

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Friday 25 April 2014 at 10.00 am at Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

PRESENT:	Councillor Renata Hamvas (Chair) Councillor Adele Morris Councillor The Right Revd Emmanuel Oyewole
OTHERS PRESENT:	James O'Shea, applicant's representative (Floreat Ticino) S. Corsini, applicant (Floreat Ticino) R. Gianelli, applicant (Floreat Ticino) C.E. Jensen, applicant (Floreat Ticino) Christine Terrill, local resident (Floreat Ticino) Mary Foucher, local resident (Floreat Ticino) C. Foucher, local resident (Floreat Ticino) C. Klein, local resident (Kaspas)
OFFICER SUPPORT:	Wesley McArthur, licensing officer Jayne Tear, licensing officer Cynthia Barrientos, legal officer Andrew Weir, constitutional officer

1. APOLOGIES

There were none.

2. CONFIRMATION OF VOTING MEMBERS

The members present were confirmed as the voting members.

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

The chair agreed to accept supplemental information for item 6 as late and urgent. The chair also agreed to vary the order of business to hear item 6 first. The order of the minutes follows the original order of the items as they appeared in the agenda.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003: GROUND AND LOWER GROUND FLOORS, 177 BERMONDSEY STREET, LONDON SE1 3UW

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 sub-committee heard from a local resident who objected to the application. Members had questions for the local resident.

All parties were given five minutes for summing up.

The licensing sub-committee went into closed session at 12.28pm.

The licensing sub-committee resumed at 1.48pm and the chair read out the decision of the sub-committee.

RESOLVED:

That the application submitted by Floreat Ticino Ltd for the grant of a premises licence issued under the Licensing Act 2003 in respect of Ground & Lower Ground Floors, 177 Bermondsey Street, London SE1 3UW is granted as follows:

Licensable Activity	Mon	Tues	Weds	Thurs	Fri	Sat	Sun
Sale and supply of alcohol (on premises)	11.00 to 23.00	11.00 to 23.00	11.00 to 23.00	11.00 to 23.00	11.00 to 23.00	11.00 to 23.00	11.00 to 23.00
Hours premises are open to the public	11.00 to 23.00	11.00 to 23.00	11.00 to 23.00	11.00 to 23.00	11.00 to 23.00	11.00 to 23.00	11.00 to 23.00
Non standard timings	Sale and supply of alcohol to be consumed on the premises and hours that the premises are open to the public to be extended until 01.00 during the Bermondsey Street Festival and on Christmas and New Year's Eves.						

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.

Subject to the following additional conditions as agreed by the applicant and the

Metropolitan Police:

1. That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times that the premises are in use under the licence. The CCTV system must be capable of capturing a clear facial image of every person who enters the premises.
2. That all CCTV footage shall be kept for a period of 31 days and shall, upon request, be made immediately available to officers of the police or the council.
3. That all staff are trained in their responsibilities under the Licensing Act 2003 and training records to be kept and updated every six months and shall, upon request, be immediately available to officers of the police and the council.
4. That suitable notices shall be displayed requesting people to leave the premises in a quiet and orderly manner so as not to disturb local residents.
5. That intoxicating liquor shall not be sold or supplied on the premises otherwise to persons purchasing meals or purchasing food to take away or persons waiting to be seated for a table meal and for consumption by such persons as an ancillary to that meal.

Reasons

This was an application submitted by Floreat Ticino Ltd for the grant of a premises licence issued under the Licensing Act 2003 in respect of Ground & Lower Ground Floors, 177 Bermondsey Street, London SE1 3UW.

The licensing sub-committee heard evidence from the applicant who informed the sub-committee that this was a family establishment and that both floors would be run as a restaurant and not a bar. They advised that the premises had been operating under temporary event notices (TENs) since February 2014 and that there had been no complaints from residents. To date customers had been bringing their own alcohol to the restaurant to drink whilst dining. They added that having a licence would allow the premises to have greater control over the alcohol served and consumed.

The premises advised that they had conciliated with the police and agreed to the conditions put forward by the police. On questioning about the lack of conciliation with local residents, the applicant advised that they had not attempted to conciliate as a number of the representations were factually incorrect.

In response to questioning about the prevention of nuisance caused by smokers outside the premises, the applicant advised that there had been no complaints to date and that all staff would be trained to deal with customer dispersal and that the CCTV system outside would record any incidents should they arise and that the relevant authorities would be contacted immediately. They further advised that a sign would be displayed asking customers to leave the premises in a quiet and orderly manner so as not to disturb local residents.

In their summing up, the applicant advised that they would work with neighbours should there be any concerns in the future.

The licensing sub-committee noted that there were 11 representations submitted by other persons (local residents) but only one attended the hearing. The other person, in attendance, advised that they were not averse to a successful business being in place at the premises and in fact they were glad to see the premises in use again, after being empty for some time. The local resident advised that they had been disappointed not to have been consulted by the premises prior to the hearing.

The local resident raised concerns relating to planning issues. However, the sub-committee informed the local resident that this was not a relevant consideration for the licensing sub-committee hearing.

The local resident accepted that the nature of Bermondsey Street had changed in recent years and that there was now a café culture on the street. However, she expressed concerns that an additional licensed restaurant would contribute to existing public nuisance issues in the area. However, the sub-committee noted that this premises was not in a saturation zone, so could not consider the potential of cumulative impact. The local resident advised that there was already an issue relating to smokers congregating in the vicinity and due to the nature of the alley way next to the building noise would travel, creating an echo effect, which disturbed local residents. She also advised that there was noise from the extractor fan system of the premises. However, they did accept that there was no noise emanating from this premises.

The sub-committee noted that despite being advised by the licensing officer administering the application to consider submitting a conciliation statement and offering a conciliation meeting, there had been no attempts at conciliation with the local residents or concessions from the applicant. However, on the evidence before the sub-committee, there were no reasonable grounds to refuse the application or reduce the hours sought. The sub-committee recommends that the applicant liaises with local residents in order to address any issues in the future.

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 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 magistrates' court for the 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.

6. LICENSING ACT 2003: KASPA'S 321 - 323 WALWORTH ROAD, LONDON SE17 2TG

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

The licensing officer read out a written statement provided by the applicant, who was unable to attend the meeting.

The sub-committee heard from a local resident who objected to the application. Members had questions for the local resident.

The licensing sub-committee went into closed session at 10.50am.

The licensing sub-committee resumed at 11.30am and the chair read out the decision of the sub-committee.

RESOLVED:

That the application by Village Venues LTD for a grant of a Premises Licence issued under the Licensing Act 2003 in respect of Kaspas 321 - 323 Walworth Road, London SE17 2TG is granted as follows:

Licensable Activity	Mon	Tues	Weds	Thurs	Fri	Sat	Sun
Late night refreshment (on and off premises)					23.00 to 00.00	23.00 to 00.00	
Hours premises are open to the public	07.00 to 23.00	07.00 to 23.00	07.00 to 23.00	07.00 to 23.00	07.00 to 00.00	07.00 to 00.00	07.00 to 23.00

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:

1. That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV System must be capable of capturing a clear facial image of every person who enters the premises.
2. That all CCTV footage shall be kept for a period of thirty one (31) days and shall, upon request, be made immediately available to officers of the police and the council.

Reasons

This was an application submitted by Village Venues LTD for a grant of a Premises Licence issued under the Licensing Act 2003 in respect of Kaspa's 321- 323 Walworth Road, London SE17 2TG.

The applicant was unable to attend the meeting due to prior family commitments. However, they had provided a written statement, which the licensing officer read out on their behalf. The applicant stated that they were a family run business specialising in deserts, ice cream and milkshakes. Their intention was not to be a late night haunt or a club/bar, which had been suggested by some of the objectors. They had reduced their initial application for the sale of late night refreshment on and off the premises from 23.00 to 04.00 each day to 23.00 to 00.00 on Fridays and Saturdays in response to the objections. They also agreed to the additional conditions as proposed by the police.

The licensing sub-committee noted that the Metropolitan Police Service had conciliated subject to the conditions listed above being agreed to by the applicant.

The licensing sub-committee also noted that out of the 11 objections from other persons, including a ward councillor, that nine objections had been withdrawn and that of the three outstanding, there had been no responses from two.

The licensing sub-committee heard from one other person, a local resident. They stated that their written representations had addressed all but one of the licensing objectives. They further stated that they had concerns relating to the fourth licensing objective, the protection of children from harm. They advised that in their personal opinion that the extension of late night refreshment by one hour would encourage children/young people to stay in the area late at night, potentially putting them at risk. They added that there would be an increase in public nuisance and crime and disorder due to the type of clientele that would be attracted to the premises, which they felt would lead to the area being less safe. Overall they advised that they felt that this application was unnecessary and would attract further problems to the area.

The sub-committee considered that the applicant had taken the concerns of the local residents into account and as a result had made significant reductions in the hours sought. The sub-committee felt that the amended application was not unreasonable.

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 and the concerns

raised by other persons.

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:

- c) That the licence ought not to be been granted; or
- d) 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 magistrates' court for the 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 1.55pm.

CHAIR:

DATED: