



Licensing Sub-Committee

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

PRESENT: Councillor Renata Hamvas (Chair)
Councillor Kath Whittam
Councillor Ian Wingfield

OFFICER SUPPORT: Debra Allday, legal officer
Andrew Heron, licensing officer
Richard Kalu, licensing officer
Jayne Tear, licensing responsible authority officer
P.C. Graham White, 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.

5. LICENSING ACT 2003: LATIN HOUSE, 4 COLDHARBOUR LANE, LONDON SE5 9PR

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.

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 11.20am for the sub-committee to consider its decision.

The meeting reconvened at 11.28am and the chair advised all parties of the decision.

RESOLVED:

That the application made by Latin House Limited Ltd for a variation of the premises in respect of the premises known Latin House, 4 Coldharbour Lane, London SE5 9PR be granted under Section 34 of the Licensing Act 2003.

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 form and conditions conciliated with environmental protection team, licensing as a responsible authority and planning authority during conciliation.

Reasons

The licensing sub-committee heard from the representative for the applicant who advised that the purpose of the application was to removed embedded conditions and add more robust conditions as set out within the operating schedule of the application. There would be slight change to the operating hours, but these were consistent with Southwark's statement of licensing policy; there would be no change to the business model and that the premises would remain as a restaurant.

The licensing sub-committee heard from a local resident, who informed the sub-committee that they strongly objected to the amendment of the licencing hours for the premises. The business had been a continuous nuisance, due to the business' extractors prevented local residents from sleeping. Extending the operating hours would materially change the nature of the premises clientele from a restaurant to a bar, which had already begun with karaoke nights and the premises offering free beer. In turn, local residents would endure more public nuisance of patrons smoking outside and parking difficulties until 01:00 in a quiet residential road

The licensing sub-committee noted that all of the representations from responsible authorities had conciliated.

The local resident indicated that a number of other local residents had experienced noise nuisance from the premises, but the evidence heard by the sub-committee suggested that there were no other objectors. The sub-committee were informed that there had been one complaint, but it was unclear whether the objector to this application was the complainant. The applicant had been granted three temporary event notices (TENs) during the course of 2019, no objection notices had been submitted in respect of any of the TENs. The local resident spoke of extreme noise nuisance from the premises extractors, but the sub-

committee were informed that the extractor was the same that the previous premises had. Officers from the environmental protection team had also inspected the extractor, but found that it was not a noise nuisance. Ultimately, the installation of the extractor was a planning matter and any further problems that the local resident may have, should be reported to them.

The Section 182 Guidance confirms that it is the licensing authority that is best placed to determine what actions are appropriate for the promotion of the licensing objectives in its area. All applications should be considered on a case-by-case basis. Paragraph 9.43 provides that the determination must be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

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 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: ORGANICA PIZZA, 5 CAMBERWELL CHURCH STREET, LONDON SE5 8TR

The licensing officer presented their report. They advised that the applicant was not in attendance, despite invites being sent. They advised that they had also called and left a voicemail for the applicant, but there had been no response. Members had no questions for the licensing officer.

The licensing responsible authority officer 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.

Both parties were given five minutes for summing up.

The meeting adjourned at 11.54am for the sub-committee to consider its decision.

The meeting reconvened at 11.57am and the chair advised all parties of the decision.

RESOLVED:

That the application made by Azmat Ali for a variation of the premises of the premises known Organica Pizza, 5 Camberwell Church Street, London SE5 8TR be refused.

Reasons

The licensing officer informed the licensing sub-committee that despite sending invites to the applicant for the sub-committee meeting, there had been no response from the applicant confirming attendance. In addition, the applicant had not engaged with any of the responsible authorities regarding the application. The chair of the licensing sub-committee requested that the licensing officer telephone the applicant to enquire whether he would be in attendance. Despite the licensing officer leaving a voicemail for the applicant, after one hour, it was unanimously agreed that the licensing sub-committee proceed in their absence.

The licensing sub-committee heard that the application asked ‘...to change the business opening and closing time as follows, Monday to Sunday from 11:00 to 04:00’

The licensing sub-committee also heard that there had been complaints from local residents of the premises operating beyond its terminal hours. On 21 March 2018 it had been trading until 05:00 hours and on 12 September 2018 until 05:00-06:00 hours.

In terms of inspections, the licensing sub-committee were advised that:

- The premises was visited by the night time economy team on 23 March 2018 and the manager was unable to locate the premises licence, there was no summary on display, no notices and CCTV had not been working for four days.
- On 26 October 2018 the premises licence summary was not on display, CCTV was installed, recording only for seven days.
- On 4 January 2019 whilst the premises licence and summary was now displayed, the CCTV still was not recording for the correct period and could not playback at all.
- On 19 January 2019 the premises licence owner stated incorrectly that the premises could operate until 04:00 and whilst the CCTV was working, it only went back four days.
- On 9 March 2019 the blue notice for the variation application was not on display, therefore, the consultation period would start again from the day the posters were erected.

The licensing sub-committee heard from licensing as a responsible authority who raised

concerns of the hours being outside of the Southwark's statement of licensing policy.

The Metropolitan Police Service also raised concern of the hours being a substantial increase to those already granted and that they were beyond the hours in the Southwark licensing policy

The licensing sub-committee noted the representation from Southwark's environmental protection team.

All the responsible authorities raised concerns of the applicant not engaging with the conciliation process and/or discussion of the application generally.

The licensing sub-committee were similarly concerned with the applicant's lack of engagement with the application. Members were keen to explore the applicant's reasoning for the recent non-compliance, but in view of their absence, were unable to do so. In the circumstances, there was no alternative but to refuse this 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
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Any person who made relevant representations in relation to the application who desire to contend that:

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The meeting ended at 12.00pm.

CHAIR:

DATED: