the premises to be circulated. All parties agreed to this.

The licensing officer presented her case. Members had no questions for the licensing officer.

The applicant's representative presented his case. Members had questions for the applicant's representative.

The environmental protection officer addressed the committee. He advised he had an email from the principal environmental officer, who was unable to attend that day, to circulate. All parties agreed to this.

The environmental protection presented his case. Members and the applicant's representative had questions for the environmental protection officer.

Each party was given 5 minutes to sum up.

The sub-committee went into closed session at 11.55am. The meeting resumed at 1.00pm.

RESOLVED:

That the application by Punch Taverns PLC for the variation of the Premises Licence issued under the Licensing Act 2003 in respect of Blue Eyed Maid, 173 Borough High Street, London, SE1 1HR is refused in so far as it relates to an application to extend permitted licensable and opening hours. The application is granted in part in so far as it relates to an application to remove certain conditions.

Conditions

All appropriate mandatory conditions as defined by the Licensing Act 2003 (as amended).

Reasons

The licensing sub-committee considered the oral representations of Mr Griffin, solicitor on behalf of the applicant, of the council's environmental protection team and the written representations of one local resident. The licensing sub-committee noted that the police and trading standards representations had been conciliated in that the applicant had agreed to amend the operating schedule to incorporate the conditions sought to address primarily the licensing objective of the prevention of crime and disorder.

The licensing sub-committee heard that the environmental protection team had received four complaints in the past twelve months, one of which related to the positioning and use of a loudspeaker on an external wall. The licensing sub-committee was not satisfied that the applicant had adequately addressed the licensing objective of the prevention of nuisance having regard to the fact that the premises is

situated within the special policy for Borough and Bankside and concluded that the refusal of the application to extend the hours of licensable activities was necessary and proportionate with regard to the licensing objectives, in particular the prevention of public nuisance.

The licensing sub-committee considered that it was appropriate to approve the removal of licence conditions which were no longer applicable, namely conditions 109, 110, 122, 127, 143, 144, 145, 147, 151, 152, 153, 154, 155, 157, 159, 162, 163, 164, 165, 166, 167, 168, 169, 174, 175, 177, 178, 179 and 182. All other conditions will remain in force.

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) That variation ought not to have been made; 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 magistrate court for the petty sessions area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' chief executive for the magistrate's 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 1.07pm.

CHAIR:

DATED:



LICENSING SUB-COMMITTEE

MINUTES of the Licensing Sub-Committee held on Monday 12 July 2010 at 10.00 am at Room G02c - 160 Tooley Street, Ground Floor

PRESENT: Councillor Lorraine Lauder MBE (Chair)
Councillor Eliza Mann
Councillor the Right Revd Emmanuel Oyewole

OTHERS PRESENT: Biagio Caroleo, applicant
Peter Tilly, agent for applicant
Councillor Adele Morris (ward councillor)
Paul Murphy, local resident
Samantha Shaw, local resident
Kathryn Grant, local resident
Susan Gardiner, local resident
Leidilom Bernardo, local resident

OFFICER SUPPORT: Kristie Ashenden, licensing officer
Kate Heap, legal officer
Virginia Wynn-Jones, constitutional officer

1. APOLOGIES

There were no apologies.

2. CONFIRMATION OF VOTING MEMBERS

The members present were confirmed as the voting members.

3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

The chair agreed to accept one local resident's submission as late and urgent.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003 - BIAGIO@BANKSIDE, 32 SOUTHWARK BRIDGE ROAD, LONDON, SE1 9EU

The licensing officer presented her case. Members had no questions for the licensing officer.

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

The local resident objectors and ward councillor addressed the sub-committee. Members had questions for the local residents and ward councillor.

Each party was given 5 minutes to sum up.

The sub-committee went into closed session at 11.50am. The meeting resumed at 12.15pm.

RESOLVED:

That the application by Biagio Caroleo for the variation of the Premises Licence issued under the Licensing Act 2003 in respect of Biagio@Bankside, 32 Southwark Bridge Road, London, SE1 9EU is refused.

Reasons

The licensing sub-committee heard representations from Mr Tilly on behalf of the applicant. The licensing sub-committee considered the oral representations of Mr Andrew Parton, Chair of the Anchor Terrace Residents' Association, Ms Susan Gardiner, Mr Paul Murphy and Councillor Adele Morris, ward councillor for Cathedrals ward. The licensing sub-committee also considered all the written representations, and had particular regard to the representations from parties B, F and G. The licensing sub-committee noted that the police had withdrawn their objection as the applicant had agreed to the conditions requested to address primarily the prevention of crime objective.

The licensing sub-committee was not satisfied that the applicant had adequately addressed the licensing objective of the prevention of nuisance having regard to the fact that the premises are situated within the area of the special policy for Borough and Bankside and in close proximity to a high concentration of residential premises. Accordingly, the licensing sub-committee considered it necessary and proportionate to promote the licensing objectives to refuse the application.

Appeal Rights

The applicant or any person who made relevant representations to the application may appeal against the decision of the sub-committee.

Any appeal must be made to the magistrate court for the petty sessions area in which the premises are situated. Any appeal must be commenced by notice of

appeal given by the appellant to the justices' chief executive for the magistrate's 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 closed at 12:30pm.

CHAIR:

DATED:

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DISTRIBUTION LIST OPEN	MUNICIPAL YEAR 2010/11 Date of Meeting: 27 July 2010 Time: 7.00pm – Town Hall
LICENSING COMMITTEE	
Note: Original held in Constitutional Team; all amendments/queries to Sean Usher, Constitutional Team, Tel: 020-7525-7222.	
<p>Councillors (1 Copy Each)</p> <p>Althea Smith Catherine Bowman (Vice Chair) Dan Garfield Darren Merrill David Hubber Eliza Mann Emmanuel Oyewole Ian Wingfield Jeff Hook Lorraine Lauder (Chair) Michael Mitchell Norma Gibbes Robin Crookshank Hilton Sunil Chopra Wilma Nelson</p> <p>Internal Copies (1 Copy Each)</p> <p>Richard Parkins Kate Heap Sean Usher (2 copies) Des Waters</p> <p>Electronic Copies (Internal)</p> <p>John McHenry David Littleton Press Office</p> <p>Total Copies to be printed: 26</p> <p>PLEASE BRING THESE PAPERS TO THE MEETING WITH YOU AS THERE WILL ONLY BE LIMITED SPARES AVAILABLE</p>	<p>Externals</p> <p>None</p> <p>Total Copies to be circulated: 20</p> <p>ALL SPARES TO BE DELIVERED TO SEAN USHER C/O POST ROOM, TOWN HALL</p> <p>DAY OF DESPATCH: 19 JULY 2010</p>