



Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Monday 15 December 2014 at 10.00 am at Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Renata Hamvas (Chair)
Councillor David Hubber
Councillor Charlie Smith

OTHERS PRESENT: Ligia Abreu, applicant
Sarah Rocha, legal representative
Laurence Marsh, local resident
John Brunton, local resident

OFFICER SUPPORT: Joanne Devlin, legal officer
Jayne Tear, licensing officer
Sarah Newman, environmental protection officer
Gavin Blackburn, Planning enforcement 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: PARRIERA RESTAURANT, 49-51 NORWOOD ROAD, LONDON SE24 9AA

The licensing officer presented their report. Members had 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.

The planning enforcement officer addressed the sub-committee. Members had questions for the planning enforcement officer.

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 meeting went into closed session at 11.18am.

The meeting resumed at 12.45pm and the chair read out the decision of the sub-committee

RESOLVED:

That the application by Shante & Sophia Limited for a variation of a premises licence issued under the Licensing Act 2003 in respect of Parriera Restaurant, 49-51 Norwood Road, London, SE24 9AA is granted as follows:

Activities	Sunday to Thursday	Friday and Saturday
To add live music (indoors)		12.00 to 01.30
With non standard timings requested on New Years Eve from 12.00 to 03.00		
To add recorded music (indoors)		12.00 to 01.30
With seasonal variations requested on New Years Eve from 12.00 to 03.00		
To add performance of dance (indoors)		12.00 to 01.30
With seasonal variations requested on New Years Eve from 10.00 to 03.00		

To add late night refreshment	23.00 to 00.00	23.00 to 01.30
With seasonal variations requested on New Years Eve from 23.00 to 03.00		
To extend the supply of alcohol on and off the premises		00.00 to 01.30
With seasonal variations requested for New Years Eve from 09.00 to 03.00		
To extend opening hours of premises		00.30 to 02.00
With seasonal variations requested from 07.00 to 03.30		

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 before the premises license can take effect sound limiting device/s shall be installed.
2. That before the premises license can take effect self-closers and acoustic seals and brushes to all doors/firedoors to be used by patrons (in accordance with BS 6459 Pt. 1 1984), shall be installed.
3. That before the premises license can take effect acoustic lobbies of adequate dimensions/ residence time to all door to the external to be used by patrons, ensuring that all doors open in the direction of escape in case of fire, shall be installed.
4. That before the premises license can take effect noise insulation to any air handling plant, condensers, etc. to ensure the sound outputs are 10 dB(A) below the lowest L90 15 min relevant in the period the plant will be operational, shall be installed.
5. That the sound limiting device/s shall be set with the assistance of a qualified sound engineer to ensure that the maximum levels of volume and bass permitted by the system ensure any music, speech or song from licensed entertainment is not audible in or at nearby residential premises or causes a public nuisance in the vicinity of the premises.
6. That should there be any change to the equipment involved in the broadcast or

limiting of sound from licensed entertainment that the sound limiter/s be re-set, in conjunction with a qualified sound engineer, to ensure that any music, speech or song from licensed entertainment is not audible at nearby residential premises nor will cause a public nuisance in the vicinity of the premises.

7. That the sound limiting device shall be maintained at the set level there-after.
8. That all audio and musical equipment used in the premises, permitted under the Licensing Act 2003 or the Live Music Act 2012, shall be played through the installed sound limiting device.
9. That all speakers for the broadcast of sound within the premises shall be isolated from the structure of the premises by anti-vibration mountings or mats.
10. That all live music performances shall be acoustic, other than an electric keyboard with inbuilt volume control to be used for accompaniment of an artist, with no loud instruments e.g. brass, drums or pipes permitted.
11. That during any licensed entertainment on the premises, permitted under the Licensing Act 2003 or the Live Music Act 2012, all doors and windows shall remain closed (except for access or egress).
12. That external waste handling, collections, deliveries and the cleaning of external areas shall only occur between the hours of 08.00 and 20.00.
13. That there shall be no entry past 00.30.
14. That all sales of alcohol must be ancillary to a substantial table meal.

The following conditions shall be amended as follows:

15. Condition 341 to read "That customers shall use no outside area after 21.00, other than those who temporarily leave the premises to smoke a cigarette. There shall be no more than five people at any one time. Any drinks taken outside shall be decanted by premises staff into polycarbonate/plastic drink ware"
16. Condition 342 to read: "That no alcohol shall be consumed outside the premises after 21.00."

Reasons

The licensing sub-committee heard evidence from the applicant who informed the sub-committee that this was an application in respect of a variation to extend the licensable activities on Fridays and Saturdays with a seasonal variation for New Year only. The applicant informed the committee that the premises operated as a Portuguese restaurant and had been trading for a year without any issues. The variation application was to complement the existing clientele and restaurant operation.

The applicant also informed the sub-committee that they had run five successful temporary event notices, whereby extended hours were granted, within the last few months and

sought to persuade the committee that this was indicative of their ability to operate the premises responsibly.

The applicant confirmed that they would not be offering the premises for hire to any third parties.

The applicant also highlighted that the nature of their business was completely different to the previous operations at the premises and confirmed that the premises does not and will not operate as a night club.

The applicant also offered a reduction in their application for extended hours to 02.00 and agreed to accept proposed conditions put forward by the environmental protection and planning department and the conciliated conditions put forward by the police.

The licensing sub-committee heard from the environmental protection officer who put forward an objection in respect of potential noise nuisance and raised concerns based on the poor operation and management of the previous operation of the premises.

The environmental protection officer expressed concerns that the late hours applied for could be considered as “night club activities”. In the event that the committee were minded to grant the application, the environmental protection officer put forward a number of proposed conditions to assist in ensuring the effective management of the premises.

The planning officer also raised concerns with reference to the previous operation of the premises and stated that the hours applied for could be indicative of “night club operations”. However, the planning officer proposed conditions, which have been taken into account by the sub-committee, seeking to uphold the licensing objectives.

The licensing sub-committee noted that the police had withdrawn their representation following conciliation with the applicant.

The licensing sub-committee noted the written objection from Councillor Michael Mitchell and also heard from two representatives of the Herne Hill Society.

The representatives expressed concern with reference to the previous operations at the premises where by there had been issues due to poor management and breaches of licence conditions. The representatives stated that their issues raised in respect of this application were due to their concern that the premises may operate as a night club, causing potential nuisance for the neighbourhood.

The representative also had concerns that the premises could be hired out to third parties. However, the applicant sought to alleviate these representations by confirming that the premises would operate as a restaurant with alcohol being served as ancillary to a substantial table meal and also confirming that that premises would not be hired out to any third parties.

The licensing sub-committee were satisfied that the premises would continue to operate responsibly as a restaurant and were satisfied that the additional conditions would assist in ensuring that this was the case.

In reaching this decision the sub-committee had regard to all the relevant considerations

and the four licensing objectives and considered that its decision was appropriate and proportionate in order to address the licensing objectives.

Appeal rights

The applicant may appeal against any decision to modify the conditions of the licence.

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

- a) 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 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 12.50pm.

CHAIR:

DATED: