



Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 20 November 2014 at 10.00 am at Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Renata Hamvas (Chair)
Councillor Sandra Rhule
Councillor Charlie Smith

**OTHER S
PRESENT:** Mohammed Abdul Kashin, premises user, Thomas A Becket
Kazi Abdul, premises user, Thomas A Becket
Graham White, Metropolitan Police Service
Tom Letts, Metropolitan Police Service
Keith Dempster, Metropolitan Police Service
Nashin Uddin, premises user, Ivory Arch
Bahar Uddin, premises user, Ivory Arch

**OFFICER
SUPPORT:** Debra Allday, legal officer
Jayne Tear, licensing officer
Kristie Ashenden, licensing officer
Sarah Newman, 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

The chair advised that both items on the agenda would be considered as late and urgent items.

The chair advised that the order of business would be varied to hear item 6 first.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003: IVORY ARCH, 80 - 82 WALWORTH ROAD, LONDON SE1 6SW - TEMPORARY EVENT NOTICE

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

The premises user addressed the sub-committee. Members had questions for the premises user.

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

The meeting went into closed session at 12.15pm.

The meeting resumed at 1.34pm 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 Nashim Uddin in respect of the premises known as Ivory Arch, 80 – 82 Walworth Road, London SE1 6SW on 28 to 30 November 2014 from 18.00 to 04.00.

Conditions

The following additional conditions shall apply:

1. That the management will limit the number of customers congregating immediately outside the premises to six persons at any one time. Patrons may only smoke outside the Walworth Road entrance to the premises after 23.00.
2. That the speakers to the house amplification system shall be positioned as low to the floor as possible and pointed away from any window or door openings.

Reasons

This was a temporary event notice by Mr Nashim Uddin, the premises user, in respect of the premises known as Ivory Arch, 80 – 82 Walworth Rd, London SE1 6SW.

The licensing sub-committee heard evidence from Mr Baahar Uddin, the owner of the premises who advised that he had employed Mr Nashim Uddin as the manager and the designated premises supervisor (DPS) and that it was his duty to ensure the smooth day to day running of the premises including compliance with the Licensing Act 2003. Both stated that with the exception of the events held on 17/18 October 2014 no complaints or problems had been brought to their attention. Concerning the incident that took place on

19 October 2014, both Messrs Uddin accepted that the noise escaped from the premises when the doors were inadvertently left open. When the licensing officer stated that the music could be heard outside, the volume was reduced immediately.

The licensing sub-committee heard evidence from the council's environmental protection team who stated that the premises had applied for eight temporary event notices (TENs) in 2013 and did not cause significant community disturbance. In 2014, complaints had been received from residents of the Strata building and the flats above the shops in the vicinity. The officer stated that there had been four complaints of loud music being played at the premises. On three occasions noise nuisance officers were unable to attend the complainants. On 3 October 2014, a TENs application was granted but advice was given to the premises user concerning potential noise nuisance; the complaint received on 19 October 2014 was during the last TEN.

The licensing sub-committee noted that out of the several hundred residents in the Strata building there had been four complaints. The sub-committee considered the conditions that were already in place on the premises licence in particular condition 309, 310 and 344:

- Condition 309 provides that "all electronically amplified live music be played through then house amplification system or connected through/governed by a sound limiter, installation set in conjunction with EPT and maintained under management control at all times". This condition would appear to be somewhat ambiguous and it is possible that this has resulted in the noise complaints made.
- Condition 310 provides that "during the performance of regulated entertainment the west entrance/exit doors to be kept closed and after 23.00hrs be used as emergency exit only." It is clear that the premises user has overlooked this condition and it is possible that the business model of the Ivory Arch has moved outside of the licence conditions. The premises user was reminded of the need for this condition and they confirmed that this would be adhered to from now on. Again, the failure to comply with this condition may have contributed to the noise complaints made.
- Condition 344 provides that "all customers arriving or departing the premises after 23.00hrs do so by the entrance/exit in Walworth Road; except in emergencies; and that all cabs attend at Walworth Road exit in collecting departing customers". Again, compliance with this condition would limit the number of complaints made.

The licensing sub-committee are of the view that the additional conditions listed above, together with the existing conditions on the premises licence should alleviate the concerns of the environmental protection team and limit the risk of future complaints.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives and 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.

6. LICENSING ACT 2003: THOMAS A BECKET, 320-322 OLD KENT ROAD, LONDON SE1 5U3 - THREE TEMPORARY EVENT NOTICES

The licensing officer presented their report. Members had questions for the licensing officer.

The premises user addressed the sub-committee. Members had questions for the premises user.

The premises user requested an adjournment to consider their application as the application they had submitted was different to what they required.

The meeting adjourned at 10.40am and reconvened at 10.46pm.

The premises user advised the sub-committee that they had decided to withdraw their application and would come back to a future sub-committee.

The meeting ended at 1.45pm.

CHAIR:

DATED: