



Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Monday 6 February 2012 at 10.00 am at Ground Floor Meeting Room G02B - 160 Tooley Street, London SE1 2QH

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| PRESENT: | Councillor Sunil Chopra Councillor Renata Hamvas Councillor Michael Mitchell |
| OTHERS PRESENT: | Ian Clements, Metropolitan Police Graham White, Metropolitan Police Abraham Otomewo, applicant Rochelle Channing Courtney Strain, legal apprentice Tony Dip, legal apprentice |
| OFFICER SUPPORT: | David Perry, legal officer Roy Fielding, licensing officer David Swaby, licensing officer Alan Blissett, environmental protection officer Kenny Uzodike, constitutional officer |

1. APOLOGIES

There were none.

2. CONFIRMATION OF VOTING MEMBERS

The members present were confirmed as the voting members.

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

There were none.

Additional documents relating to items 6 and 7 were circulated to members and interested parties prior to the meeting.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003 - APPLICATION FOR A PERSONAL LICENCE

The minute for this item are in the closed minutes for the meeting.

6. LICENSING ACT 2003 - THE ECLIPSE, 54B SOUTHAMPTON WAY, LONDON SE5 7TT

The licensing officer presented her report. The members had no questions for the officer.

The applicant and his solicitor addressed the sub-committee. Members had questions for the applicant.

The environmental protection officer addressed the committee and members had questions for the officer.

A local resident then addressed the sub-committee through an interpreter. Members had no questions for the local resident.

All parties were given five minutes to sum up. At 11.55am the meeting went into closed session to consider the application.

At 12.43pm the meeting resumed and the chair read out the following decision:

RESOLVED:

That the application by Steak Restaurant UK for a premises licence under Section 17 of the Licensing Act 2003 in respect of the premises known as The Eclipse, 54 Southampton Way, London SE5 7TT approved as follows:

| Licensing Activity | Sunday to Thursday | Friday - Saturday |
|--|---------------------------|--------------------------|
| Activity: Opening Hours | Opening Hours | Opening Hours |
| Start & Finish | 06:00 01:00 | 10:00 02:00 |
| Activity: Late night refreshment | Late night refreshment | Late night refreshment |
| Start & Finish | 23:00 00:30 | 23:00 01:30 |
| Activity: Supply of Alcohol | Supply of Alcohol | Supply of Alcohol |
| Start & Finish | 11:00 00:30 | 11:00 01:30 |
| Activity: | Live Music | Live Music |

| | | |
|------------------------------------|----------------|----------------|
| Live Music | | |
| Start & Finish | 11:00 00:30 | 11:00 01:30 |
| Activity: Recorded Music | Recorded Music | Recorded Music |
| Start & Finish | 11:00 00:30 | 11:00 01:30 |
| Activity: Making Music | Making Music | Making Music |
| Start & Finish | 11:00 00:30 | 11:00 01:30 |
| Activity: Dancing | Dancing | Dancing |
| Start & Finish | 11:00 00:30 | 11:00 01:30 |

Conditions

That the operation of the premises under the licence shall be subject to compliance with the operation schedule highlighted in section P of the application form and the following conditions agreed by the sub-committee:

- 1) The premises will have an acoustic lobby at the front entrance/exit of the premises, with soft seals to the doors
- 2) The 3 front windows of the premises will be fitted with acoustic blocking
- 3) The front and rear fire exits will remain closed whilst licensable activities are taking place and be fitted with alarms.
- 4) The external rear area of the premises will not be used by customers at any time.
- 5) That 2 SIA registered door supervisors, one of whom shall be female, shall be employed at all times after 22:00 Friday -Saturday and remain until the terminal hour that the premises are in use under this licence. They should be 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 and mechanical counting devices to ensure that the maximum accommodation limit of the premises is not exceeded.
- 6) Customers shall not use the outside area at the front of the premises after 22:00 other than those who temporarily leave the premises to smoke a cigarette. Those leaving the premises should not be permitted to consume drinks outside. After 22:00 Friday - Saturday those who do temporarily leave for this reason shall be subjected to the requirement of a further search.

Conditions 2, 3, 4, 5, 6, 7, 8, 9, 13 of the police representation (agreed by the applicant) stated on page 34 of the committee report.

Reasons

The reasons for this decision are as follows:

The licensing sub-committee heard from the applicant and his representative and a local resident called to give evidence in support. It also considered the written representation of another local resident in support of the application, who was unable to attend the hearing.

The sub-committee also heard from the environmental protection team and the police, and considered a written representation opposing the application, submitted by a local resident.

After discussions between the applicant, police and environmental protection team, the hours applied for were amended and a number of conditions were agreed.

On that basis, the police and environmental protection team were satisfied that the application would be in keeping with the licensing objectives of preventing crime and public nuisance.

The sub-committee considered all the representations and discussions, the statutory guidance, the council's licensing policy and the 4 licensing objectives.

The sub-committee was satisfied that the amended application addressed concerns over potential crime and disorder, anti-social behaviour and noise nuisance, and therefore decided to grant 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 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.

7. LICENSING ACT 2003 - DOMINOS PIZZA, 145 OLD KENT ROAD, LONDON SE1

The licensing officer presented her report. The members had no questions for the officer.

The applicant and his solicitor addressed the sub-committee. Members had questions for the applicant.

Members note the emails sent in by residents who could not attend the hearing.

The police addressed the committee and members had questions for the Police

The environmental protection officer addressed the committee and members asked questions of the officer

All parties were given five minutes to sum up. At 1.47pm the meeting went into closed

session to consider the application.

At 2.27pm the meeting resumed and the chair read out the decision as follows:

RESOLVED:

That the application by A & A Pizza Company Ltd for a premises licence under Section 17 of the Licensing Act 2003 in respect of the premises known as Dominos Pizza, 145 Old Kent Road SE1 be refused.

Reasons

The reasons for this decision are as follows:

The licensing officer clarified that the premises is not in a saturation area.

The licensing sub-committee heard from 4 representatives of the applicant company, including the franchisee. It also heard from the environmental protection team.

The sub-committee considered the written representations from 4 local residents opposing the application. Two of the residents were unable to attend the hearing, however they had submitted further information supporting their original objections

The sub-committee noted that the police had made no representation in relation to crime and disorder. Although some residents had expressed concern about the potential for the premises to attract anti-social behaviour the sub-committee did not consider that there was sufficient evidence to show that the premises would adversely affect the licensing objective of preventing crime.

It noted that the premises were located amongst a high number of residential properties.

The primary concerns of the local residents related to nuisance, in particular the noise from delivery vehicles and the ventilation equipment of the premises.

Although the franchisee stated that no complaints had been received directly to him, and that he did not believe there to be any problems, 2 local residents stated in their written representations that the ventilation system caused a noise nuisance and that there was already a problem with smell under the current opening hours. The noise and smell from this equipment continuing into the night was a serious concern for the majority of residents. There were also concerns over the noise from delivery vehicles accessing the rear courtyard which adjoined a number of flats and the fact that the vehicles used the same passageway as residents of the surrounding flats. The sub-committee was satisfied that if the application was granted then further nuisance could be caused to the local residents, particularly given how close the premises was located to a high number of residential flats.

Although the franchisee offered reduced hours the sub-committee did not feel that this would address the issues raised by the residents.

The sub-committee considered all the representations, the statutory guidance, the council's licensing policy and the 4 licensing objectives. The sub-committee decided that it

was necessary and proportionate to refuse the application in order to promote the licensing objective of preventing public nuisance.

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.

EXCLUSION OF PRESS AND PUBLIC

It was moved, seconded and

RESOLVED:

That the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in category 1 and 2 of paragraph 10.4 of the Access to Information Procedure Rules of the Southwark Constitution.

The committee gave permission for the applicant, the Police and the licensing officer to stay to make representations to the committee.

The following is a summary of the decisions taken in the closed section of the meeting:

8. LICENSING ACT 2003 - APPLICATION FOR A PERSONAL LICENCE

The licensing sub-committee considered the closed information relating to this report.

The meeting closed at 2.30pm.

CHAIR:

DATED: