



Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Friday 17 January 2014 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

- PRESENT:** Councillor Renata Hamvas (Chair)
Councillor Sunil Chopra
Councillor Wilma Nelson
- OTHER S PRESENT:** Romanda Liu, applicant
Niall McCann, applicant's representative
Anastasia Cavouras, local resident
Anthony Oh, local resident
Mary Aramo, local resident
Rory Sewell, local resident
Claire Hamilton, local resident
Elaine Bisseur, local resident
Caitlin Douglas, local resident
P. Adenwalla, local resident
Audrey Shcherbakov, local resident
- OFFICER SUPPORT:** Debra Allday, legal officer
Wesley McArthur, licensing officer
Mark Prickett, environmental protection officer
Sarah Koniarski, constitutional officer (observing)
Andrew Weir, constitutional officer

1. APOLOGIES

There were none.

2. CONFIRMATION OF VOTING MEMBERS

The three members present were confirmed as the voting members.

3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

There were none.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003 - HAPPY VALLEY, UNIT NR6, MONTREAL HOUSE, CANADA WATER, LONDON, SE16 7AP

The chair apologised for the late start of the meeting.

The licensing officer advised that there were a number of additional documents to be circulated. All parties agreed to these documents being circulated.

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

The applicant's representative addressed the sub-committee. Members had questions for the applicant and their representative.

The sub-committee heard from local residents. Members had questions for the local residents.

All parties were given five minutes for summing up.

The licensing sub-committee went into closed session at 12.30pm.

The licensing sub-committee resumed at 1.56pm and the chair read out the decision of the sub-committee.

RESOLVED:

That the application submitted by Chris and Cherry Limited for the grant of a premises licence issued under the Licensing Act 2003 in respect of Happy Valley, Unit NR6, Montreal House, Canada Water, London SE16 7AP be granted as follows:

Licensable Activity	Monday to Sunday
Sale and supply of alcohol (on the premises)	10.00 to 23.00
Recorded music (indoors)	10.00 to 23.00
Hours premises are open to the public	10.00 to 23.30

Non standard timings	None

Conditions

The operation of the premises under the licence shall be subject to relevant mandatory conditions, conditions derived from the operation schedule highlighted in Section M of the application form and the following conditions:

- a) Additional conditions developed through discussion with the applicant and responsible authorities and / or other persons as follows:
 - 1) The premises shall operate a 'Challenge 25' policy whereby customers purchasing alcohol who appear to be under 25 years of age will be asked for an approved form of proof of age to verify their age. Approved forms of proof of age shall include a driving licence, passport or a Proof of Age Standards Scheme (PASS) approved proof of age card.
 - 2) That all staff involved in the sale of alcohol shall attend a training scheme which will include training in the 'Challenge 25' policy. They must obtain a certificate of competence. A record of their training, including the dates that each member of staff is trained, shall be available for inspection at the premises on request by the council's authorised officers or the police.
 - 3) That 'Challenge 25' signage shall be displayed at entrances to the premises, areas where alcohol is displayed for sale and at points of sale to inform customers that an 'Challenge 25' policy applies and proof of age may be required. This shall be maintained free from obstruction at all times.
 - 4) A register of refused sales of alcohol and if applicable, cigarette sales, which is clearly marked with details of the premises, address and name of licence holder shall be maintained in order to demonstrate effective operation of the Challenge 25 policy. The register shall be available for inspection at the premises on request by the council's authorised officers or the police.
 - 5) The premises shall install and maintain a comprehensive CCTV system as per the minimum requirement to the Metropolitan Police licensing officer. All entry and exit points will be covered enabling a clear facial image of every person entering in any light conditions. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be made available immediately upon request of police or authorised officers throughout the preceding 31 day period.
 - 6) That a staff member from the premises, who is conversant with the operation of CCTV system shall be on the premises at all times when the premises are opened to the public. This staff member must also be able to show the police or authorised council officer recent data or footage with the absolute minimum of delay when requested.

- 7) That no noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
- 8) That persons permitted to temporarily leave and then re-enter the premises shall not be permitted to take drinks or glass containers with them.
- 9) That one male and one female SIA licensed door supervisors shall be on duty at the premises after 21.00 when the premises are in operation.
- 10) That neither staff nor patrons will be permitted to smoke in the courtyard to the rear of the premises.
- 11) That off sales will only be permitted via sealed containers.
- 12) That only background music shall be permitted within the ground floor of the premises.
- 13) That the collection of waste from or deliveries to the premises shall only take place between 08.00 and 21.00 on Monday to Saturday and between 10.00 and 20.00 on Sundays and bank holidays.
- 14) That waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
- 15) That notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
- 16) That notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.

Reasons

This was an application submitted by Chris and Cherry Limited for the grant of a premises licence issued under the Licensing Act 2003 in respect of Happy Valley, Unit NR6, Montreal House, Canada Water, London SE16 7AP.

The licensing sub-committee heard evidence from the applicant who informed the sub-committee that since the original application the parties had made significant progress through the conciliation process, the contents of which will not be duplicated within this decision. The applicant advised the sub-committee that the premises was a purpose built commercial premises with class A3 usage in an urban and busy location. The premises would be a fine dining restaurant with karaoke as a secondary concern.

The licensing sub-committee heard from other persons who raised concerns regarding the prevention of crime and disorder in that alcohol would lead to anti-social behaviour, harassment of residents and crimes which would directly impact on residents. In regard to public safety, there was high concern that patrons of the premises would congregate outside and smoke, which would affect the neighbouring residential premises. In relation to the prevention of public nuisance residents raised concerns of noisy disturbances from

karaoke during the evenings, which would affect the sleep of local residents. Lastly, there were concerns relating to the protection of children from harm in that there is a children's playground behind the premises and concern was raised of strangers entering and leaving the premises by the rear entrance of the premises, close to this play area.

Happy Valley will be a Chinese restaurant based over two floors. It is intended that the basement will have a bar and two karaoke booths, which would be able to hold a maximum of twelve persons in each. Both booths will be sealed and soundproofed and therefore noise shall not emanate to disturb the residents above. In following negotiations between the applicant and the environmental protection team (EPT), the EPT did not recommend the need for additional sound limiting to be included as a condition of the premises licence.

The residents raised concerns of smoking. However, the sub-committee are satisfied with the conditions agreed relating to this matter in particular, not smoking in the courtyard at the rear of the premises. The residents were also concerned of the proximity of the children's playground and the rear entrance to the premises. However, the sub-committee is satisfied that the playground is sufficiently secure with a fence enclosing it. It was also noted that the council's safeguarding team made no representations in respect of protecting children from harm.

In all the circumstances the application has made significant concessions. The sub-committee feels that the only reasonable restrictions that can be imposed for the benefit of the residents is to reduce the hours that the premises are open to the public from 00.00 to 23.30, in line with the planning condition in addition to reducing the collection of waste and deliveries to the premises to 21.00 (as agreed by the applicant in the meeting). The sub-committee feels that there is sufficient protection to the local residents and any breaches of the conditions and/or complaints can be dealt with by way of a review of the premises licence or alternatively a prosecution for breaches of the Licensing Act.

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

The applicant may appeal against any decision:

- a) To impose conditions on the licence
- b) To exclude a licensable activity or refuse to specify a person as premises supervisor.

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

- a) That the licence ought not to be granted; or
- b) That on granting the licence, the Licensing Authority ought to have imposed different or additional conditions 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' clerk 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 2.07pm.

CHAIR:

DATED: