



## Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Tuesday 21 July 2015 at 10.00 am at Ground Floor Meeting Room G02B - 160 Tooley Street, London SE1 2QH

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**PRESENT:** Councillor David Hubber (Chair)  
Councillor Lorraine Lauder MBE  
Councillor Sandra Rhule

**OTHERS PRESENT:** Councillor Adele Morris, ward councillor  
Sarah Murray, applicant  
Lisa Sharkey, applicant  
Stephen Hough, local resident  
Grace Maa, local resident  
David Lock, local resident  
Stephen O'Malley, local resident

**OFFICER SUPPORT:** Debra Allday, legal officer  
Mark Orton, licensing Officer  
Victoria Foreman, constitutional Officer

### 1. APPOINTMENT OF CHAIR

In the absence of the chair, Councillor David Hubber was nominated by Councillor Lorraine Lauder MBE to chair the meeting. This was seconded by Councillor Sandra Rhule.

### 2. APOLOGIES

Apologies for absence were received from Councillor Sunil Chopra. Councillor David Hubber was in attendance at the sub-committee as a reserve.

### 3. CONFIRMATION OF VOTING MEMBERS

The members present were confirmed as the voting members.

**4. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT**

There were none.

**5. DISCLOSURE OF INTERESTS AND DISPENSATIONS**

There were none.

**6. LICENSING ACT 2003: CARLUCCIO'S, (CARLUCCIO'S LTD) UNIT A, NEO BANKSIDE, 52 HOLLAND STREET, LONDON SE1 9FU**

The licensing officer presented their report and advised that this was a reconsideration of an application submitted by Carluccio's Limited in respect of the premises known as Unit A, Neo Bankside, 52 Holland Street, London SE1 9FU. The sub-committee had granted the licence with two additional conditions following its meeting on 15 April 2015. The applicant had appealed the decision, specifically the condition which required the premises to cease use of the external area at 9.30pm and not to move the tables and chairs between the hours of 9.30pm and 8.00am (9.00am on Sundays). Members had no questions of the licensing officer.

The applicant addressed the sub-committee. Members had questions of the applicant.

The licensing sub-committee heard from local residents objecting to the application. Members had questions of the local residents.

All parties agreed that photographs and plans be circulated at the meeting from both the applicant and the objectors.

All parties were given five minutes for summing up.

The meeting went into closed session at 10.43am.

The meeting resumed at 11.52am and the chair read out the decision of the sub-committee.

**RESOLVED:**

That following reconsideration of the decision made on 15 April 2015 by the licensing sub-committee, the application submitted by Carluccio's Limited for a premises licence to be granted under Section 17 of the Licensing Act 2003 in respect of the premises known as Unit A, Neo Bankside, 52 Holland Street, London SE1 9FU the conditions have been amended as follows:

**Conditions**

1. That customers shall not to use the outside area after 10.00pm Fridays and Saturdays.
2. That the outside area should be out of use by 10.15pm Fridays and Saturdays.

3. That unsecured furniture to be secured by 10.15pm on Fridays and Saturdays.
4. That at all other times the outside area is to be rendered unusable by 9.30pm (Sunday to Thursday) and unsecured furniture to be secured by 9.30pm (Sunday to Thursday).

### **Reasons**

This was reconsideration of an application submitted by Carluccio's Limited in respect of the premises known as Unit A, Neo Bankside, 52 Holland Street, London SE1 9FU. The sub-committee had granted the licence with two additional conditions following its meeting on 15 April 2015. The applicant had appealed the decision, specifically the condition which required the premises to cease use of the external area at 9.30pm and not to move the tables and chairs between the hours of 9.30pm and 8.00am (9.00am on Sundays).

The licensing sub-committee heard evidence from the applicant who informed the sub-committee that following the decision made by the licensing sub-committee on 15 April 2015, the applicant submitted an appeal to the Camberwell Green Magistrates' Court. The applicant is appealing one condition, being 'from the use of the externally located tables and chairs shall be rendered unusable by 9.30pm each day and no alcohol in open containers shall be taken outside by patrons after 9.30pm. These tables and chairs shall not be moved between the hours of 9.30pm and 8am the following day on Monday to Saturday and between 9.30pm Saturday and 9am Sunday.' The applicant stated that the condition would mean that if customers wanted a three-course meal, then the outside area could not be used after 8.00/9.00pm. Since the previous licensing sub-committee the landlord to the premises agreed that the vast majority of the furniture could remain outside; only 14 chairs needed to be moved and all of them were now padded underneath to reduce any noise. There were also to be a number of wooden benches that were fixed and did not need to be moved. Of the furniture that would remain outside these would be covered by a thick canvas to stop people sitting on them. In addition, a number of planters had been installed to enclose the area, to avoid the attraction of passers-by after hours. Concerning the premises next door, The Albion, their conditions have been considered and their terminal use of the outside area is 10.00pm; the outside area must be out of use and unsecured furniture removed by 10.15pm.

The licensing sub-committee carefully considered the representations from local residents opposed to the application. Approximately 300 residents' homes overlook the premises; they were concerned about the noise and that after the Tate Modern closes at 6.00pm the area is very quiet. The area is in a U-shape and was described as an amphitheatre. All noise is amplified as a result. The proposed conditions seven days a week would have a huge impact on local residents. Regarding The Albion this was described as being in a completely different area (Block B) and as such did not affect the residents in Block A.

The ward councillor expressed her full support for the residents and their concerns, and stated that the decision of the sub-committee on 15 April 2015 was appropriate and proportionate. The applicant had raised nothing new that needed the committee's consideration.

Having considered all the evidence before it, the licensing sub-committee decided to amend the conditions. Whilst it is noted that The Albion is in Block B, the sub-committee were conscious that there needed to be some consistency with the operation of The

Albion. The conditions would have an economic impact on the business. Since the last sub-committee the landlord had agreed to allow the majority of the furniture to remain outside. The conditions of The Albion have been clarified and there was no planning permission to restrict the use of the outside area. However, the sub-committee are conscious of the concerns of local residents and the potential impact for noise. Therefore, the sub-committee would like to review these conditions in six months time for a final decision on the extent of the three conditions (conditions 1 to 3 above). The licensing sub-committee has been adjourned to 10.00am on Monday 11 January 2016.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives. The licensing sub-committee considered that its decision was 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 been granted.
- 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.

Meeting ended at 12.01 pm

**CHAIR:**

**DATED:**