

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Monday 7 February 2011 at 10.00 am at Town Hall, Peckham Road, London SE5 8UB

PRESENT:	Councillor Lorraine Lauder MBE Councillor Robin Crookshank Hilton Councillor the Right Revd Emmanuel Oyewole
OTHERS PRESENT:	Ms Letterberhan Abraha Tafla, applicant Alan Blissett, Environmental Protection Team (Noise) Anna Clare, Planning Enforcement Officer
OFFICER SUPPORT:	Dorcas Mills, Licensing Officer Tracy McCarthy, Licensing Officer David Perry , Legal Officer Sean Usher, Constitutional Team

1. APOLOGIES

There were none.

2. CONFIRMATION OF VOTING MEMBERS

The three members listed above 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 - RED SEA, 85 CAMBERWELL ROAD, LONDON, SE5 OEZ

The licensing officer presented her report and circulated photos of the premises and a map of the vicinity. The licensing officer notified the committee that there was an amendment to her report, paragraph 17 should state that there were no interested parties to this application. Members had no questions for the licensing officer.

The applicant's representative addressed the sub-committee. Members had questions for the applicant. The environmental protection officer had questions for the applicant.

The environmental protection officer detailed his objections to the application. Members had questions for the officer. The applicant's representative had questions for the officer.

The planning officer addressed the sub-committee and highlighted the current hours the premises had planning permission for and informed the applicant that it would be necessary for them to apply for planning permission for hours matching those on the licence application. Members had questions for the planning officer.

All parties were given 5 minutes to sum up then the meeting went into closed session to consider the application

At the end of the closed session the meeting resumed and the chair read out the following decision.

RESOLVED:

That the application by Ms Letterberhan Abraha Tafla for the variation of a Premises Licence issued under the Licensing Act 2003 in respect of Red Sea, 85 Camberwell Road, London, SE5 0EZ is refused.

Reasons

The reasons for this decision are as follows:

The licensing sub-committee heard representations from the applicant's nominated representative, the environmental protection officer and the planning officer. The sub-committee noted that the representations from the police and trading standards had been conciliated and their proposed conditions now formed part of the application.

The sub-committee heard from the environmental protection officer that the premises and ventilation system would require significant sound proofing measures in conjunction with sound limiting measures to ensure that no noise nuisance was caused to the surrounding residential premises. Steps would also be required to address noxious smells from the ventilation system.

The sub-committee also heard from the planning officer on the restrictions on the planning permission which had been imposed because of concerns over noise nuisance for local residents. Both officers highlighted concerns over the way patrons would be controlled entering and leaving the premises as it opens directly onto the street and there was no lobby area.

Having taken into consideration all representations received and the four licensing objectives, the sub-committee decided it was necessary and proportionate to refuse the application. The sub-committee felt that it was appropriate to refuse the application in order to prevent 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:

1. That variation ought not to have been made; or
2. 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.

The meeting closed at 11.28am.

CHAIR:

DATED: