

## Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Friday 14 February 2014 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

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- PRESENT:** Councillor Lorraine Lauder MBE (Chair)  
Councillor Eliza Mann  
Councillor The Right Revd Emmanuel Oyewole
- OTHERS PRESENT:** Ian Clements, Metropolitan Police Service  
Keith Dempseen, Metropolitan Police Service  
Mike Woolfe, interested party  
Jay Patel, interested party  
Ishmail Koroma, premises licence holder  
Stella Pieh, premises licence holder  
Kamal Abchi, observer  
Alison Brittain, observer
- OFFICER SUPPORT:** Dorcas Mills, licensing officer  
Debra Allday, legal officer  
Sarah Koniarski, constitutional officer  
Andrew Weir, constitutional officer  
Farhad Chowdhury, health and safety officer  
Sarah Newman, environmental protection officer  
David Swaby, licensing officer representing the council as a responsible authority

### 1. APPOINTMENT OF CHAIR

**RESOLVED:**

That Councillor Lauder be appointed as the chair for the duration of the meeting.

### 2. APOLOGIES

There were none.

### **3. CONFIRMATION OF VOTING MEMBERS**

The three members present were confirmed as the voting members.

### **4. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT**

There were none.

### **5. DISCLOSURE OF INTERESTS AND DISPENSATIONS**

There were none.

### **6. REVIEW APPLICATION UNDER THE LICENSING ACT 2003: SIERRA SPOT, 6 ARNSIDE STREET, LONDON SE17 2AP**

The chair apologised for the delayed commencement of the meeting.

The licensing officer presented their report.

The licensing officer advised that hard copies of additional written submissions from both the premises licence holders and an interested party, which had been submitted prior to the meeting and circulated to members of the sub-committee, were available.

Additional evidence in the form of CCTV footage was submitted by an interested party to support their submission. There was no objection to this evidence being considered by the sub-committee.

The licensing authority, being the applicant for the review, addressed the sub-committee in its capacity as a responsible authority.

Members had questions for the applicant.

The following responsible authorities addressed the sub-committee in support of the review application:

- the environmental protection team
- the health and safety team
- the Metropolitan Police Service.

Members had questions for the responsible authorities.

The sub-committee heard representations in support of the review application from a local resident (who addressed the sub-committee on behalf of 13 local households) and the representative of an interested party.

The sub-committee viewed CCTV footage submitted by an interested party.

The premises licence holders addressed the sub-committee in objection to the review application.

Members had questions for the premises licence holders.

All parties were given the opportunity to sum up their submissions and respond to the evidence they had heard.

The meeting went into closed session at 12.30pm.

The meeting resumed open session at 2.06pm. The chair read out the sub-committee's decision, including the rights to appeal its decision.

### **RESOLVED:**

The licensing sub-committee, having had regard to the application by Southwark Council's licensing team for a review of the premises licence granted under the Licensing Act 2003 to Stella Pieh and Ishmail Koroma in respect of the premises known as Sierra Spot at 6 Arnside Street, London SE17 2AP and having had regard also to all other relevant representations decided it necessary for the promotion of the licensing objectives to revoke the licence.

### **Reasons**

This was a hearing of an application by Southwark Council's licensing team for a review of the premises granted under the Licensing Act 2003 to Stella Pieh and Ishmail Koroma in respect of the premises known as Sierra Spot at 6 Arnside Street, London SE17 2AP.

This application was made under Section 51 of the Licensing Act 2003.

The licensing sub-committee heard evidence from the officer for the licensing authority, being the applicant for the review. The licensing officer informed the sub-committee of his concern regarding the frequent number of breaches of the premises licence conditions and that the premises had repeatedly operated beyond the hours permitted by the premises licence, therefore undermining the prevention of crime and disorder objective. He also raised concerns that a number of complaints had been received of noise nuisance and an abatement notice had been served in respect of statutory noise nuisance. These complaints were not restricted to noise emanating from music played in the premises but also related to the unauthorised late night use of the premises.

The licensing sub-committee heard evidence from the environmental protection officer in support of the review application, who advised that the premises had been subject to seven complaints from members of the public in 2013 regarding loud, amplified and excessive noise coming from the premises. The statutory noise nuisance had been witnessed by council officers and an abatement notice had been served by enforcement officers.

The licensing sub-committee heard evidence from the health and safety officer in support of the review application, stating that the premises had not been run in accordance with the premises licence and was not being run a safe environment.

The licensing sub-committee heard evidence from the Metropolitan Police Service who supported the review application and cited a number of occasions when the premises licence had been breached, thus demonstrating a lack of control and proper management of the premises.

The licensing sub-committee noted that seven written representations had been submitted by other persons. The sub-committee heard from a local resident who spoke on behalf of 13 local households and who informed the sub-committee that the local residents had experienced two years of Sierra Spot blatantly disregarding the terms of its licence and local residents. The sub-committee heard that the considerable noise nuisance had a detrimental effect on residents, including local families and undermined the prevention of children from harm licensing objective. He also referred to the intimidating and abusive behaviour of Sierra Spot's customers who had been witnessed urinating in public, which in turn undermined public safety.

The licensing sub-committee also heard evidence from the representative of the proprietors of a local business and submitted CCTV evidence supporting their concerns regarding instances of public disorder associated with Sierra Spot and demonstrated the aggressive style of management adopted by Sierra Spot.

The licensing sub-committee heard evidence from the premises licence holders Stella Pieh and Ishmail Koroma. The premises licence holders referred to their on-going dispute with a nearby business and their concerns that the evidence submitted was motivated by business rivalry. The premises licence holders sought to reassure the sub-committee that they had displayed signs and made an effort to encourage patrons to leave the premises quietly. In response to questions from the sub-committee, Stella Pieh refuted the allegations made against her, stating that they were all untrue, particularly that she had never operated outside of permitted hours and that she was in control of the premises.

Nothing was disclosed in evidence from the premises licence holders to convince the sub-committee that the licence conditions and the licensing objectives would be upheld should the licensed activities at the premises be allowed to continue. In addition, the premises licence holders failed to address any of the alleged breaches as specified by the responsible authorities. The sub-committee noted that the designated premises supervisor had been prosecuted on 3 February 2014 in relation to the same alleged breaches and following trial, was convicted and ordered to pay a £10,000 fine.

In the circumstances and following consideration of the evidence, the sub-committee had no alternative but to revoke the licence.

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

The licensing sub-committee considered that its decision was appropriate and proportionate in order to address the licensing objectives.

### **Appeal rights**

This sub-committee advised that its decision was open to appeal by either:

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

The sub-committee further advised that such an appeal must be commenced by notice of appeal given by the appellant to the justices' clerk 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.

The sub-committee explained that its decision would 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 was disposed of.

**7. VARIATION APPLICATION UNDER THE LICENSING ACT 2003: SIERRA SPOT, 6 ARNSIDE STREET, LONDON SE17 2AP**

Following a request from the applicants for the variation, the meeting was adjourned at 2.15pm.

The meeting was reconvened at 2.25pm and the applicants confirmed their intention to withdraw the application for a variation of the premises licence. The sub-committee accepted the withdrawal.

The meeting closed at 2.25pm.

**CHAIR:**

**DATED:**