

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Monday 28 February 2011 at 10.00 am at Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2TZ

PRESENT:	Councillor David Hubber Councillor Michael Mitchell (in the chair) Councillor Ian Wingfield
OTHERS PRESENT:	Barry Lonergan, applicant's representative Yonas Bereket, applicant Negisti Habte, applicant Mektel Yebiyo John Beasley, local resident PC Paul Compton, police licensing officer
OFFICER SUPPORT:	Kristie Ashenden, licensing officer Felix Rechtman, legal officer Virginia Wynn-Jones, constitutional officer

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

The chair agreed to accept a report on a proposed Temporary Event Notice for The Planet Nollywood, 319 Camberwell Road, SE5 0HQ.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003 - NAKFA 43 GROVE VALE, LONDON SE22

The licensing officer presented her report and circulated photos of the premises and a map of the vicinity. Members had questions for the licensing officer.

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

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

All parties were given 5 minutes to sum up then the meeting went into closed session at 10.45am to consider the application.

The meeting resumed at 11.15am and the chair read out the following decision:

RESOLVED:

That the application made by the licensing agent Karen Lonergan on behalf Yonas Bereket and Negisti Habte for the grant of a premises licence issued under the Licensing Act 2003 in respect of the premises known as Nakfa, 43 Grove Vale, London SE22 be granted as follows:

Licensable Activity	Monday to Sunday
Sale of Alcohol (Off the premises)	00:00 – 00:00
Opening Hours	00:00 – 00:00

Conditions

In addition to the decision as above, the following conditions will apply:

1. That a CCTV System be installed at the premises and be maintained in good working order and continually recording at all times the premises are in use under the licence. The CCTV System must be capable of capturing an image of every person who enters the premises.
2. That all CCTV footage shall be kept for a period of thirty one (31) days and shall, upon request, be made immediately available to officer of the police and the council.
3. That a Personal Licence Holder is on the premises and on duty at all times that intoxicating liquor is supplied.
4. That supplied notices shall clearly displayed at the exit to the premises requesting people to leave the premises in a quiet and orderly manner so as not to disturb local residents.
5. The premises shall operate and agecheck 'Challenge 25 Policy' whereby customers purchasing alcohol who look or appear to be under 25 years of age will be asked for an approved for of proof of age to verify their age. Approved forms shall include a driving licence, passport or PASS approved proof of age card such as the Southwark Proof of Age (SPA) card.

6. All staff involved in the sale of alcohol shall be trained in the agecheck 'Challenge 25 Policy'. A record of their training, including the dates that each member of staff is trained shall be available for inspection at the premises on request by the council's authorised officers and the police.
7. Agecheck or 'Challenge 25' signage shall be displayed at the entrances to the premises; areas where alcohol is displayed for sale and at points of sale to inform customers that an agecheck 'Challenge 25 Policy' applies and proof of age may be required.
8. A register of refused sales of alcohol shall be maintained in order to demonstrate effective operation of the policy. The register shall be available for inspection at the premises on request by council officers or the police.

Reasons

The reasons for the decision are, as follows:

The licensing sub-committee heard evidence from the applicant's representative. The sub-committee also heard from a local resident who objected to the application on the basis that the granting of the application will increase crime and disorder in the area.

The sub-committee found that the resident did not produce any direct evidence to show that the granting of this specific application will have direct adverse impact on the objectives of the Licensing Act. When reaching its decision, the sub-committee also relied on the fact that the police and trading standards withdrew their objections upon the applicant agreeing to accept additional conditions.

As always it will be open to residents to apply for a review of the license if necessary.

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) That 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 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 local justice 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. LICENSING ACT 2003: TEMPORARY EVENT NOTICE - THE PLANET NOLLYWOOD, 319 CAMBERWELL ROAD, LONDON SE5 0HQ

The report had not been circulated five clear days in advance of the meeting. The chair agreed to accept this item as urgent as the timescales for considering temporary event notices is set out in the legislation as not less than 24 hours before the beginning of the event period, additionally, where it is possible, more than five working days should be given to allow the appropriate party time to appeal the decision.

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

The applicant was not present for the meeting.

The representative for the police presented his objections to the temporary event notice. Members had questions for the police officer.

At 11.30 the committee went into closed session.

At 11.39 the meeting reconvened and the chair read out the following decision:

RESOLVED:

That a counter notice be issued under Section 105 of the Licensing Act 2003 in respect of the temporary event notice given by Mr Adekunle Adejumo for The Planet Nollywood, 319 Camberwell Road, London SE5 0HQ.

Reasons

The sub-committee accepted the police evidence that the premises are connected to crime and disorder in light of the three serious crime and disorder incidents at the premises on 28 January 2011, 15 February 2011 and 18 February 2011 and as a result refuse this application and issue a counter notice under section 105 of the Licensing Act 2003.

The licensing sub-committee has considered the objection notice submitted by the Metropolitan Police Licensing Service on the temporary event notice under Section 100 of the Licensing Act 2003. The licensing sub-committee was satisfied that it was necessary for the promotion of crime prevention objective to issue a counter notice.

Appeal rights

Where the relevant counter notice under Section 105(3) is given the premises user may appeal against the decision. Where counter notice is not given, the chief officer of the police may appeal against that decision. The appeal must be made to the Magistrates' Court within a period of 21 days beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against. No appeal may be brought later than five working days before the day on which the event begins.

The meeting closed at 11.40am.

CHAIR:

DATED: