

## **Licensing Sub-Committee**

MINUTES of the OPEN section of the Licensing Sub-Committee held on Friday 29 August 2014 at 10.00 am at Ground Floor Meeting Room G02B - 160 Tooley Street, London SE1 2QH

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<b>PRESENT:</b>	Councillor Tom Flynn (In the chair) Councillor Maria Linforth-Hall Councillor Sandra Rhule
<b>OTHERS PRESENT:</b>	Alex Jayes, applicant's representative
<b>OFFICER SUPPORT:</b>	Cynthia Barrientos, legal officer David Franklin, licensing officer Mark Prickett, environmental protection 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 Tom Flynn was nominated by Councillor Sandra Rhule to chair the meeting. This was seconded by Councillor Maria Linforth-Hall.

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

The chair accepted the following item as late and urgent: Licensing Act 2003: Costa Azul, Arch 102a, Rockingham Street, London SE1 - Temporary Event Notice.

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

There were none.

**5. LICENSING ACT 2003: COSTA AZUL, ARCH 102A, ROCKINGHAM STREET, LONDON SE1 - TEMPORARY EVENT NOTICE**

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

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

The environmental protection officer addressed the sub-committee. Members had questions for the environmental protection officer.

All parties were given five minutes for summing up.

The licensing sub-committee went into closed session at 10.52am.

The licensing sub-committee resumed at 11.40am and the chair read out the decision of the sub-committee.

**RESOLVED:**

That a counter notice not be issued under Section 105 of the Licensing Act 2003 in respect of the temporary event notice given by Mr Wilson Delgado Armijos in regards to an event to be held at, Costa Azul, Arch 102a Rockingham Street, London, SE1 6PG on Friday 29 August 2014 at 11.00 to 04.00 the following morning Saturday 30 August 2014. Then on Saturday 30 August 2014 at 11.00 to 04.00 the following morning Sunday 31 August 2014.

**Conditions**

That All of the conditions from the existing premises licence shall apply to this temporary event notice save for condition 8AH in relation to the identification scanning system.

**Reasons**

The licensing sub-committee heard evidence from the applicant's representative who advised that they had been in discussions with the environmental protection officer following the representations made by the environmental protection officer relating to public nuisance issues. In response, the applicant had installed a noise limiting device, which had been checked by the environmental protection officer. They had also implemented a dispersal policy, which was to the satisfaction of the environmental protection officer. In addition, acoustic seals for the doors had been ordered and a copy of the receipt for these had been provided to the environmental protection officer. The applicant advised that these seals would be fitted as soon as possible.

In relation to the allegations of breaches of the licence, the applicant's representative advised that this had not been a wilful disregard of the conditions but rather the applicant had not fully appreciated the importance of each condition. The representative apologised for the non-compliance and assured the sub-committee that the applicant was now fully aware of the importance of complying with each condition and had rectified previous failures.

With regard to noise complaints, the applicant's representative advised that they had been in contact with local residents and that the local residents had been provided with a point of contact should they have any future issues.

The licensing sub-committee heard evidence from the council's environmental protection team who advised that they had initially objected to the application on the basis that there had been several noise complaints following a previous temporary event notice on 4 July 2014. However council officers did not witness any noise nuisance on attendance at the premises so therefore these complaints were unverified.

The environmental protection officer went on to confirm that they had visited the premises the day before the hearing and were satisfied that the premises had responded to their concerns and were now in full compliance in relation to environmental protection matters.

The environmental protection officer recommended that the temporary event notice be granted with all conditions of the existing licence save for condition 8AH relating to the identification scanning system.

The licensing sub-committee noted the applicant's willingness to engage with local residents and the authorities to ensure that the premises operated responsibly. The sub-committee wishes to remind the applicant of the importance of complying with all conditions of the licence at all times.

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**

Where the relevant counter notice under Section 105(3) is given the premises user may appeal against the decision. Where counter notice is not given, the chief officer of the environmental protection team may appeal against that decision. The appeal must be made to the magistrates' court within a period of 21 days beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against. No appeal may be brought later than five working days before the day on which the event begins.

The meeting ended at 11.45am.

**CHAIR:**

**DATED:**