

## Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Tuesday 3 September 2019 at 10.00 am at Room G06 - 160 Tooley Street, London SE1 2QH

---

**PRESENT:** Councillor Renata Hamvas (Chair)  
Councillor Adele Morris  
Councillor Margy Newens

**OFFICER SUPPORT:** Charlie Jerrom, licensing officer  
Rebecca Millardship, legal officer  
Mark Prickett, environmental protection 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

Both items on the agenda were accepted as late and urgent.

### 4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

### 5. LICENSING ACT 2003: THE BERMONDSEY YARD CAFE SE1, 40 BERMONDSEY STREET, LONDON SE1 3UD

It was noted that this item had been withdrawn.

## **6. LICENSING ACT 2003: MAQUIS, 10 ARNSIDE STREET, LONDON SE17 2AP**

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

The premises users (the manager of the premises and the designated premises supervisor) addressed the sub-committee. Members had questions for the premises users.

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

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

All parties were given five minutes for summing up.

The meeting adjourned at 11.52am for the sub-committee to consider its decision.

The meeting reconvened at 12.12pm and the chair advised all parties of the decision.

### **RESOLVED:**

That a counter notice be issued under Section 105 of the Licensing Act 2003 in respect of the temporary event notice (869545) served by Tsehaye Okbe in relation to an event to be held at Maquis, 10 Arnside Street, London, SE17 2AP between the 6 September at 22:00 to 03:00 7 September 2019.

### **Reasons**

This was a temporary event notice (TEN 869545) applied for by, Tsehaye Okba, the designated premises supervisor (DPS). The applicant and the manager of the premises, Kamala Abdi attended the sub-committee which had convened following an objection notice being served by both the police and the environmental protection team (EPT).

The licensing sub-committee heard evidence from the applicant who stated that the community needed the venue as it was used as a community venue. In response to the issues identified in the written submissions from the responsible authorities he stated that there were two premises on this part of the road, the first being the relevant premises – Marquis, and the second was the restaurant at 6 Arnside Street. The manager stated that any reference to the people outside of the premises in the objections from both the Police and EPT were not from his restaurant, but must be from the premises further down the street. The manager further stated that there had previously been an incident when a TENS had been applied for but that he had not received notice that it had been refused and went ahead with the event. As soon as he was notified that he had been operating without the TENS having been granted he immediately closed the premises down in accordance with the instructions of the attending officers.

The sub-committee asked a number of questions of the manager concerning the incidents contained within the log in Appendix D of the agenda. The manager explained that on a number of the incidents when drinking within the premises had been observed by officers over the opening hours, that this was likely workers who were assisting with decorating the

premises. He stated that this work had been taking place over many years. The sub-committee then directed questions toward the DPS who had made the application. Mr Okbe was asked to explain challenge 25 and was unable to do so without assistance. He was also able to confirm that he had submitted both this application for TENS and the application for which a counter notice had been issued. Whilst the manager had indicated that he was not aware that the counter notice had been issued, it became apparent that the DPS had in fact received the notice and had acknowledged receipt of the refusal and had permitted the premises to operate as though the TENS had been granted. This was evidenced when the licensing officer produced an email that showed that the counter notice has been sent to the DPS and that the DPS has replied confirming receipt.

The sub-committee then heard from the representative for EPT who explained that the team had received a number of complaints regarding noise emanating from the premises and from patrons in the outside areas. They further drew reference to the incidents involving the premises being open beyond the opening hours and highlighted the fact that the premises had continued to operate even when the TENS had been refused previously. In short the representative stated that he did not have confidence in the management of the premises.

The representative for the police then had the opportunity to make his observations. The officer recommended that a counter notice be issued owing to the premises operating in breach of the licence conditions; most notably on the last occasion failing to have SIA security staff at the premises. The representative explained that this raised concerns regarding crime and disorder. He also highlighted that he was concerned that the DPS had failed to show a full knowledge of the mandatory conditions of the licence and stated that he was not satisfied that the premises could operate in line with the current licence.

In summing up, the manager of the premises stated that he looked after the premises and that lots of families used the premises. He explained that as soon as he became aware that there was an issue with the previous TENS that he had acted in accordance with the attending officers and closed the premises. He then explained that he did have difficulty with the condition of not permitting people to take drinks outside when they go outside to smoke as his customers often wanted to do this.

In reaching their decision the sub-committee reviewed the evidence submitted by the Police and EPT along with the comments made by the applicant and the manager of the premises during the hearing. The sub-committee were incredibly concerned that the DPS, who had recently obtained his licence, was not able to explain basic requirements contained within the premises licence. They also disapproved of the fact that the DPS had acknowledged receipt of the counter notice for the last application and had permitted the event to go ahead even though consent had been refused.

Consideration was also given to the log of previous visits to the premises and the licence breaches on each occasion and the fact the manager explained that he was unable to instruct his patrons not to conduct themselves in a compliant manner, that is not to consume alcoholic beverages outside. In light of this and the conduct of the manager and the DPS during the hearing, the sub-committee felt that they had no faith in the management of the premises and that they had no option but to refuse the application and issue a counter notice.

The sub-committee made it clear to the applicant that the application had been refused and that under no circumstances were the premises to open on the evening between Friday 6 September and Saturday 7 September 2019 outside of their ordinary licence

conditions **(late-night refreshment to cease at 23:30 sale of alcohol to cease at 00:00 and the premises to be closed to the public by 00:30).**

In reaching this decision the licensing sub-committee considered all of the oral and written representations before them, having had regard to all the relevant considerations and the four licensing objectives and considered that this decision was appropriate and proportionate.

### **Appeal rights**

Where the relevant counter notice under Section 105(3) is given the premises user may appeal against the decision. Where counter notice is not given, the chief officer of the environmental protection team may appeal against that decision. The appeal must be made to the Magistrates' Court within a period of 21 days beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against. No appeal may be brought later than five working days before the day on which the event begins.

The meeting ended at 12.15 pm.

**CHAIR:**

**DATED:**