

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Friday 1 August 2014 at 10.00 am at Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Dora Dixon-Fyle MBE (In the chair)
Councillor Tom Flynn
Councillor Charlie Smith

**OTHERS
PRESENT:** Councillor Stephanie Cryan (observing)
Councillor Jane Lyons (observing)
Yue Jun Liu, applicant
A.Oatey, applicant's representative
Anastasia Cavouras, local resident
Mary Arayo, local resident

**OFFICER
SUPPORT:** Joanne Devlin, legal officer
Mark Orton, licensing officer
Jayne Tear, licensing officer
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 Dora Dixon-Fyle MBE was nominated by Councillor Charlie Smith to chair the meeting. This was seconded by Councillor Tom Flynn.

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: PICTUREHOUSE CINEMAS LIMITED, 116A LORDSHIP LANE, LONDON SE22 8HD

The licensing officer addressed the sub-committee. Members had no questions for the licensing officer.

The Applicant addressed the sub-committee. Members had questions for the applicant.

The licensing sub-committee went into closed session at 10.37am.

The licensing sub-committee resumed at 11.15am and the chair read out the decision of the sub-committee.

RESOLVED:

That the application submitted by Picturehouse Cinemas Limited for the grant of a premises licence issued under the Licensing Act 2003 in respect of East Dulwich Picturehouse, 116A Lordship Lane, London, SE22 8HD be granted as follows

Licensable Activity	Monday to Thursday	Friday	Saturday	Sunday
Films, Plays, Live Music	08:00 to 23.30	08.00 to 00.30	08.00 to 00.30	08.00 to 23.30
Late night refreshment	23.00 to 23.30	23.00 to 00.30	23.00 to 00.30	23.00 to 23.30
Sale and supply of alcohol (on the premises)	10.00 to 23.00	10.00 to 00.00	10.00 to 00.00	10.00 to 23.00
Hours premises are open to the public	08.00 to 23.30	08.00 to 00.30	08.00 to 00.30	08.00 to 23.30
Non-standard timings	The hours on public holidays/bank holidays will be the same as the Saturday hours.			

Conditions

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

Reasons

The licensing sub-committee heard from the applicant who advised that the company had been in operation since 1989 and operated a total of 19 cinemas and therefore sought to demonstrate a good track record of the company.

Following representations made by the Metropolitan Police Service, trading standards, safeguarding children board and the licensing authority, the applicant addressed the various concerns raised by all and in doing so reduced the original hours applied for and agreed the conditions proposed. As a consequence, all of the responsible authorities withdrew their representations.

The applicant also removed all parts of the application that would allow children to view films other than in accordance with Section 20 of the Licensing Act 2003.

The applicant also sought to address the concerns raised by four other persons and in doing so had reduced the operating hours and reduced the hours of use in regards to the rear garden of the premises. A conciliation statement in this respect was drawn up and circulated to all of the other persons. However, no response was received from any of the other persons.

The applicant stated that the conciliation statement addressed the concerns in respect of opening times, noise and any age related restrictions and had demonstrated this in the amended operating schedule.

The licensing sub-committee noted that the applicant had conciliated with the responsible authorities.

The licensing sub-committee noted the representations from the four other persons and considered that the relevant issues raised had been addressed by way of conciliation as can be seen from the amended operating schedule.

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 this decision was appropriate and proportionate in respect of 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 on 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: HAPPY VALLEY, UNIT NR6, MONTREAL HOUSE, SURREY QUAYS ROAD, LONDON SE16 7AP

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

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

The local residents objecting to the application addressed the sub-committee. 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 12.10pm.

The licensing sub-committee resumed at 12.58pm and the chair read out the decision of the sub-committee.

RESOLVED:

That the application by Chris and Cherry Ltd for a premises licence variation in respect of the premises known as Happy Valley, Unit NR6, Montreal House, Surrey Quays Road, London SE16 7AP be granted.

Conditions

The operation of the premises under the licence shall be subject to relevant mandatory conditions and conditions derived from the operation schedule in Section M of the application form in addition to the conditions as set out in the licensing sub-committee decision dated 17 January 2014.

Reasons

This was an application submitted by Chris and Cherry Ltd for a premises licence variation

in respect of the premises known as Happy Valley, Unit NR6, Montreal House, Surrey Quays Road, London SE16 7AP.

The licensing sub-committee heard evidence from the applicant who informed the sub-committee that the premises licence was granted on 17 January 2014 and had not been subject to any appeals. Since the granting of the licence the construction of the premises had commenced, causing builders and architects to propose alternative preferred plans for the internal layout. The applicant stated that whilst the bar was being moved to the ground floor from the basement it would be reduced in size and in addition to other variations, was considered a more sensible layout for the premises resulting in a more positive effect.

The applicant also confirmed that for at least three years, the basement would be used as an office space with occasional private dining. Furthermore, in alleviating any noise concerns, highlighted that the same sound proofing conditions would apply as per the original application.

The applicant did not consider some of the other persons' representations to be relevant to the variation application or the licensing objectives. Instead he considered that some of the residents mistakenly perceived this as a re-hearing of the original application and not a variation.

The applicant also highlighted the fact that the representations were considered at the original hearing. They also noted that there were no representations made by any of the responsible authorities in relation to this variation application.

The licensing sub-committee heard from two local residents, one of whom spoke on behalf of various other residents. They expressed concerns in relation to nuisance from odour and noise from the ventilation and extraction systems and also expressed concerns in relation to sound speakers and noise from the ground floor and further concerns in respect of public nuisance caused by overcrowding as a result of karaoke nights. The residents also expressed concerns relating to parking issues and sought clarification in respect of where deliveries would take place.

In addressing these concerns, the applicant stated that the kitchen would remain in the same location as per the original application and furthermore they highlighted that the premises would be subject to any noise limitation imposed by the relevant authorities in respect of the original application.

The applicant also highlighted that the premises licence imposed a condition ensuring that alcohol would only be served as ancillary to food, therefore reassuring the residents that the premises would be a fine dining restaurant with karaoke as a secondary concern. The applicant also referred to the condition on the licence requiring that only background music would be allowed on the ground floor of the premises.

The residents were also concerned about the proximity of the children's playground. It was noted that this issue had been addressed during the original application and furthermore the council's safeguarding team had made no representations in respect of protecting children from harm.

The applicant also highlighted that some of the concerns such as parking issues were not of concern in relation to the licensing objectives and could be dealt with within other

forums.

The sub-committee noted that the applicant expressed willingness to work with local residents to ensure that all licensing conditions were adhered to and agreed to provide contact telephone numbers once the premises is in operation. The sub-committee considered that there was sufficient protection to the local residents and that any breaches of the conditions and/or complaints could be dealt with by way of a review of the premises licence or alternatively a prosecution for breaches of the Licensing Act 2003.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives and considered that this decision was appropriate and proportionate.

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 on 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 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 ended at 1.05pm.

CHAIR:

DATED: