

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Monday 14 April 2014 at 10.00 am at Ground Floor Meeting Room G02B - 160 Tooley Street, London SE1 2QH

PRESENT:	Councillor Lorraine Lauder MBE (In the chair) Councillor Eliza Mann Councillor Wilma Nelson
OTHERS PRESENT:	Adelino Lourenco, applicant Manuel Rocha, applicant Jose Ribiero, applicant P.C. Graham White, Metropolitan Police Service Councillor Dan Garfield, ward councillor
OFFICER SUPPORT:	Debra Allday, legal officer Dorcas Mills, licensing officer Ann Flynn, safeguarding children board Weronica Schultz, health and safety officer David Swaby, licensing officer representing the council as a responsible authority Andrew Weir, constitutional officer

1. APOLOGIES

There were none.

2. CONFIRMATION OF VOTING MEMBERS

The members present were confirmed as the voting members. In the absence of the chair, Councillor Lorraine Lauder was nominated to chair the meeting by Councillor Eliza Mann. This was seconded by Councillor Wilma Nelson.

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

The chair accepted supplemental information from the police as late and urgent.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003: BANANA'S BAR, 374 WALWORTH ROAD, LONDON SE17 2NF

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

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

The health and safety officer addressed the sub-committee. Members had questions for the health and safety officer.

The Metropolitan Police Service representative addressed the sub-committee. Members had questions for the police representative.

The licensing officer representing the council as a responsible authority addressed the sub-committee. Members had questions for the officer.

The officer from the safeguarding children board addressed the sub-committee. Members had questions for the officer.

The ward councillor addressed the sub-committee. Members had questions for the ward councillor.

All parties were given five minutes for summing up.

The licensing sub-committee went into closed session at 11.24am.

The licensing sub-committee resumed at 12.50pm and the chair read out the decision of the sub-committee.

RESOLVED:

That the application by Mr Adelino Garcia Lourenco for a grant of a premises licence issued under the Licensing Act 2003 in respect of Banana's Bar, 374 Walworth Road, London SE17 2NF is refused.

Reasons

This was an application submitted by Mr Adelino Garcia Lourenco for a grant of a premises licence issued under the Licensing Act 2003 in respect of Banana's Bar, 374 Walworth Road, London SE17 2NF.

The licensing sub-committee heard evidence from the applicant who insisted that this was a new application and advised the sub-committee of a range of procedures that they planned to have in place as detailed in the proposed operating schedule. The applicant also stated that they proposed to provide hot and cold food and that there would be a greater emphasis on dining at the premises, which would reduce the likelihood of people getting drunk and would also assist in the reduction of noise nuisance. Unfortunately, the applicants failed to emphasise the provision of dining in their application.

The applicant was questioned regarding the additional information/incident that was provided by the Metropolitan Police Service (in an email dated 11 April 2014). The applicant's representative initially implied that the individual mentioned in the email from the police was unknown to the applicant. However, on further questioning the applicant stated that he was aware of the individual, aware that he had an addiction to drugs, that the individual had asked for £60 from the applicant, which the applicant said they refused to do and as a result the individual threw a brick through the window of the premises. This was not the first occasion that this individual had attended the premises demanding money. The applicant did not contact the police alleging harassment. Further questioning of the applicant confirmed that the staff at the premises did not receive any message from the police to contact them about this incident nor have staff at the premises provided CCTV evidence of the incident, despite the police stating that they had attempted to contact the premises on numerous occasions.

The licensing sub-committee heard evidence from the health and safety officer who advised that they had been in attendance at the premises on 20 February 2014 to conduct an inspection of the premises. The inspection revealed that there was no suitable violence policy and violence risk assessment to protect members of the public and staff from risks relating to violence and associated activities proposed to be carried out on site. There was also no suitable crowd management policy and relevant risk assessment to address risks arising from overcrowding. The applicant also failed to produce an up to date electrical inspection report. The officer also mentioned that during her inspection that there was strong evidence of smoking in the premises, which is also a health and safety risk. The applicant had failed to provide any of the requested documentation in advance of this licensing sub-committee meeting.

The licensing sub-committee heard from the representative from the Metropolitan Police Service who advised the sub-committee that the applicant had previously been in post as manager of the premises in June 2013, when he telephoned the police for assistance. The police officer also informed the sub-committee that the applicant was previously responsible for a premises in Lambeth, which were reviewed for undermining the crime and disorder licensing objective; the premises licence was subsequently revoked. The officer also mentioned that he met the proposed designated premises supervisor around the time of the previous review about taking over the running of the premises.

The licensing sub-committee heard from the licensing officer representing the council as a responsible authority who submitted that any changes to the premises need to be vast in order to make the premises safe. It was noted that the applicant had not offered conditions as extensive as those offered at the review hearing on 1 October 2013. Furthermore, the premises have a bad history of contact with the responsible authorities. Since the application being submitted, the applicant had failed to contact the police, the licensing authority or any officers directly involved with the premises.

The licensing sub-committee heard from the officer from the safeguarding children board who advised that the situation at the premises had not changed since the review hearing and the steps the applicant intended to take with regard to the protection of children from harm were very general and suggested that they have not yet been implemented. The officer further added that she had no confidence in the management of the premises.

The sub-committee noted and considered the written representations from seven local residents, who were unable to be in attendance. The ward councillor who was in

attendance advised the sub-committee of a wide array of complaints that he had received from the Church Commission Estate the Gateway Estate in addition to the Walworth Society. The ward councillor stressed that the premises undermined all four of the licensing objectives and had demonstrated that the applicant and their staff were incapable of acting responsibly, incapable of respecting its neighbours and he asked that the application be rejected in its entirety.

The licensing sub-committee had grave concerns about this application. The applicant had failed to make contact with any of the responsible authorities since the application was submitted, the applicant had failed to meet with the police prior to this meeting, there continues to be problems making contact with the applicant/premises (in the day to day running of the business), no business plan had been submitted nor had the applicant provided copies of their new lease for the premises nor the required health and safety documentation. Further incidents had also occurred. The applicant and the proposed designated premises supervisor were known to be involved with the premises in 2013. The sub-committee are in agreement that there are exceptional reasons that this application must be rejected on the basis that this application is circumventing the licensing review process.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four 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 been 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 1.00pm.

CHAIR:

DATED: