

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Wednesday 2 June 2010 at 10.00 am at Town Hall, Peckham Road, London SE5 8UB

PRESENT: Councillor Ian Wingfield (Chair)
Councillor Eliza Mann
Councillor Althea Smith

**OTHERS
PRESENT:** Councillor Lorraine Lauder – Ward Councillor (Faraday)
Councillor Abdul Mohamed – Ward Councillor (Faraday)
Councillor Mark Glover – Ward Councillor (The Lanes)
Mr R Nash, representing Bananas Bar
Ms S Alves, manager, Bananas Bar
Mr Ian Powe, local resident
Mr John Morse, representing Paddy Powers

**OFFICER
SUPPORT:** Dave Franklin, licensing officer
Dorcas Mills, licensing officer
Gafar Gbadamosi, legal officer
Sean Usher, constitutional officer

1. APOLOGIES

There were none.

2. CONFIRMATION OF VOTING MEMBERS

The three members listed as present were confirmed as voting members.

3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

There was none.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003 - BANANA'S TAPAS BAR RESTAURANT, 374 WALWORTH ROAD, LONDON SE17 2NF

The licensing officer presented her report and notified the sub-committee that a late set of

documents had been submitted by the interested parties. The applicant refused to allow the late documents and they were not circulated to the members. There were no questions for the officer.

The applicant's representative addressed the sub-committee and called upon his witness, Ms Alves, manager of the premises. Members had questions for the applicant. The local resident and the local ward councillors had questions for the applicant.

The local resident and the ward councillors addressed the sub-committee. Members had questions for the local resident and the councillors. The applicant had questions for the local resident.

Each party was given 5 minutes to sum up.

The sub-committee went into closed session at 11.13am. The meeting resumed at 11:55am.

RESOLVED:

That the application by Minho Montalegre Limited for variation of the premises licence issued under the Licensing Act 2003 in respect of Banana's Tapas Bar Restaurant, 374 Walworth Road, London SE17 2NF is granted with the following times and conditions:

Licensable Activity	Monday to Thursday	Fri	Sat	Sun
Live Music		11:00 – 02:30	11:00 – 02:30	11:00 – 00:00
Recorded Music		11:00 – 02:30	11:00 – 02:30	Same as existing licence
Performance of Dance		11:00 – 02:30	11:00 – 02:30	11:00 – 00:00
Provision of facilities for making music		11:00 – 02:30	11:00 – 02:30	11:00 – 00:00
Provision of facilities for dancing		11:00 – 02:30	11:00 – 02:30	Same as existing licence
Late night refreshment	23:00 – 00:00	23:00 – 02:30	23:00 – 02:30	23:00 – 01:00
Supply of alcohol		01:00-02:30	01:00 – 02:30	01:00-01:00
Opening Hours of premises		09:00-03:00	09:00-03:00	09:00-01:30

Conditions

1. No external sound systems shall be imported onto the premises; any imported musical instruments requiring amplification shall be amplified via the existing sound system (controlled by means of the Sound Limiting Device).
2. There shall be no removal and loading of equipment from the premises between the

terminal hour and 08.00 hours. After 22.00 hours, no more than ten (10) patrons shall be permitted to use the smoking area at any one time.

3. Secondary acoustic double glazing must be installed before new hours can be implemented.
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5. No new admissions after 1.30am on Friday and Saturday nights.
6. Male and female SIA door staff to be employed.
7. A contact name and number to be provided by the premises for local residents.

Reasons

The reasons for the decision are as follows:

The licensing sub-committee heard evidence from the applicant, the local resident and the ward councillors. In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives. The licensing sub-committee considered it was necessary and proportionate for the prevention of public nuisance to impose conditions in respect of opening and closing times, noise control and use of the external area for smoking.

Appeal Rights

The applicant may appeal against any decision to modify the conditions of the licence; and

Any person who made relevant representations in relation to the application who desire to contend that

- a) That variation ought not to have been made; or
- b) That, when varying the licence, the Licensing Authority ought not to have modified the conditions of the licence, or ought to have modified them in a different way,

may appeal against the decision.

