

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 21 March 2019 at 10.00 am at Room G06 - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Renata Hamvas (Chair)
Councillor Sunil Chopra
Councillor Margy Newens

OFFICER SUPPORT: Debra Allday, legal officer
Wesley McArthur, licensing officer
Jayne Tear, licensing responsible authority officer
Leidon Shapo, public health officer
P.C. Mark Lynch, Metropolitan Police Service
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.

At this point the chair advised that the order of business would be varied to hear item 6 first.

5. LICENSING ACT 2003: CHANDNI RESTAURANT, 134A THURLOW PARK ROAD, LONDON SE21 8HN

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

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

The licensing officer representing the council as a responsible authority addressed the sub-committee. Members had questions for the licensing officer.

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

The public health officer addressed the sub-committee. Members had questions for the public health officer.

The sub-committee noted the written representation from the Dulwich Society.

All parties were given five minutes for summing up.

The meeting adjourned at 12.30pm for the members to consider their decision.

The meeting resumed at 1.10pm and the chair advised all parties of the decision.

RESOLVED:

That the application made by Chandni Restaurant Limited for a premises licence to be granted under Section 17 of the Licensing Act 2003 in respect of the premises known as Chandni Restaurant, 134A Thurlow Park Road, London SE21 8HN be granted as follows:

The sale of alcohol to be consumed on the premises	Friday and Saturday from 12:00 to 01:30 the following day
Late night refreshment	Friday and Saturday from 23:00 to 01:30 the following day
Opening Hours	Friday and Saturday 12:00 until 02:00

Conditions

1. That a personal licence holder shall be on the premises and on duty at all times that intoxicating liquor is supplied.
2. That there shall be no new entry to the premises after 00:00 on Friday and Saturday.
3. That no beverages shall be taken outside of the premises.
4. That customers shall use no outside area after 22:00 other than those who temporarily leave the premises to smoke a cigarette. This shall be limited to five persons.

5. That intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking a substantial table meal (including buffets) and for consumption by such persons as an ancillary to their meal.
6. That all staff are trained in their responsibilities under the Licensing Act 2003 and training records are kept and updated every six months and shall, upon request, be made immediately available to officers of the police and the council.
7. That two SIA registered door supervisors will be engaged when the premises are in operation on Friday and Saturday. They will be employed at all times after 22:00 until the end of business and all patrons have vacated the premises they will be engaged to monitor admission and re-admission to the premises, security, protection, screening, any anti-social behaviour related to patrons outside of the premises and dealing with conflict. At other times these engagements shall be the responsibility of the management on duty.
8. That a CCTV system is installed at the premises and be maintained in good working order and 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. It shall cover all areas within the premises including the outside area to the front in all lighting conditions.
9. That all CCTV footage be kept for a period of 31 days and shall on request be made immediately available to the officers of the police and the council. There will be at least one person on duty at all times that is familiar with the operation of the CCTV and able to download the footage immediately upon request.
10. That clearly legible signage will be prominently displayed at all patron exits, where it can easily be seen and read, requesting that patrons leave the premises in a quiet and orderly manner that is respectful to neighbours.
11. That the accommodation limit for the premises shall not exceed 80 persons (excluding staff).
12. That the written dispersal policy shall be kept at the premises and made available for inspection by authorised officers of the council or the police. All relevant staff shall be trained in the implementation of the policy.

Reasons

The reasons for the decision are as follows:

The licensing sub-committee heard from the applicant who explained the premises would operate as a "VQ style" restaurant and the extended hours would allow the premises to operate late night parties. It was not a nightclub, and was very much food led. The applicant then detailed the additional controls that would be in place if the variation application was granted.

The licensing sub-committee heard from licensing as a responsible authority who raised concerns that there was no time between the last sale of alcohol and the closing time when patrons should be leaving the premises. This would encourage patrons to rush

the consumption of alcoholic drinks at the same time of closing which can lead to antisocial behaviour problems when patron have left the premises. The variation of hours far exceeded those in Southwark's statement of licensing policy and the application should be refused. If the licensing sub-committee were minded to grant the application, conditions had been agreed with the applicant.

The licensing sub-committee heard from the Metropolitan Police Service who advised that the premises were situated in a residential area. The police advised that the current operating hours were generous and exceeded the terminal hours (of 23:00) as stated in Southwark's statement of licensing policy for a restaurant in a residential area. The policy hours assist in premises complying with the licensing objectives and the premises had not provided a reason to deviate from the policy. In the event that the variation application was granted, the police advised that a number of conditions had been agreed with the applicant.

The licensing sub-committee heard from public health who advised that the premises was located close to a populated residential area and the increased noise from individuals consuming alcohol after 23:00 in a residential area would have an impact on the sleep of residents living around this premises.

The licensing sub-committee noted the representation from the Dulwich Society that objected to the application.

The sub-committee noted that the premises are located in an area defined as a residential area in Southwark's statement of licensing policy. However, having looked at the area plan, this licensing sub-committee is satisfied that the location is very much on the edge of the residential area and limited residents would be affected. The area is also not in a cumulative impact policy area. On this basis, the licensing sub-committee is satisfied that sufficient controls are in place to promote the licensing objectives.

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: 28 PECKHAM RYE, LONDON SE15 4JR

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

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

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

Both parties were given five minutes for summing up.

The meeting adjourned at 10.50am for the members to consider their decision.

The meeting resumed at 11.01am and the chair advised all parties of the decision.

RESOLVED:

That the application made by Madelaine Beevers for a premises licence to be granted under Section 17 of the Licensing Act 2003 in respect of the premises known as 28 Peckham Rye, London SE15 4JR be granted as follows:

Films	Thursday from 19:00 to 22:00
Sale of alcohol to be consumed on the premises	Monday from 12:00 to 17:00 Tuesday to Friday from 12:00 to 22:00 Saturday from 10:00 to 22:00 Sunday from 10:00 to 17:00
Proposed opening hours of the premises	Monday from 07:30 to 17:30 Tuesday to Friday from 07:30 to 22:30 Saturday from 09:00 to 22:30 Sunday from 09:00 to 22:30

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 and the environmental protection team during the conciliation process and the following additional conditions agreed by the sub-committee:

Reasons

The reasons for the decision are as follows:

The licensing sub-committee heard from the applicant for the premises who advised that the premises was which consisted of an open plan main room at the front with a kitchen, storage rooms and toilets at the back. Through the kitchen is access to a small yard which did not provide access/exit to street. The main room has a fully glazed frontage and counter/bar along the left hand side. The main front door is the only entrance / exit to the property. Activities such as talks or film screenings would take place in the rear section of the premises.

The licensing sub-committee heard from a local resident that who objected to the premises licence application whose primary concern related to noise that would have a significant impact on the residents above the premises. They advised that whilst the applicant did address the resident's concerns of noise, the resident did not believe the applicant had sufficiently addressed these concerns. Whilst he applicant stated that they had no intention on amplifying films/music/open mike nights, but such activities could take place without the need of a licence up to 23:00 hours under the Live Music Act. Also, there was no insulation between the café and the residential premises.

The licensing sub-committee noted the representations from the Metropolitan Police Service and the environmental protection team, both of which had been conciliated.

Whilst the issue of noise was a matter for the licensing application, considerations relating to insulation, would be more appropriately dealt with by the planning department. The licensing sub-committee recommended to both applicant and the local resident that they should check that the appropriate planning permission was in place when the premises changed its use. The permission may detail conditions of works that may need to be undertaken for the prevention of noise nuisance. The premises licence application sought hours within Southwark's statement of licensing policy and there was no reason under the Licensing Act 2003 or associated guidance that would justify the refusal of this 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 1.12pm.

CHAIR:

DATED: