

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 4 April 2019 at 10.00 am at Room G06 - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Renata Hamvas (Chair)
Councillor Dora Dixon-Fyle MBE
Councillor Maria Linforth-Hall

OFFICER SUPPORT: Debra Allday, legal officer
Gavin Blackburn, planning enforcement officer
David Franklin, licensing officer
Andrew Heron, licensing officer
Paul Newman, environmental protection officer
Andrew Weir, constitutional officer

1. APOLOGIES

There were none.

1. 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: LONDON BRIDGE KEBAB LIMITED, 19 LONDON ROAD, LONDON SE1 6JX

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

The licensing officer as a responsible authority advised that they had now withdrawn their representation as the applicant had reduced their hours in line with the Southwark licensing policy.

All parties were given five minutes for summing up.

The meeting adjourned at 11.12am for the sub-committee to consider its decision.

The meeting reconvened at 11.27am and the chair advised all parties of the decision.

RESOLVED:

That the application made by London Bridge Kebab Limited for a premises licence to be granted under Section 17 of the Licensing Act 2003 in respect of the premises known as HFC, 19 London Road, London, SE1 6JX be granted as follows:

- Late Night Refreshment (on sales only):
 - Sunday to Thursday from 23:00 to 00:00
 - Friday and Saturday from 23:00 to 01:00
- Opening hours:
 - Sunday to Thursday from 23:00 to 00:00
 - Friday and Saturday from 23:00 to 01:00.

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 public health during the conciliation process and the following additional conditions agreed by the sub-committee:

1. That all waste shall be stored and collected at the rear of the premises in closed refuse containers.
2. That all waste shall be collected between 08:00 hours and 20:00 hours.

Reasons

This was an application of a premises licence in respect of the HFC which was described in the application as a shop with premises, but essentially was a fried chicken takeaway. The applicant

had been in the industry for many years and had addressed all of the issues raised by the responsible authorities. The applicant detailed to the sub-committee the measures that they had taken to address the concerns of all of the responsible authorities.

The licensing sub-committee heard from the council's environmental protection team, who objected to the application on the grounds of prevention of public nuisance, stating (EPT). EPT state a similar premises licence application for longer hours at the premises was sought in 2017, a similar application had been applied for by the applicant in November 2017 when the application rejected by the licensing sub-committee. Whilst the applicant's reduction in hours was recognised and that the policy hours were appropriate for the area, they were not appropriate when residential flats were above the property. The officer also raised concern fumes from litter and food waste.

The licensing sub-committee then heard from the licensing authority in their role as responsible authority who advised that following the applicant reducing their hours in line with Southwark's statement of licensing policy, they withdrew their representation.

Through discussion, the applicant agreed conditions proposed by the licensing sub-committee regarding waste handling and members were content with the conditions conciliated with the responsible authorities and satisfied that the conciliated operated schedule promoted the licensing objective so granted the licence accordingly.

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: HAYATT, 22 CAMBERWELL CHURCH STREET, LONDON SE5 8QU

The licensing officer presented their report. Members had 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.

During questioning it became apparent that there were a number of discrepancies with the application.

The meeting adjourned at 11.54am to allow the applicant and their legal representative to discuss how they would like to proceed.

The meeting reconvened at 12.13pm and the applicant's legal representative advised that they applicant would withdraw their application and submit a new application in due course.

The meeting ended at 12.17pm.

CHAIR:

DATED: