



LICENSING SUB-COMMITTEE

MINUTES of the meeting of the open section of the LICENSING SUB-COMMITTEE held on Monday August 24 2009 at 10.00am at the Town Hall, Peckham Road, London SE5 8UB.

PRESENT: Councillor David Hubber
Councillor Eliza Mann
Councillor Sandra Rhule

ALSO PRESENT: Mr Biagio Caroleo, Biagio Restaurant
Mr Peter Tilly, legal representative for Biagio
Mr Mohammed Shafiqur Chowdhury, Lovage Restaurant
Mr Michael Church, local resident
Mr & Mrs Jaratt, local residents
Wesley McArthur, licensing officer
Alan Blissett, environmental protection team
Felix Rechtman, legal officer
Sean Usher, constitutional team

1. APOLOGIES FOR ABSENCE

Councillor Dominic Thorncroft sent his apologies and Councillor Sandra Rhule attended in his absence.

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

Councillor Eliza Mann stated that although item 6 was in her ward, she had no personal or prejudicial interests in this matter.

5. LICENSING ACT 2003 – BIAGIO BANKSIDE, 32 SOUTHWARK BRIDGE ROAD, LONDON, SE1 9EU

The licensing officer presented his report and circulated additional papers (on file) which included photographs of the premises and emails relating to the conciliation process with local residents. Members had questions for the officer.

The applicant and his representative presented their application to the sub-committee. Members had questions.

No local residents attended and 2 of the objections had been withdrawn due to conciliation.

The applicant was given 5 minutes to sum up then the sub-committee went into closed session.

RESOLVED: 1. That the application by Mr. Biagio Caroleo for a premises licence for Biagio Bankside, 32 Southwark Bridge Road, London, SE1 9EU is granted as follows:

	MON	TUE	WED	THUR	FRI	SAT	SUN
Recorded music	09:00 to 00:30	09:00 to 00:30	09:00 to 00:30	09:00 to 00:30	09:00 to 00:30	09:00 to 00:30	12:00 to 00:00
Late Night Refreshment	23:00 to 00:30	23:00 to 00:30	23:00 to 00:30	23:00 to 00:30	23:00 to 00:30	23:00 to 00:30	23:00 to 00:00
Supply of Alcohol	10:00 to 00:00	10:00 to 00:00	10:00 to 00:00	10:00 to 00:00	10:00 to 00:00	10:00 to 00:00	12:00 to 23:30
Opening Hours	09:00 to 00:30	09:00 to 00:30	09:00 to 00:30	09:00 to 00:30	09:00 to 00:30	09:00 to 00:30	12:00 to 00:00

2. Conditions

In addition to the hours granted above, the following conditions will apply:

- That clearly legible signs are prominently displayed to the satisfaction of the council requesting that customers smoking and / or congregating outside of the premises do so in a quiet and orderly manner and are considerate of local residents;
- That a direct line telephone number will be made available to local residents should local residents be caused any nuisance by the operation of the premises;
- That there shall be no 'bottling up' or movement of goods and / or refuse into or out of the premises between 23.30 to 07.00;
- If at any time after 23.30 local residents are disturbed by recorded music emanating from the premises the volume of recorded music will be reduced on request.

3. Reasons

The reasons for the decision are as follows:

The sub-committee is satisfied that the further conditions offered by the applicant are sufficient to address the licensing objectives and the application is granted as a result.

4. Appeal Rights

This decision is open to appeal by either:

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 – LOVAGE INDIAN RESTAURANT, UNITS 13 TO 15 THE CIRCLE, QUEEN ELIZABETH STREET, LONDON SE1 2JE

The licensing officer presented his report. He stated that paragraphs 17-20 of the report related to the previous operations at the premises and were for information only. Some additional papers were circulated relating to the police conciliation and discussions with the noise team. Members had questions for the licensing officer.

The applicant presented his case and discussed the objections. Members had questions for the applicant. Local residents had questions for the applicants.

The environmental protection officer discussed the noise representations. Members had questions for the officer.

The local residents addressed the sub-committee about their concerns about noise issues. Local residents had concerns over Temporary Event Notices to which only the police can object.

All parties were given 5 minutes to sum up then the meeting went into closed session.

RESOLVED: 1. That the application by Mohammed Shafiqur Chowdhury for the variation of a premises licence issued under the Licensing Act 2003 in respect of Lovage Indian Restaurant, Units 13 to 15 The Circle, Queen Elizabeth Street, SE1 2JE is granted as follows:

That the following licensable activities be permitted under the licence during the times shown:

Opening Hours:
No Change
Sale and / or Supply of alcohol:
No Change
Late Night Refreshment:
No Change
The following conditions are removed:

109 (parts a – d & i – x), 122, 139, and 341.
And modifying the following conditions as follows:
340 – That all doors and windows are to be kept closed, except for ingress and egress, after 22:00 (only applies to trading area);
840 – That CCTV with a 28 day recording facility is installed and maintained at the premises at all times that members of the public are permitted access to the premises.
842 – That no patrons are allowed outside the premises after 22:00hrs with the exception of those who temporarily leave to smoke and than numbers are limited to no more than 6 at any one time.

2. Conditions

- All relevant mandatory conditions arising from the Licensing Act 2003
- Conditions consistent with the operating schedule provided as part of the application.

3. Reasons

The reasons for the decision are as follows:

Having considered the application the licensing sub-committee agreed to remove conditions 109.122, 139 and 341 and to modify conditions 340, 840 and 842 as above. Condition 841 remains on the Licence as the sub-committee felt this necessary for the promotion of the licensing objective of prevention of public nuisance.

3. Appeal Rights

This decision is open to appeal by either:

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.

The meeting closed at: 12:40pm.

CHAIR:

DATED: