

## Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Tuesday 18 December 2012 at 10.00 am at Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

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**PRESENT:** Councillor Sunil Chopra (Chair)  
Councillor David Hubber  
Councillor The Right Revd Emmanuel Oyewole (reserve)

**OTHERS PRESENT:** Caroline Decroux, applicants' representative  
Darren Emede, representative of K & F Restaurant Ltd  
Kolawole Adeleye, representative of K & F Restaurant Ltd  
Ben Uzor, representative of K & F Restaurant Ltd

**OFFICER SUPPORT:** Debra Allday, legal officer  
Joanne Devlin, legal officer (observing)  
Dorcas Mills, licensing officer  
Kristie Ashenden, , licensing officer, representing the council as a responsible authority  
Sarah Newman, environmental protection team  
Virginia Wynn-Jones, constitutional team

### 1. APOLOGIES

Apologies were received from Councillor Dora Dixon-Fyle. Councillor The Right Reverend Emmanuel Oyewole attended as reserve.

### 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

The chair agreed to accept late and urgent submissions from the environmental protection team.

### 4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

**5. LICENSING ACT 2003 - K & F RESTAURANT LTD (GROUND AND BASEMENT FLOORS), 39-45 CAMBERWELL ROAD, LONDON SE5 0EZ**

The local resident objector addressed the sub-committee. Members had questions for the local resident.

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

The representative of responsible authorities made his presentation. Members had questions of the representative.

At 11.15am the sub-committee adjourned for a fire alarm. The sub-committee reconvened at 11.40am.

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

All parties were given five minutes to sum up.

The sub-committee went into closed session at 12.10pm.

The sub-committee resumed at 1.15pm and the chair read out the decision of the sub-committee.

**RESOLVED:**

The council's licensing sub-committee, having had regard to the application by Philipp Ulbrich, Kristine and Anthony Fox for a review of the premises granted under the Licensing Act 2003 to K & F UK Ltd in respect of the premises known as K & F Restaurant Ltd, situated at 39-45 Camberwell Road, London SE5 0EZ and having had regard to all other relevant representations has decided it necessary for the promotion of the licensing objectives to modify the conditions of the licence:

**Conditions**

1. To increase the minimum number of SIA registered security staff to four from 22.00.
2. To ensure all security staff ensure patrons disperse quietly.
3. To ensure that all staff get adequate training on the licensing law within 28 days of commencing employment.
4. To limit the number of people outside to a maximum of 6 after 22.00.
5. There is to be no admission or readmission from 23.00 Sunday – Thursday and 02.00 Friday – Saturday.
6. No drinks to be taken outside the premises.

7. That all works identified in the noise survey must be completed.

The committee also decided it was necessary to modify the opening hours and licensable activities from Sunday to Thursday as below:

| <b>Activity</b>                                | <b>Monday to Thursday</b> | <b>Friday and Saturday</b> | <b>Sunday</b>  |
|------------------------------------------------|---------------------------|----------------------------|----------------|
| Live music                                     | 18.00 to 00.00            | 18.00 to 03.00             | 18.00 to 00.00 |
| Recorded music                                 | 18.00 to 00.00            | 18.00 to 03.00             | 18.00 to 00.00 |
| Facilities for making music                    | 18.00 to 00.00            | 18.00 to 03.00             | 18.00 to 00.00 |
| Facilities for dancing                         | 18.00 to 00.00            | 18.00 to 03.00             | 18.00 to 00.00 |
| Late night refreshment                         | 23.00 to 00.00            | 23.00 to 03.00             | 23.00 to 00.00 |
| Sale and supply of alcohol on and off premises | 11.00 to 00.00            | 11.00 to 03.00             | 11.00 to 00.00 |
| Operating hours of premises                    | 10.00 to 01.00            | 10.00 to 04.00             | 10.00 to 01.00 |

### **Reasons**

The reasons for this decision are as follows:

This was an application for a review of a licence under Section 51 of the Licensing Act 2003 by Philipp Ulbrich and two other applicants for a review of the premises licence in respect of the premises known as K&F Ltd, of 39-45 Camberwell Road, SE5 0EZ.

The sub-committee heard from Caroline Decroux, who spoke on behalf of the applicants for the review and local residents. There were also letters of support from eight other residents received. Ms Decroux complained of loud music regularly being heard from the premises, and drunk and aggressive clientele congregating outside the premises. Since the previously held hearing on 20 November 2012, it was noted that there had been an improvement in the level of noise from the premises. This was primarily due to the amplified music being played in the basement of the premises only.

The committee also heard from the environmental protection team, who supported the review application, and who advised the panel of the history of the complaints and prohibition notices issued due to statutory nuisance witnessed by noise officers. In particular, since the last review hearing on 20 November 2012, evidence was provided of a serious incident outside the premises on 24 November 2012 in addition to a fixed penalty notice being served for noise nuisance. The panel heard that this penalty notice has not been paid. The panel also heard representation from the licensing officer, who requested a reduction in hours as the majority of the complaints were received after midnight.

Darren Emede spoke on behalf of K&F, and accepted that the premises had been mismanaged and that all the previous management had been served notice as a result of the complaints. As a result, new staff were being recruited but it is not expected that they will be in place until mid-January 2013. The panel also heard that triple glazing was being installed in the premises and that works were still being carried out on the ground floor. Mr Emede stated that 90% of the income was made on the weekend between 00.00 and 03.00, and a reduction of hours would be tantamount to revoking the licence.

Whilst K&F accept the complaints being made, they believe that the new management and structural improvements will address the concerns raised by the local residents and the responsible authorities. However, at this time the sub-committee felt that strict conditions must be imposed on this licence in order to direct the new management in the future running of the licence. The sub-committee felt that in view of the licence holder's representations that 90% of the income is made over the weekend, the need for extended hours during the week is unnecessary. The sub-committee were reluctant to keep the weekend hours, but felt that the license holder should be given one final opportunity to maintain their licence, hence the reason to add conditions.

Finally, the sub-committee strongly recommended that the licence holder engages proactively with local residents in order to minimise future issues.

### **Appeal rights**

This decision is open to appeal by:

- a) The applicant for the review
- b) The premises licence holder
- c) Any other person who made relevant representations in relation to the application

Such appeal must be commenced by notice of appeal given by the appellant to the justice's chief executive for the magistrates court for the area within the period of 21 days beginning with the day on which the appellant was notified by this licensing authority of the decision.

This decision does not have effect until either

- a) The end of the period for appealing against this decision or
- b) In the event of any notice of appeal being given, until the appeal is disposed of.

The meeting closed at 1.20pm.

**CHAIR:**

**DATED:**