

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 17 November 2011 at 10.00 am at Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Sunil Chopra (Chair)
Councillor Renata Hamvas
Councillor the Right Revd Emmanuel Oyewole

OFFICER SUPPORT: David Perry, legal officer
David Swaby, licensing officer
Mujahid Chowdhury, legal trainee
Andrew Weir, constitutional officer

1. APOLOGIES

There were no apologies.

2. CONFIRMATION OF VOTING MEMBERS

The three members present were confirmed as 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 - CAFE JAZZ, 56 STAMFORD STREET, LONDON SE1 9LX

The applicant had not arrived by 10.00am and the sub-committee agreed to wait until 10.30am before commencing the meeting.

At 10.30am the applicant had not arrived and therefore in the absence of the applicant, the sub-committee agreed to hear the application.

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

At 10.35am the meeting went into closed session to consider the application.

At 11.20am the meeting resumed and the chair read out the decision.

RESOLVED:

Decision

That the application by Cafe Jazz London Ltd for a variation of a premises licence in respect of the premises known as Cafe Jazz, 56 Stamford Street, London SE1 9LX be approved as follows:

Activity:	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Opening Hours	11:30 to 01:30	11:30 to 01:30	11:30 to 01:30	11:30 to 01:30	11:30 to 01:30	11:30 to 01:30	11:30 to 01:30
Live Music – Indoors – Basement Area Only	11:30 to 01:00	11:30 to 01:00	11:30 to 01:00	11:30 to 01:00	11:30 to 01:00	11:30 to 01:00	11:30 to 01:00
Recorded Music - Indoors	11:30 to 01:00	11:30 to 01:00	11:30 to 01:00	11:30 to 01:00	11:30 to 01:00	11:30 to 01:00	11:30 to 01:00
Sale of Alcohol to be consumed on the premises.	11:30 to 01:00	11:30 to 01:00	11:30 to 01:00	11:30 to 01:00	11:30 to 01:00	11:30 to 01:00	11:30 to 01:00
Late night refreshment	23:00 to 00:00	23:00 to 00:00	23:00 to 00:00	23:00 to 00:00	23:00 to 01:00	23:00 to 01:00	23:00 to 01:00

Conditions

The following conditions will apply in addition to all mandatory conditions:

1. That prominent, clear and legible notices are to be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
2. That the placing of refuse into receptacles outside the premises shall not take place between 23:00 and 08:00 hours.
3. That the doors at the premises are to be kept closed during the hours of operation.
4. That a contact telephone number for the manager of the premises to be prominently displayed at the premises.

Reasons

The reasons for this decision are as follows:

The applicant did not attend the hearing. No interested parties attended the hearing. No

responsible authorities attended the hearing. The sub-committee considered the application documents, the written representations received on behalf of seven local residents and the written representations received from the police and environmental health team (EHT).

The sub-committee noted that the police raised no concerns with the proposed opening hours or operation of the premises. However they had suggested that a CCTV condition would be appropriate

The sub-committee noted that in their representation the EHT commented that music had been played in the basement of the premises without complaint for over eight years. They also noted the opinion of the EHT officer that the variation was unlikely to cause any noise nuisance.

The sub-committee noted that the primary concern of the local residents was noise from the premises if it was to operate as a live music venue and bar, in particular from music, patrons and refuse collection. They noted that the residents had not had any issues with noise from live music in the past. The sub-committee noted that the residents did not raise any concerns over the opening hours or potential crime and disorder. The residents did comment that they had on occasion complained to other premises in the area about noise.

The sub-committee noted that there were licensed premises with very similar opening hours and activities in the immediate area, although none of the representations stated that there was a particular problem with crime and disorder.

The sub-committee noted that the premises are located in a saturation zone (Borough and Bankside) and that if the variation is likely to add to the cumulative impact in the area then the applicant must satisfy the committee that their operating schedule would mean that there would be no negative cumulative impact on one or more of the licensing objectives.

The sub-committee was of the view that the variation was unlikely to have any significant impact on crime and disorder, public safety or preventing children from harm, and that the operating schedule would adequately deal with any impact, if it included the condition on CCTV proposed by the police.

The sub-committee was of the view that the variation was unlikely to have any significant impact on noise nuisance if live music only continued to be played in the basement, particularly given the comments of EHT and the lack of audible noise in the past. However the sub-committee did consider that there may be some additional noise generated by patrons and refuse collection, given the proximity of the premises to residential properties. The sub-committee felt that the operating schedule would be sufficient if the following conditions were included:

1. That prominent, clear and legible notices are to be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
2. The placing of refuse into receptacles outside the premises shall not take place between 23:00 and 08:00 hours.
3. Doors at the premises to be kept closed during the hours of operation.

4. A contact telephone number for the manager of the premises to be prominently displayed at the premises.

The sub-committee considered that those conditions were both reasonable and proportionate to prevent noise nuisance.

Having considered all representations, the council's statement of licensing policy (in particular the Borough and Bankside saturation zone), the statutory guidance and all the licensing objectives, the sub-committee therefore decided to grant the variation application subject to the conditions outlined above. For the avoidance of doubt live music is still only to take place in the basement of the premises.

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 designated officer 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 ended at 11.25am.

CHAIR:

DATED: