

## Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Monday 26 November 2018 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

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**PRESENT:** Councillor Renata Hamvas (Chair)  
Councillor Dora Dixon-Fyle MBE  
Councillor Sunny Lambe

**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: BAR OM, 18 CHOUMERT ROAD, LONDON SE15 4SE

The licensing officer presented their report. They advised that the responsible authorities had conciliated with the applicant.

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

The sub-committee noted the written representation from the other person objecting to the application.

The applicant was given five minutes for summing up.

The meeting adjourned at 11.20am for the members to consider their decision.

The meeting resumed at 11.23am and the chair advised all parties of the decision.

### **RESOLVED:**

That the application made by Bar Om Limited for a premises licence under Section 17 of the Licensing Act 2003 in respect of the premises known Bar Om, 18 Choumert Road, London SE15 4SE be granted as follows:

- Sale of alcohol to be consumed on the premises:
  - Monday to Sunday from 11:00 to 22:30
- opening hours of the premises
  - Monday to Sunday from 11:00 to 23:00.

### **Conditions**

The operation of the premises under the licence shall be subject to relevant mandatory conditions, any conditions derived from the operating schedule in Section M of the application, conditions agreed with the police and the licensing authority during conciliation and the following conditions imposed by the licensing sub-committee:

1. That a direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents in the vicinity.
2. That no more than five customers are permitted outside at any one time for the purposes of smoking.
3. That outside tables and chairs are permitted for a maximum of 10 patrons. These tables and chairs shall be rendered unusable by 22:00 hours each day.
4. That all windows and doors shall be closed after 22:00 hours with the exception of ingress and egress.

### **Reasons**

The reasons for the decision are as follows:

The licensing sub-Committee heard from the applicant who described the premises as a Vietnamese seafood restaurant. The applicant acknowledged the other person's objection but stated that the concerns raised had been addressed by accepting certain concessions and agreeing conditions with the responsible authorities. Whilst the premise was to be

called Bar Om, the sale of alcohol would be secondary to the service of food, similar to tapas. There was no intention to create a party venue and there was also no intention to hire the premises out to private parties as this would be disruptive to the daily business generally. The applicant also stated he did not propose providing a takeaway service and if one was provided, it would only be if there was an audience for it from customers.

The licensing sub-committee noted that the representations from the responsible authorities, namely the Metropolitan Police Service and licensing as a responsible authority had conciliated.

The licensing sub-committee noted the representation submitted by an 'other person', a local resident who objected to the licence application. The other person objected to the application on the basis that the operation of the premises may give rise to noise nuisance and also increased litter in the locality. The other person referred to the premises being located in the Peckham cumulative impact policy area. However, it was noted that as a restaurant, the cumulative impact policy did not apply. The other person requested that their objection be considered regardless.

During the discussion stage of the meeting, the applicant advised that there were two W.C.s in the premises located on the first floor. It was recommended to the applicant that a further W.C. be installed on the ground floor for the benefit of disabled customers. The licensing sub-committee accepted that the concessions and conditions agreed by the applicant, together with the proposed business model was unlikely to undermine the licensing objectives and on this basis, granted the premises licence application.

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.

**6. LICENSING ACT 2003: EL VERMUT, 28 NUNHEAD GREEN, LONDON, LONDON SE15 3QF**

It was noted that this item had been conciliated.

The meeting ended at 11.25am.

**CHAIR:**

**DATED:**