Any appeal must be made to the magistrate court for the petty sessions area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' chief executive 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. GAMBLING ACT 2005 - APPLICATION FOR A PREMISES LICENCE IN RESPECT OF A BETTING SHOP, PADDY POWERS, 66 RYE LANE, LONDON SE15 5BY

The licensing officer presented his report. There were no questions. The applicant had brought additional documentation to the hearing. As all parties did not agree to accept this documentation it was rejected and not used as part of the deliberations.

The representative for the applicant addressed the sub-committee. Members had questions for the representative. The ward councillor had questions for the applicant.

The ward councillor addressed the sub-committee. Members had questions for the ward councillor. The applicant had questions for the ward councillor.

Each party was given 5 minutes to sum up.

The sub-committee went into closed session at 12.48pm. The meeting resumed at 1.05pm.

RESOLVED:

The licensing sub-committee having considered the application by Power Leisure Bookmarkers Limited in respect of non-track betting premises licence at Paddy Powers, 66 Rye Lane, London SE15 5BY have made the decision to grant as applied for.

Mandatory conditions

- 1) The conditions specified in paragraphs (2), (3) and (4) shall be attached to the premises licence;
 - (2) The summary of the terms and conditions of the premises licence issued under section 164(1)(c) of the Act shall be displayed in a prominent place within the premises;
 - (3) The layout of the premises shall be maintained in accordance with the plan;
 - (4) The premises shall not be used for –
 - (a) The sale of tickets in a private lottery; and
 - (b) The sale of tickets in any other lottery in respect of which the sale of tickets on the premises is otherwise prohibited;

A "private lottery" means a private society lottery or a work lottery within the meaning of paragraphs 10 and 11 of Schedule 11 to the Act; and

A "customer lottery" has the same meaning as in Part 3 of schedule 11 to the 2005 Act

The following mandatory conditions applicable to betting premises licences (other than tracks) will also be attached:

- (1) A notice stating that no person under the age of 18 years is permitted to enter the premises shall be displayed in a prominent place at every entrance to the premises;
- (2)(1) Access to the premises shall be from a street or from other premises with a betting premises licence;
- (2) (2) Without prejudice to sub-paragraph (2) (1), there shall be no means of direct access between the premises and other premises used for the retail sale of merchandise or services
- (3) Subject to anything permitted by virtue of the 2005 Act, or done in accordance with paragraphs 4, 5, 6 and 7 below, the premises shall not be used for any purpose other than for

providing facilities for betting;

(4) Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to leave any gaming machine or betting machine in order to do so;

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(4) Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to leave any gaming machine or betting machine in order to do so;

(5) No apparatus for making information or other material available in the form of sounds or visual images may be used on the premises, except for apparatus used for the following purposes –

(a) Communicating information about, or coverage of, sporting events, including –

- (i) Information relating to betting on such an event; and
- (ii) Any other matter or information, including an advertisement, which is incidental to such an event

(b) communicating information relating to betting on any event (including the result of the event) in connection with which betting transactions may be or have been effected on the premises.

(6) No publications, other than racing periodicals or specialist betting publications, may be sold or offered for sale on the premises;

(7) No music, dancing or other entertainment shall be provided or permitted on the premises, save for entertainment provided in accordance with paragraph 5;

(8)(1) No alcohol shall be permitted to be consumed on the premises at any time during

which facilities for gambling are being provided on the premises;

(8)(2) A notice stating the condition in sub-paragraph (8) (1) shall be displayed in a prominent place at every entrance to the premises; and

(9) A notice setting out the terms on which customers are invited to bet on the premises shall be displayed in a prominent place on the premises to which customers have unrestricted access.

Default Conditions

The following default condition will be attached to the premises licence:

(1) No facilities for gambling shall be provided on the premises between the hours of 10pm on one day and 7am on the next.

Reasons

The licensing sub-committee considered the verbal representations of the applicant's solicitor and the applicant. The licensing sub-committee also considered the verbal representations of the interested parties. The licensing sub-committee read the licensing officer's report and considered the written representations of those interested party who were not in attendance.

The licensing sub-committee determined that the application met the guidelines under the Gambling Commission's guidance and the council's statement Gambling Licensing Policy and found no reason to refuse the application.

Appeal Rights

That the licensee and any person who made relevant representations in relation to the application may appeal against the decision. Any appeal must be made to the magistrate court for the petty sessions area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' chief executive 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 closed at 1:30pm.

CHAIR:

DATED: