



Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 30 January 2020 at 10.00 am at Room G06 - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Renata Hamvas
Councillor Barrie Hargrove
Councillor Margy Newens

OFFICER SUPPORT: Rodney Frederick, legal officer
Charlie Jerrom, licensing officer
Andrew Heron, 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: THE GALAXY, 211 WALWORTH ROAD, LONDON SE17 1RL

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

The applicants and their representative addressed the sub-committee. Members had questions for the applicants and their representative.

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.

All parties were given five minutes for summing up.

The meeting adjourned at 11.18am for the sub-committee to consider its decision.

The meeting reconvened at 11.47am and the chair advised all parties of the decision.

RESOLVED:

That the application made by VX Capital Limited for a premises licence to be granted under section 17 of the Licensing Act 2003 in respect of the premises known as 211 Walworth Road, London SE17 1RL be granted as follows:

Licensable activity	Hours
The supply of alcohol to be consumed on and off premises.	Sunday to Thursday from 18:30 to 02:00 No off sales after 22.00 Friday to Saturday from 18:30 to 03:00 No off sales after 22.00
The provision of late night refreshment (indoors):	Sunday to Thursday from 23:00 to 02:00 Friday and Saturday from 23:00 to 03:00
The provision of regulated entertainment (indoors) in the form of recorded music and anything similar:	Sunday to Thursday from 23:00 to 02:00 Friday and Saturday from 23:00 to 03:00
Opening hours	Sunday to Thursday from 16:30 to 02:30

	Friday to Saturday from 16:30 to 03:30
--	--

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 and the following additional conditions agreed by the sub-committee:

1. That alcohol shall be sold ancillary to karaoke
2. That the CCTV system shall cover all areas of the premises, except the toilets.
3. That the garden shall close at 22:00, except as a smoking area with a maximum of five people after 22:00.
4. That no drinks shall be taken outside the front of the premises at any time.
5. That if more than four rooms are in use after 20:00, then an SIA door registered supervisor shall be employed at the premises until 30 minutes after the terminal hour.
6. That there shall be no admission other than to pre-booked groups, which must be booked before midnight the night before.
7. That the written disposal policy shall be kept at the premises with the licence and made available for inspection by authorised officers of the council or the police. All relevant staff shall be trained in the implementation of this policy.
8. That any off sales of alcohol shall be provided in sealed containers and taken away from the premises, except for off sales to be consumed in the garden area as designated in the premises plan. There shall be no off sales after 22:00.
9. That clear signage shall be prominently displayed where it can be easily seen and read, requesting that alcohol sold as “off sales” shall not be opened and consumed in the vicinity of the Premises.
10. That the capacity of the venue shall not exceed 65, excluding staff.
11. That external waste handling, collections, deliveries and the cleaning of external areas shall only occur between the hours of 08:00 to 20:00.

Reasons

The licensing sub-committee heard representations from the applicants and their representative who advised that this would be a karaoke bar, mainly catering for the local Chinese population. However, everyone would be welcome.

They advised that having considered the representations from the responsible authorities and the local residents, they had now reduced the hours sought for the licensable activities and opening times for the premises. They advised that there would be eight sound proofed

karaoke rooms at the premises for groups of around eight people. There would be an earlier session from 18:30 till 10.30am, followed by a second session from 23:00 until the end of the operating hours for licensable activities. They advised that the karaoke rooms would have to be pre-booked and that people walking in without a booking would not be allowed into the premises. They further added that facial recognition cameras would be in place in all areas of the premises, including the karaoke rooms, except for the toilets.

The licensing sub-committee heard from the licensing officer representing the council as a responsible authority. They raised concerns that the hours sought by the applicant were outside the hours suggested in the council's statement of licensing policy. They also advised that they had concerns regarding off sales. The licensing officer proposed conditions should the licence be granted.

The licensing sub-committee heard from the Metropolitan Police Service representative who also advised that they had concerns about the premises seeking longer hours than those suggested in the council's statement of licensing policy. Furthermore, they advised that they had concerns relating to the prevention of crime licensing objective and the prevention of public nuisance licensing objective.

The licensing sub-committee also noted the written representations from other persons objecting to the application.

Having read and heard all of the evidence before it, the sub-committee felt that the relevant licensing objectives were sufficiently met by the conditions proposed by the applicant and the responsible authorities. The sub-committee also felt that it was able to consider this application outside of the guidance of the council's statement of licensing policy on the basis of equalities legislation as the premises is predominantly for the Chinese community. Furthermore, the venue is small and alcohol would be sold as ancillary to karaoke.

The sub-committee also noted that the applicant gave an undertaking not to use single use plastics at the premises, where possible.

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. LONDON LOCAL AUTHORITIES ACT 1991: BALI NAILS, 83 RYE LANE, LONDON SE15 5EX

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

The applicants were not present. The members of the sub-committee noted the written application.

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

The police had nothing to add during summing up.

The meeting adjourned at 12.15pm for the sub-committee to consider its decision.

The meeting reconvened at 12.24pm and the chair advised all parties of the decision.

RESOLVED:

That the application made by Lin Zongying and Shelly Tai for a special treatment licence to be granted under Section 10(1) of the London Local Authorities Act 1991 in respect of the premises known as Bali Nails, 83 Rye Lane, London SE15 5EX be refused.

Reasons

The licensing sub-committee read the representations from the applicants, who were not present.

The licensing sub-committee heard the representations from the Metropolitan Police Service. The Metropolitan Police Service representative expressed concerns that the persons concerned or intended to be concerned in the conduct or management of the premises used for special treatment could be reasonably regarded as not being fit and proper persons to hold such a licence. As such they felt that the premises have been or are being improperly conducted.

The case licensing officer advised that they had received an email from the second applicant named on the application stating that her name and information had been used in the application of this licence without her knowledge or consent.

Having considered all the written and oral evidence before it, the licensing sub-committee was satisfied that the applicant could not be regarded as a fit and proper person to hold such a licence and as such, the licensing sub-committee found that it was appropriate and proportionate to refuse the licence

Appeal rights

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 12.26pm.

CHAIR:

DATED: