



Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Wednesday 29 October 2014 at 10.00 am at Ground Floor Meeting Room G01A - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor David Hubber (Chair)
Councillor Sunny Lambe
Councillor Charlie Smith

**OTHER S
PRESENT:** Hanne Cole, applicant
Jack Wilkinson, applicant
Frank Fender, legal representative
Councillor Lorraine Lauder MBE, ward councillor
Catherine Maloney, local resident
Suzanne Bosman, local resident
Victoria Diat, local resident
Maria Cristina Lai, local resident
Lorna Fernadez, local resident
Spenta Amazsad, local resident
Flora Nicholson, local resident
Paul Mason, local resident
C Barrett, local resident
J Barrett, local resident
D Nichols, local resident
A Engwall, local resident
M Khan, local resident

**OFFICER
SUPPORT:** Joanne Devlin, legal 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 David Hubber chaired the sub-committee in his capacity as vice-chair of the committee.

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: FOWLDS CAFE, 3 ADDINGTON SQUARE, CAMBERWELL LONDON SE5 7JZ

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.

The local residents objecting to the application addressed the sub-committee. Members had questions for the local residents.

The local residents supporting the application addressed the sub-committee. Members had questions for the local residents.

All parties were given five minutes for summing up.

The meeting went into closed session at 11.27am.

The meeting resumed at 12.40pm and the chair read out the decision of the sub-committee.

RESOLVED:

That the application by Fowlds Cafe Limited for a grant of a Premises Licence issued under the Licensing Act 2003 in respect of Fowlds Cafe, 3 Addington Square, Camberwell London, SE5 7JZ is granted as follows:

Licensable Activity	Monday to Thursday	Friday	Saturday	Sunday
Sale and supply of alcohol (on the premises)	11.00 to 22.00	11.00 to 22.30	08.00 to 22.30	08.00 to 22.00
Hours premises are open to the public	08.00 to 22.30	08.00 to 23.00	08.00 to 23.00	08.00 to 22.30

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 subject to the following additional conditions agreed by the sub-committee:

1. That when the premises closes, a member of staff from the premises will sweep up any litter at the front of the premises.
2. That a dedicated telephone number will be on display and advertised at the premises for the residents or members of the public to phone and raise any complaints.
3. That all deliveries and collections shall occur between the hours of 07.00 and 19.00.
4. That customers shall not use the outside area after 21.00 other than those who temporarily leave the premises to smoke a cigarette.
5. That all licensable activities shall be prohibited outside the premises after 21.00.
6. That intoxicating liquor shall not be sold or supplied on the premises otherwise to persons purchasing food from the premises.

Reasons

The licensing sub-committee heard evidence from the applicant who informed the sub-committee that the premises opened in March 2014 and operates in a community based environment. The applicant also stated that the maximum capacity of the premises was 20 in total.

The applicant believed that the operation of the premises has increased the community spirit and had established itself as a safe and comfortable environment for the community to socialise. Furthermore the applicant advised that the premises are managed by people who live in the community and were fully aware of the needs of the community.

The applicant also highlighted that the application did not receive any representations from any of the responsible authorities.

The applicant advised that an application had been made to the highways department in respect of the additional tables and chairs on the highway and stated that this was illustrative of the applicant's willingness to deal with matters seriously.

The applicant stated that they intend to attract respectable clientele and to operate a respectable premises within the community. The applicant also provided statistics from the Police.UK website which showed a total of 1.4% of all reported crimes committed in Faraday Ward occurred within Addigton Square, Kitson Road or Rust Square.

The applicant highlighted that the premises had recently operated a supper evening under a temporary event notice and the licensing officer confirmed that no complaints were made in respect of any issues. The applicant sought to highlight that this was indicative of the

applicant's ability to manage the premises in a responsible manner.

The licensing sub-committee heard from other persons supporting the application who stated that the licensable premises would have a positive impact within the community and that they considered that it would improve the area and increase community spirit.

In addition, the supporters also stated that they felt the premises offered a safer environment and alleviated their concerns regarding their children being in the vicinity late at night due to the local premises having a community feel.

The licensing sub-committee heard from other persons objecting to the application who stated that they wanted the area to retain its peaceful character and considered that alcohol consumption would increase crime activity in the area.

They raised concerns regarding potential obstruction caused by customers on the pavements outside the premises.

Further concerns were raised in regard to potential noise nuisance and a suggestion was put forward for a compromise in terms of the licensable hours in order to assist in alleviating the residents' concerns.

The residents also expressed concerns in respect of the toilet facilities being separate from the premises and considered that this may attract further nuisance.

Further concerns were also raised in respect of the elderly residents in the area and the local nursery and the need to ensure children's safety in the area.

In summary the residents stated that their concerns related to all four of the licensing objectives.

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

The meeting ended at 12.45pm.

CHAIR:

DATED: