



LICENSING SUB-COMMITTEE

MINUTES of the meeting of the open section of the LICENSING SUB-COMMITTEE held Monday July 6 at 10am at the Town Hall, Peckham Road, London SE5 8UB.

PRESENT: Councillor David Hubber (chair)
Councillor Mackie Sheik
Councillor Dominic Thorncroft

ALSO PRESENT: Mr Duffy – Palatial Ltd
Mr Murrell – Lawyer for Palatial Ltd
Kirstie Ashenden, licensing officer
Maureen Ogbu, legal officer
Sean Usher, Constitutional Team

1. APOLOGIES FOR ABSENCE

There were none.

2. CONFIRMATION OF VOTING MEMBERS

The three members were confirmed.

3. NOTIFICATION OF ANY OTHER ITEMS WHICH THE CHAIR DEEMS AS URGENT

There were none.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were no disclosures of interests and dispensations.

5. GAMBLING ACT 2005 - PALACE ADULT GAMING CENTRE 3, FIRST FLOOR, ELEPHANT & CASTLE SHOPPING CENTRE, LONDON SE1 6TE

The licensing officer circulated additional photographs. It was noted that Councillor Hubber had visited the site on July 2 2009 with the legal officer and the licensing officer.

The objector from Licensing did not appear at the meeting. The members had no additional questions.

The applicant and the representative presented their case for an AGC. They presented photographs and plans. Members had questions

All parties were given 5 minutes to sum up.

RESOLVED: 1. The licensing sub-committee having considered the application by Palatial Leisure Limited in respect of an adult gaming centre premises licence at Palace Adult Gaming Centre 3, First Floor, Elephant & Castle Shopping Centre, London SE1 6TE have made the following decision:

The application is refused

2 Reasons

The reasons for the decision are as follows:

Following a site visit, and written and oral representations from all parties it is the view of the licensing sub-committee that the separation of the premises is artificial and the premises cannot be regarded as separate premises. The premises can be accessed from one entrance only and would be situated in an area which would be likely to be patronised by children and young people.

The sub-committee have taken into account the Gambling Commission Revised Guidance to Licensing Authorities, and the cases of *Luxury Leisure v South Tyneside Council*; *Leisure Wolrd (UK) Ltd v London Borough of Islington* in making this decision.

3 Appeal Rights

The Interested Parties, and the applicant have the right to appeal the decision of the Sub-Committee to the Magistrates' Court within a period of 21 days beginning with the day on which the appellant receives notice of the decision against which the appeal is brought.

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.

6 LICENSING ACT 2003 - TAS RESTAURANT, 33 THE CUT, LONDON, SE1 8LF

The licensing officer presented her report. Members had questions. The representatives from TAS addressed the sub-committee. Members had questions.

The local objectors addressed the sub-committee. Members had questions.

All parties were given 5 minutes to sum up.

RESOLVED: 1. The licensing sub-committee having considered the application by Two Men and a Lady Limited for a variation of premises licence in respect of the premises known as TAS Restaurant, 33 The Cut, London, SE1 8LF made the following decision:

The application to vary is granted as follows:

	Monday to Sunday
Sale of alcohol off the premises	11:00am to 10:00pm

2. Conditions

The operation of the premises under the licence shall be subject to compliance with the operation schedule highlighted in Section Q of the application form and the following conditions:-

- a) All mandatory conditions set out in the Licensing Act 2003 relating to
- Authorisation of the retail sale of alcohol; and
 - The provision of door supervision

The following additional special conditions developed through discussion from the original operating schedule attached to the variation application as follows:-

Subject to the following additional conditions agreed by the sub-committee:

- There will be a maximum of six tables outside the premises with no more than 12 patrons at any one time.
- There will be no service outside the restaurant after 10pm.

The Council expects that all terms, conditions and restriction of the premises licence will be complied with at all times that the premises are used under the licence. The failure to comply with terms, conditions and restrictions of the premises of the premises licence is a matter to which the Licensing Sub-Committee may have regard in the event that any request is made for the review of the licence.

3. Reasons

The reasons for the decision are as follows:

The sub-committee felt that the additional conditions attached to this variation would alleviate any noise nuisance experienced by the local residents.

4. Appeal Rights

The applicant may appeal against any decision to modify the conditions of the licence; and

Any person who made relevant representations in relation to the application who desire to contend that

- a) That variation ought not to have been made; or
- b) That, when varying the licence, the Licensing Authority ought not to have modified the conditions of the licence, or ought to have modified them in a different way.

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.

The meeting closed at: 12:20pm

CHAIR:

DATED: