

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Monday 10 September 2018 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Renata Hamvas (Chair)
Councillor Eliza Mann
Councillor Margy Newens

OFFICER SUPPORT: Debra Allday, legal officer
Wesley McArthur, licensing officer
Andrew Weir, constitutional officer

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: NANDO'S, UNIT 2, THE AYLESHAM CENTRE, PECKHAM, LONDON SE15 5EW

The applicant's legal representative made a preliminary point as to whether the representation submitted by the other person (pages 27 and 28) had been submitted out

of time.

The meeting adjourned at 10.36am to allow the sub-committee to consider the point raised by the applicant's legal representative.

The meeting reconvened at 10.58am and the chair advised that the sub-committee had agreed that they would still accept the representation.

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

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

The applicant and their legal representative were given five minutes for summing up.

The meeting adjourned at 11.23am for the members to consider their decision.

The meeting resumed at 11.25am and the chair advised all parties of the sub-committee's decision.

RESOLVED

That the application made by Nando's Chickenland Limited for a premises licence to be granted under Section 17 of the Licensing Act 2003 in respect of the premises known as Unit 2, The Aylesham Centre, London SE15 5EW be granted as follows:

Operating Hours	Monday to Sunday from 11:00 to 00:00.
Supply of Alcohol (on the premises)	Monday to Sunday from 11:00 to 23:30.
Late Night Refreshment	Monday to Sunday from 23:00 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, the conditions agreed with the Metropolitan Police Service during the conciliation process and the following additional conditions agreed by the sub-committee.

Reasons

The reasons for the decision are as follows:

The representative for the applicant raised a preliminary point whether the representation submitted by the other person (pages 27 and 28) had been submitted out of time. The representation on page 27 was received by the licensing authority at 12:00am on 3 August 2018. The same representation on page 28 was a screen shot from the other person which demonstrated that the representation was sent at 23:59 on 2 August 2018. The representative for the applicant referred to Section 21a of The Licensing Act 2003

(Premises licences and club premises certificates) Regulations 2005 (“the 2005 regulations”) stating that the representation was received after the consultation of 2 August 2018.

The licensing sub-committee carefully considered the 2005 regulations and note that there was no ‘second timing’ provided on the received representation and it was unclear whether Southwark’s IT systems ‘round up’ to the nearest minute. The licensing officer used his discretion (albeit on legal advice) to accept the representation. On this basis, the licensing sub-committee felt it could not go behind the licensing officer’s decision to accept (the representation). It was felt that the representation was not the strongest and whilst relevant in terms of the licensing objectives, lacked any specifics to the premises itself therefore, whilst the representation would be considered it would have limited impact on the overall decision of the licensing sub-committee.

The licensing sub-committee heard from the representative for the applicant regarding the premises licence application. The application was for the on-sale of alcohol and late night refreshment until 23:30, both of which were with the hours as specified in Southwark’s statement of licensing policy. The applicant Nando’s Chickenland Limited was a privately owned company with no franchising with extreme care that the Nando’s brand is protected at all cost.

Planning permission had been granted and the planning officer noted that the application was in a major town centre and “the operation of the premises not results in any noisy activities if the application is granted”. Furthermore, one of the top priorities within the Area Action Plan is the support and growth of the late night economy. Forty jobs would be created for the local area and no employee would have a zero hour’s contract. This application therefore met with the Southwark’s Statement of Licensing Policy in addition to the other polices/strategies in place.

All Nando’s premises are food led and family orientated operations. It would be rare customers would purchase alcohol only. Alcohol sales make up a maximum of 5% of the overall sales of the restaurant. Because there is a meet and greet host at the entrance, individuals could not get to the bar area and purchase alcohol as no purchases could be made until the host provides the customer with a table number. All alcohol sales are ancillary to a table meal and the premises only beers, wines and cider are supplied.

The licensing sub-committee noted that the representation from the Metropolitan Police Service had been conciliated.

The other person did not attend the meeting, but the licensing sub-committee noted the content of their representation.

The licensing sub-committee was satisfied that Nando’s operation would be a benefit to Peckham major town centre and felt no additional conditions needed to be added in granting the premises licence.

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.

The meeting ended at 11.28am.

CHAIR:

DATED: