

Licensing Sub-Committee

MINUTES of the Licensing Sub-Committee held on Monday 23 August 2010 at 10.00 am at Room G02c - 160 Tooley Street, London SE1P 2TZ

PRESENT: Councillor David Hubber
Councillor Michael Mitchell
Councillor Sunil Chopra

OTHERS PRESENT: Mr Ali Keskinbiak, applicant's brother
Mr John Nicola, security manager
Mr Janusz Sinder, premises promoter
Ms Jilly Frisch, Secretary, Shad Thames Residents Association
Mr Douglas Jupp, local resident
Mrs Susan Jupp, local resident
Mr Julian Griffiths, local resident
Mr Farrell, local resident
Mrs Farrell, local resident
Mr Robert Ordman, local resident
Alan Blissett, principal environmental protection officer

OFFICER SUPPORT: Rosanna Keogh, licensing officer
Kate Heap, legal officer
Kenny Uzodike, constitutional team
Bola Roberts, constitutional team

1. APOLOGIES

There were none.

2. CONFIRMATION OF VOTING MEMBERS

In the absence of the chair of the licensing committee, Councillor Lorraine Lauder, the three members were invited by the clerk to nominate and then vote for one of their number to chair this sub-committee. Councillor David Hubber was appointed as chair for this sub-committee.

The three 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 DON, 1ST FLOOR, 224A TOWER BRIDGE ROAD, LONDON SE1 2UP

The licensing officer presented her report and informed the sub-committee that the applicant was not in attendance and had sent a letter explaining his absence and authorising his brother to represent him. She also informed the sub-committee that the applicant had accepted the revised condition 290 and an additional condition proposed by the police.

The applicants then presented to the sub-committee. Members and local residents had questions for the applicants.

The environmental officer presented his report and members asked questions.

The local residents then presented their objections to the application. Members had questions for the local residents.

All parties were given five minutes each to sum up.

At 11.36am the sub-committee went into closed session. At 12.10am the sub-committee resumed and the chair read out the following decision.

RESOLVED:

That the application by Huseyin Keskinbicak for a variation of the Premises Licence issued under the Licensing Act 2003 in respect of The Don, first floor, 224a Tower Bridge Road, London SE1 2UP is refused with the following exceptions:

Licensable Activity	Mon - Thursday	Friday	Saturday	Sunday
Live Music	21.00 00.30	21.00 01.30	21.00 01.30	21.00 00.30
The layout of the premises is to be varied in accordance with the plans submitted with the application.				
Condition 343 is to be removed.				

Conditions

That at least two (2) SIA registered Door Supervisors, at least one of whom shall be a female, shall be employed at all times after 22.00 hours and the terminal hour that the premises are in use under this licence and provided with hand held metal detection units in order to ensure that searches are carried out in respect of all admissions to the premises, whether members of the public or performers and their assistants.

Reasons

The reasons for this decision are as follows:

The licensing sub-committee heard from the applicant's brother, the security manager and one of the promoters. The applicant had submitted a letter explaining his absence and authorising his brother to speak on his behalf.

The sub-committee also heard from Alan Blissett, Principal Environmental Protection Officer, Jilly Frisch, Secretary of the Shad Thames Residents Association and seven other residents. The sub-committee considered all written representations including that of the Metropolitan Police.

The sub-committee heard that a complaint of noise nuisance had resulted in the service of a statutory notice in May 2009. The sub-committee further noted that the applicant had not completed section P of the application form.

The sub-committee was satisfied that the applicant had taken reasonable steps to address the concern of the escape of music from the premises.

The sub-committee was not satisfied that the applicant had addressed the issue of the prevention of the public nuisance in relation to the concerns raised as to the consequences of the application for extended hours. Accordingly, the sub-committee considered it necessary and proportionate to refuse the application in so far as it related to extended hours having regard to the licensing objective of the prevention of nuisance.

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 grant ought not to have been made; or
- b) That, when granting 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.

The meeting closed at 12.20pm.

CHAIR:

DATED: