

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Wednesday 19 December 2012 at 9.30 am at Ground Floor Meeting Room G01B - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Sunil Chopra (Chair)
Councillor Lorraine Lauder MBE
Councillor Althea Smith

OFFICER SUPPORT: Dorcas Mills, licensing officer
Alan Blissett, environmental protection officer
Debra Allday, legal officer
Rupinder Binning, legal officer (observing)
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 advised that the sub-committee would consider the temporary event notice for Moyo Ma Restaurant, 347 Walworth Road, London SE17 2AL.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003 - UNIT 5, 12-16 BLENHEIM GROVE, LONDON SE15 4QL

This was a reconvened hearing from 7 December 2012.
The chair advised the sub-committee to disregard the previous environmental protection

representation from 7 December 2012 and to substitute it with the representation from Alan Blissett from the environmental protection team.

The sub-committee heard from the licensing officer. Members had no questions for the licensing officer.

The sub-committee heard from the environmental protection team officer. Members had questions for the environmental protection team officer.

No other parties were present to address the sub-committee.

The sub-committee went into closed session at 9.45am.

The sub-committee resumed at 10.30am and the chair read out the decision of the sub-committee.

RESOLVED:

That the application submitted by James Fisher for a premises licence in respect of Unit 5, 12-16 Blenheim Grove, London SE15 4QL be granted as follows:

Licensable Activity	Monday to Thursday	Friday	Saturday	Sunday
Sale and supply of alcohol	07.00 to 23.30	07.00 to 00.30	09.00 to 00.30	09.00 to 17.30
hours premises are open to the public	06.30 to 00:00	06.30 to 01.00	06.30 to 01.00	08.00 to 18.00

Conditions

The conditions as listed in the amended operating schedule submitted by the applicant on 7 December 2012 shall apply.

Reasons

This was an application by James Fisher for a premises licence in respect of Unit 5, 12-16 Blenheim Grove, London SE15 4QL.

This was a reconvened licensing sub-committee from 7 December 2012. At the previous licensing sub-committee of 7 December 2012, the licensing sub-committee heard evidence from the applicant who advised that he had lived in the area for approximately 20 years and that he and his family lived very close to the premises. He emphasised that the premises would be run as a food led café and bar. He further advised that the premises would be targeting a customer base of 25 years and above.

The licensing sub-committee noted the written representations from the two local residents who were not in attendance.

At the previous meeting, the licensing sub-committee heard evidence from the Southwark Council health and safety team who advised that they had been unable to gain access to the premises as the applicant and the freeholder had not finalised the lease of the premises. The applicant advised that once the lease had been signed, access would not be an issue.

The sub-committee disregarded the previous representations from the environmental protection team from 7 December 2012. The sub-committee heard from the principal environmental protection officer who raised concerns that the applicant's operating scheduled at the premises without adaptation may give rise to public nuisance and that the measures set out by the applicant would not be extensive enough to address the concerns. The sub-committee felt that the additional conditions volunteered by the applicant at the hearing on 7 December 2012 addressed the environmental protection team's concerns.

The sub-committee also heard that the applicant had confirmed to the licensing officer that they had applied for a variance of use to the planning authority to adjust the trading times of the premises to match those applied for in his licensing application. They also heard that the lease to the premises had been signed by the applicant therefore, that the health and safety enforcement officer could inspect the premises on seven days notice.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives.

The licensing sub-committee considered that it was appropriate and proportionate to attach these conditions in order to address the licensing objectives. The sub-committee wished to emphasise to the applicant that until planning permission is granted for variance the applicant must operate in line with the current hours specified in the planning permission of 23 November 2012. Furthermore, the sub-committee recommended that the licensing officer advise the applicant on the restrictions of the licence without late night refreshment.

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 justices' chief executive 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 - MOYO MA RESTAURANT, 347 WALWORTH ROAD, SE17 2AL

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

The sub-committee noted that the applicant was not in attendance.

The sub-committee heard from the environmental protection officer. Members had questions for the environmental protection officer.

The sub-committee went into closed session at 10.45am.

The sub-committee resumed at 10.55am and the chair read out the decision of the sub-committee.

RESOLVED:

That a counter notice be issued under Section 105 of the Licensing Act 2003 in respect of the temporary event notice given by Justina Ogunbiyi in respect of the premises known as Moyo Ma Restaurant, 347 Walworth Road, London SE17 2 AL.

Conditions

The following additional condition shall apply:

- That there be no regulated entertainment.

Reasons

This was an application by Justina Ogunbiyi for a temporary event notice in respect of the premises known as Moyo Ma Restaurant, 347 Walworth Road, London SE17 2 AL.

The licensing sub-committee noted that the applicant was not in attendance.

The licensing sub-committee heard evidence from the council's environmental protection team that when a previous temporary event notice had taken place at the premises on 27 October 2012 there was a statutory noise nuisance where vibrations could be felt through a complainant's floor. A male vocalist singing and drum beats were very noticeable. The noise was so loud that it could be heard 30 metres away from the premises. Since the applicant failed to attend the sub-committee meeting and could not be contacted by the environmental protection team officer, the sub-committee felt that it could not permit regulated entertainment on the grounds of public nuisance.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives.

The licensing sub-committee considered that it was appropriate and proportionate to attach these conditions in order to address the licensing objectives.

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 closed at 10.58am.

CHAIR:

DATED: