

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Monday 13 July 2015 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor David Hubber (Chair)
Councillor Jon Hartley
Councillor Sunny Lambe

**OTHER S
PRESENT:** Telly Philius, applicant, Lagos Corner
Greg Towolawi, applicant, Lagos Corner
P.C. Graham White, Metropolitan Police Service
Sher Shah, applicant, Sizzl'd
Anna Mathias, applicant, Sizzl'd

**OFFICER
SUPPORT:** Debra Allday, legal officer
Dorcas Mills, licensing officer
David Swaby, licensing officer
David Franklin, licensing officer representing the council as a responsible authority
Mark Prickett, environmental protection officer
Farhad Chowdhury, health and safety officer
Bill Masini, trading standards officer
Gavin Blackburn, planning officer
Vicki Spencer-Hughes, health authority 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 was nominated by Councillor Jon Hartley to chair the meeting. This was seconded by Councillor Sunny Lambe.

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: LAGOS CORNER, GROUND FLOOR AND BASEMENT, UNIT 3 MARCIA COURT, 209 OLD KENT ROAD, LONDON SE1 5NA

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

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

The licensing officer representing the council as a responsible authority addressed the sub-committee. Members had questions for the licensing officer.

The Metropolitan Police Service representative addressed the sub-committee. Members had questions for the police.

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

The health and safety officer addressed the sub-committee. Members had questions for the health and safety officer.

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

The trading standards officer addressed the sub-committee. Members had no questions for the trading standards officer.

The public health officer addressed the sub-committee. Members had questions for the public health officer.

All parties were given five minutes for summing up.

The meeting went into closed session at 11.15am.

The meeting resumed at 12.19pm and the chair read out the decision of the sub-committee.

RESOLVED:

That the application submitted by Lagos Corner Ltd for the grant of a premises licence issued under the Licensing Act 2003 in respect of Lagos Corner, Unit 3 Marcia Court, 209 Old Kent Road, London SE1 5NA be refused.

Reasons

This was a meeting to consider the application made by Lagos Corner Ltd for the grant of a premises licence issued under the Licensing Act 2003 in respect of Lagos Corner, Unit 3 Marcia Court, 209 Old Kent Road, London SE1 5NA.

The licensing sub-committee heard evidence from the applicant who informed the sub-committee that this was an application for a coffee bar and restaurant/bar. They advised that they had considered all of the representations from the responsible authorities and the other persons and in order to address their concerns the operating hours would be reduced. The proposals set out in the conciliation statement were incorrect and were reduced further on Fridays (07.00 to 00.00) and Saturdays (09.00 to 00.00). The hours had been changed to accommodate concerns, improve risk management and comply with regulations and requirements. The applicant confirmed that there was no working kitchen in the premises and that the food would be brought in and warmed up in a microwave behind the bar. The applicant expressed concern about the protection of children from harm and advised the sub-committee that any children attending the premises with their parents would be placed at a separate table from their parents when alcohol was being consumed. They advised that neighbours would be informed of any temporary event notices should they be applied for.

The licensing sub-committee heard from the licensing officer representing the council as a responsible authority who raised concerns that when the application was submitted, it was not possible to ascertain whether the premises would be a restaurant, a late night bar or a nightclub. Whilst the applicant has said that the premises would be a restaurant, the plans submitted did not reflect the application as described by the applicant. There were no fixtures or fittings, no bar, no kitchen area (as described during the meeting), and no second toilet (as described). The operating schedule did not put in place control measures to adequately address the licensing objectives.

The licensing sub-committee heard from the Metropolitan Police Service representative who stated that they had no confidence in the application and objected to the application in full until they received further information from the applicant regarding the exact operation that would be run and to ensure the safe running of the premises that would prevent having an impact on the licensing objectives. The police highlighted that they had considerable experience of problem premises that ran as a restaurant but did not have a working kitchen.

The licensing sub-committee heard from the environmental protection officer who informed the sub-committee that the premises was one of four commercial units in the block, above which there are residential premises. The EPT were concerned about the late night hour proposed and recommended that all licensable activities cease at 23.00. There were concerns that the premises would turn into a loud bar which would cause problems to the neighbours.

The licensing sub-committee heard from the health and safety officer who advised that he had not heard back from the applicant since his written representation dated 17 June 2015. As such all of his concerns remained outstanding including safety issues on and around the premises, risk assessments and dispersal of patrons.

The licensing sub-committee heard from the planning enforcement officer who had no

material objection to the application if the terminal hour was 23.00. However, there were concerns as to how the application had morphed from the original submission.

The licensing sub-committee heard from the trading standards officer who also advised that he had not heard back from the applicant in response to his written representation dated 16 June 2015. Therefore, all concerns remained outstanding which related to the protection of children from harm, Challenge 25 policy and the refusal of sales of alcohol.

The licensing sub-committee heard from the public health authority who advised that their objection was based primarily on the late operating hours originally applied for. Whilst they did not have concerns regarding a restaurant being run at the premises they did not feel that the licensing objectives had been fully considered by the applicant and potential negative impact would be sufficiently mitigated.

The licensing sub-committee noted the 17 written objections submitted by the local residents, who were not in attendance.

The licensing sub-committee were encouraged that the applicant confirmed that a coffee bar/restaurant would be operating at the premises. However, a considerable number of serious issues, raised by the responsible authorities, had not been addressed by the applicant to date and basic information was not available. For these reasons the application is refused.

The applicant should carefully review their proposals and take on board all of the matters raised by (but not limited to) the police, health and safety, trading standards and environmental protection with a view to properly engaging with the responsible authorities and to compile a properly workable operating schedule that thoroughly addresses 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 felt that this decision was appropriate and proportionate.

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 been granted or
- b) That on granting the licence, the licensing authority ought to have imposed different or additional conditions to 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.

6. LICENSING ACT 2003: SIZZL'D, 168 LOWER ROAD, LONDON SE16 2UN

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

The applicants 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 meeting went into closed session at 12.58pm.

The meeting resumed at 1.44pm and the chair read out the decision of the sub-committee.

RESOLVED:

That the application submitted by Mr Sher Shah for the grant of a premises licence issued under the Licensing Act 2003 in respect of Sizzl'd 168 Lower Road, London SE16 4TG be granted as follows:

Licensable Activity	Sunday to Thursday	Friday and Saturday
Late night refreshment	11.00 – 01.15	11.00 – 03.00
Hours premises are open to the public	11.00 – 01.30	11.00 – 03.00

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 conditions agreed by the applicant with the responsible authorities during the conciliation process.

Reasons

This was a meeting to consider the application made by Mr Sher Shah for the grant of a premises licence issued under the Licensing Act 2003 in respect of Sizzl'd 168 Lower

Road, London SE16 4TG.

The licensing sub-committee heard evidence from the applicant who informed the sub-committee that this was an application for late night refreshment only for a takeaway operation. The applicant had obtained the lease for the premises in 2014 and had run the premises without incident since January 2015. The premises is in a parade of shops in a mixed commercial/residential area. The application was made as the business was no longer viable if it could not run beyond 23.00. No other regulated entertainment was being sought and nor was the sale of alcohol. A petition of 130 plus signatories had been submitted in support of the application.

The licensing sub-committee noted that the Metropolitan Police Service had conciliated with the applicant.

The licensing sub-committee heard from the environmental protection team (EPT) officer who raised concerns of prevention of nuisance. The EPT officer did hold reservations over the 03.00 opening hours on Friday and Saturday but acknowledged that a precedent had been set with these hours by another local takeaway premises. The EPT objection primarily related to the late night opening hours until 01.30 during the week due to there being neighbouring residential first floor properties.

The licensing sub-committee noted that the health and safety officer had conciliated with the applicant.

The licensing sub-committee noted the six objections from local residents who were not in attendance.

The EPT provided the licensing sub-committee with the details of nine local premises in the area. Two of the premises are 24 hour off licences, three are pubs, one is a bar restaurant, two are restaurants and one other is a takeaway. There is an existing late night economy in the area. The closest licensed premises to Sizzl'd is the Surrey Docks pub which is open Sunday to Thursday until 01.30. There is no residential accommodation above the Surrey Docks pub and it is a bar/restaurant. Sizzl'd is a takeaway premises. The residential property above Sizzl'd is occupied by the applicant who would not be affected by his activities. The applicant has offered a number of conditions through the conciliation process. Furthermore, they have offered to close the premises at 01.30 with last orders at 01.15, Sunday to Thursday, to avoid an influx of intoxicated customers coming from the pub that has a closing time of 01.30. It should be noted that the pub also has a late night refreshment licence and should not have an impact on Sizzl'd. The sub-committee saw there to be no just reason to refuse this licence.

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.

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

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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.

Meeting ended at 1.55 pm

CHAIR:

DATED: