

## Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 10 May 2012 at 10.00 am at Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

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<b>PRESENT:</b>	Councillor Sunil Chopra (Chair) Councillor Michael Bukola Councillor Dora Dixon-Fyle
<b>OTHERS PRESENT:</b>	Rashid Hammon, applicant P.J. Kelly, applicant Roberto Baliazar, applicant
<b>OFFICER SUPPORT:</b>	Felix Rechtman, legal officer Adam Beaumont, legal officer Alan Blissett, environmental protection officer Sarah Newman, environmental protection officer Kristie Ashenden, licensing officer Tracy McCarthy, licensing officer Andrew Weir, constitutional officer

### 1. APOLOGIES

There were none.

### 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

The chair informed the meeting that the order of business would be varied in order to consider item 6 of the agenda first.

### 4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

Councillor Dora Dixon-Fyle declared a personal and non prejudicial interest in item 6 of the

agenda as she is a ward councillor in Camberwell Green, where the premises is situated.

**5. LICENSING ACT 2003 - TEMPORARY EVENT NOTICE: ROYAL STANDARD, 42 HARPER RD, LONDON SE1 6AD**

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

It was noted that the applicant was not in attendance.

The environmental protection officer addressed the sub-committee. Members had no questions,

The meeting went into closed session at 12.03pm to consider the application.

The meeting resumed at 12.22pm and the chair read out the decision as follows:

**RESOLVED:**

That a counter notice be issued under Section 105 of the Licensing Act 2003 in respect of the Temporary Event Notice given by Guido Medellin for the Royal Standard, 42 Harper Rd, London SE1.

**Reasons**

This was an application for a temporary event notice in relation to the premises known as Royal Standard at Harper Road.

The applicant did not turn up to the hearing despite the hearing commencing two hours later than arranged.

The sub-committee heard from the council's environmental protection team (EPT) that they are objecting to this application on the basis of the prevention of public nuisance objective in the Licensing Act. The EPT further submitted that there has been about nine noise complaints concerning the premises in the last 12 months and that their major concern was noise escape.

In view of the above the sub-committee resolved to refuse this application for the promotion of the prevention of public nuisance objective in the act. It was therefore resolved 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 environmental protection team 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.

**6. LICENSING ACT 2003 - TEMPORARY EVENT NOTICE: ECLIPSE 54B  
SOUTHAMPTON WAY, LONDON SE5 7TT**

It was noted that the applicant, Nurten Lisa Halil was not in attendance. However, another director, Mr Roberto Baliazar, and two members of staff from the premises were in attendance.

The sub-committee went into closed session at 10.20am to 10.25am to take legal advice.

On returning to the open session, at the request of the sub-committee, Mr Baliazar, director of Steak Restaurants UK Limited undertook to provide the licensing officer, by 4.00pm on the day of the licensing sub-committee meeting, with a letter from Miss Halil in which she confirms that the application was made on her behalf by Mr Baliazar.

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

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

The environmental protection officer addressed the sub-committee. Members had questions for the principal environmental protection officer.

The environmental advised the sub-committee that he would withdraw his objection to the application subject to his conditions being implemented by the applicant.

The sub-committee went into closed session at 11.15am to consider the application.

The meeting resumed at 11.55pm and the chair read out the decision as follows:

**RESOLVED:**

That the temporary event notice (TEN) for 13 May 2012, submitted to the Licensing Unit, by Nurten Lisa Halil in respect of the premises known as Eclipse, 54B Southampton Way, London SE5 be approved in so far as the following licensable activities will be permitted under the TEN during the times shown:

<b>Temporary event notice on the 13 May 2012</b>	
<b>Start &amp; Finish</b>	00.00 - 06:00
<b>Event</b>	Salsa event
<b>Permitted numbers of people</b>	150
<b>Activities:</b>	Provision of regulated entertainment, late night refreshment and sale and supply of alcohol

**Conditions**

The following conditions will apply:

1. That condition 312 from the premises licence be attached to the temporary event notice.
2. That condition 343 from the premises licence be attached to the temporary event notice.

### **Reasons**

This was an application for a temporary event notice in relation to the premises known as Eclipse at Southampton Way, London SE5.

The application was made by Miss Halil who did not attend the sub-committee hearing. Following submissions on the subject, Mr Baliazar, director of Steak Restaurants UK Limited undertook to provide licensing by 4pm today with a letter from Miss Halil in which she confirms that the application was made on her behalf by Mr Baliazar.

The application itself was for a one-off temporary event to take place between midnight and 6.00am on Sunday, 13 May 2012.

The sub-committee heard evidence from the applicant that they have been running the premises since February of this year and that they have introduced many upgrades and changes to the premises in order to deal with noise issues. The applicant also submitted that they had several temporary event notices approved in recent months and that all these events progressed without any major complaints.

The sub-committee then heard from the council's environmental protection team (EPT) that they are objecting to this application on the basis of the prevention of public nuisance objective in the Licensing Act. The EPT further submitted that there has been six noise complaints concerning the premises since February 2012 and that their major concern was noise escape.

Following the above submissions, the EPT officer indicated that he had a discussion with the applicant this morning whereby the applicant agreed to arrange for breeze blocking of the front windows to be completed prior to the event taking place and that further the applicant agreed to remove the concrete table from the front of the premises prior to the event taking place. On the basis of these proposals by the applicant, and on the basis that conditions 312 and 343 from the premises licence will be attached to the TEN, the EPT officer withdrew his objection.

In view of the above the sub-committee resolved to grant this application and to use this opportunity to make it clear to the applicant that if the proposed works are not completed to a satisfactory standard prior to the event taking place, then the event should not be held. In addition conditions 312 and 343, as above, will apply to this temporary event 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 environmental protection team 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 ended at 12.25pm.

**CHAIR:**

**DATED:**