



Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 6 November 2014 at 10.00 am at Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Renata Hamvas (Chair)
Councillor Jane Lyons
Councillor Adele Morris

OTHERS PRESENT: Douglas Otunyo, applicant
Martin Orena, applicant's witness

OFFICER SUPPORT: Joanne Devlin, legal officer
Richard Kalu, 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.

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: LUSH BAR & RESTAURANT, 280 OLD KENT ROAD, LONDON SE1 5UE

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.

A local resident, as a witness for the applicant, addressed the sub-committee. Members had questions for the local resident.

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

The meeting went into closed session at 11.02am.

The meeting resumed at 12.32pm and the chair read out the decision of the sub-committee.

RESOLVED:

That the application by Douglas Otunyo for a variation of a premises licence issued under the Licensing Act 2003 in respect of Lush Bar & Restaurant, 280 Old Kent Road, London SE1 5UE is granted as follows:

Licensable activity	Monday to Wednesday	Thursday	Friday and Saturday	Sunday
Live music (Indoors)	12.00 to 23.00	12.00 to 23.00	12.00 to 23.00	12.00 to 23.00
Recorded music (Indoors)	12.00 to 23.30	12.00 to 00.00	12.00 to 03.00	12.00 to 00.00
Late Night Refreshment	23.00 to 23.30	23.00 to 00.00	23.00 to 03.00	23.00 to 00.00
Supply of alcohol (on) the premises	12.00 to 23.30	12.00 to 00.00	12.00 to 03.00	12.00 to 00.00
Opening Hours of premises	12.00 to 00.00	12.00 to 00.30	12.00 to 03.30	12.00 to 00.30
Seasonal variations	To grant the application for extension of hours of the premises license activities and operating hours on the following days; 24 December, 25 December, 31 December, for the following licensable activities till 03.30 on the days following.			

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

1. That there shall be no new entry or re-entry to the premises after 01.30 when the terminal hour is 03.30 or later other than those who temporarily leave to smoke a cigarette in accordance with condition 346 of the licence.
2. That at no time are patrons permitted to use the rear door for access or egress (accessed via the kitchen), except only in emergency.

The following condition shall be removed from the licence:

Condition 135 of the premises licence which states: "That intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals, the premises will operate as a restaurant where the sale of alcohol is ancillary to the consumption of food. Service to table meals will be by waiting staff only".

Reasons

The licensing sub-committee heard evidence from the applicant who informed the sub-committee that he has operated the premises for the previous four months without issues. He referred to several recent temporary event notices which had proved to be successful events without complaints. He highlighted that the temporary events had operated over the weekends with similar operating hours to that of the variation application.

He stated that he maintains a good relationship with his neighbours and the responsible authorities. He also stated that his intention was to operate the premises as a wine bar/restaurant.

The sub-committee also heard from a local resident in support of the application, who stated that he had never personally been disturbed by the operation of the premises and provided his support in respect of the variation application.

The applicant submitted that his recent successful operation of the premises under the several temporary event notices illustrates his ability to manage the premises responsibly and in accordance with his current licence.

The environmental protection officer addressed the sub-committee and stated that whilst they initially had concerns in relation to public nuisance, following the recent operating history, he was satisfied that the conditions on the licence appeared to address these concerns.

The officer proposed a reduction in the hours applied for in order to further address any potential concerns of the residents. The officer also stated that he had not received any complaints in respect of any of the recent temporary event notices.

The officer proposed additional conditions to be added to the licence in order to address concerns raised by residents and these were agreed by the applicant.

The licensing sub-committee noted the written objections raised by the three local residents and an accompanying petition signed by 12 residents who expressed concerns with the variation application, in particular concerns in respect of potential noise disturbance and potential crime and disorder caused by large groups of people gathering in the area and potential public safety issues.

The residents also referred to the previous management, who caused disturbance to the residents due to poor management of the premises. However, the current applicant has assured the sub-committee that he is not connected to the previous management and sought to assure that he would operate the premises responsibly and in consideration of his neighbours.

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 to modify the conditions of the licence; and

Any person who made relevant representations in relation to the application who desire to contend that:

- a) That the variation ought not to have been made or
- b) That, when varying the licence, the licensing authority ought not to have modified 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 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 12.40pm.

CHAIR:

DATED: