

## Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 20 February 2020 at 10.00 am at Room G06 - 160 Tooley Street, London SE1 2QH

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**PRESENT:** Councillor Renata Hamvas (Chair)  
Councillor Sunny Lambe  
Councillor Adele Morris

**OFFICER SUPPORT:** Debra Allday, legal officer  
Wesley McArthur, licensing officer  
Raye Moore, trading standards officer  
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 she had once eaten at the restaurant but that this would have no bearing on decisions made at this meeting.

### 5. LICENSING ACT 2003: CANAVAN'S PECKHAM POOL CLUB, 188 RYE LANE, LONDON SE15 4NF

It was noted that this item had been conciliated prior to the meeting.

## 6. LICENSING ACT 2003: VIET QUAN, 320 - 322 OLD KENT ROAD, LONDON SE1 5UE

The licensing officer presented their report. They advised that the police and the licensing responsible authority had conciliated with the applicant.

The applicant and their representative addressed the sub-committee. Members had questions for the applicant and their representative. The chair allowed questions from the trading standards officer also.

The trading standards officer addressed the sub-committee. Members had questions for the trading standards officer.

All parties were given five minutes for summing up.

The meeting adjourned at 11.31am for the sub-committee to consider its decision.

The meeting reconvened at 11.53am and the chair advised all parties of the decision.

### RESOLVED

That the application made by Viet Qoan Limited for a premises licence to be granted under Section 17 of the Licensing Act 2003 in respect of the premises known as Viet Quan, 320-322 Old Kent Road, London SE1 5UE be granted.

### Hours

Opening Hours of the Premises	Sunday to Thursday from 07:00 to 00:00 Friday and Saturday from 07:00 to 01:00
Films	Sunday to Thursday from 11:00 to 00:00 Friday and Saturday from 11:00 to 01:00
Live music, recorded music and anything of a similar description to live music and recorded music - indoors	Sunday to Thursday from 23:00 to 00:00 Friday and Saturday from 23:00 to 01:00
Late night refreshment - Indoors	Sunday to Thursday from 23:00 to 00:00 Friday and Saturday from 23:00 to 01:00
Sale by retail of alcohol to be consumed on the premises	Sunday to Thursday from 11:00 to 23:30 Friday and Saturday from 11:00 to 00:30

### 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 licensing authority during the conciliation process and the following additional conditions agreed by the sub-committee including:

1. That no person under the age of 18 shall be permitted in the lower ground floor function rooms (Function Rooms 1, 2 and 3 on the plan) at any time unless accompanied by a parent, guardian or other responsible adult.
2. That all bookings in relation to the function rooms (Function Rooms 1, 2 and 3 on the

plan) shall be made by midnight (00:00 hours) the day before.

3. That the premises licence holder shall record the details of all bookings of the lower ground floor function rooms. Where bookings are attended by persons under the age of 18, the premises licence holder shall record the name, address, contact number and responsible adult for each under 18. The record shall be kept on the premises for 31 days and be made available when requested by the police or officers of the council.

It was also noted that the applicant gave an undertaking to not use single use plastics, wherever possible

### **Reasons**

The reasons for the decision are as follows:

The licensing sub-committee heard from the representative for the applicant stated that there had been significant dialogue between the parties and much of the application had been agreed. The only matter outstanding was whether those under 18s should be allowed in the function rooms which were located in the lower level of the premises. The function rooms had been specially equipped to be karaoke rooms. Karaoke had a large following in the Vietnamese community and extremely family orientated. Many under 18s had karaoke parties etc. The applicant accepted the incident of 7 September 2019 and the shortcomings found by the officers. Since that time, the applicant had sought assistance from his legal representatives, had received extensive training. Since the applicant's conciliation with the police and licensing further conditions had been offered, but rejected by trading standards. In the discussion the applicant's representative was asked whether they would be agreeable to a booking only system (to ensure patrons had adequate identification on the door), in addition to a register of under 18 parties, so the name of the party goer and the name of the adult in charge. Both of these conditions were accepted by the applicant.

The licensing sub-committee then heard from the officer from trading standards who explained that there had not been a full conciliation of the representation submitted based on the crime and disorder and protection of children from harm. It was explained that just prior to the committee hearing the Director of Viet Qoan Limited signed a simple caution both on behalf of the company and also, in their own name. The officer went through the details of the incident of 7 September 2019. The officer was reminded that this was not a review of the premises licence and that the only issue outstanding was the question of under 18s being allowed in the function rooms on the lower level of the premises. In response, the officer explained that the relevance of the 7 September 2019 was because it was quite apparent there were no identification procedures for under 25s, let alone 18s and under. In September 2019 a group of approximately 20 IC5 males who appeared under the age of 18 were in the function rooms in the company of a middle aged IC3 male. The officer had serious safeguarding concerns as a result and the current business model of Viet Quan was not viable as a result.

The licensing sub-committee noted that the Metropolitan Police Service and the licensing responsible authority had conciliated with the applicant and withdrew their representations.

The licensing sub-committee recognised the concerns of the trading standards officer, but five months had passed since the incident on 7 September and there had been no reoccurrence of events. There was no evidence that there had been any underage sales

and none of the responsible authorities had brought of a review of the premises licence. The application of 11 December 2019 was extremely detailed and a suite of robust conditions had been agreed with the Metropolitan Police Service and Licensing responsible authority. With the additional conditions approved by this sub-committee, this will ensure the promotion of 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.

### **7. LICENSING ACT 2003: HOLDRONS HOPS, UNITS 1 AND 3, HOLDRONS ARCADE, 135A RYE LANE, LONDON SE15 4ST**

It was noted that this item had been conciliated prior to the meeting.

The meeting ended at 11.58am.

**CHAIR:**

**DATED:**