

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Tuesday 4 August 2015 at 10.00 am at Ground Floor Meeting Room G02B - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Sunny Lambe (Chair)
Councillor Sandra Rhule
Councillor Charlie Smith

**OTHER S
PRESENT:** Jabbar Ahmed, Payless Food and Wine
Alan Aylott, legal representative, Payless Food and Wine
P.C. Graham White, Metropolitan Police Service
Francis Kpandeh, applicant, Cool and Cozzy
Christo Williams, applicant, Cool and Cozzy
Jonathan Fisher, local resident
Councillor Mark Williams, ward councillor
Fergus Jackson, applicant, Brick House
Sharmin Jackson, applicant, Brick House

**OFFICER
SUPPORT:** Debra Allday, legal officer
Kristie Ashenden, licensing officer
David Franklin, licensing officer representing the council as a responsible authority
Bill Masini, trading standards officer
Sarah Newman, environmental protection officer
Laura Miller, legal officer (observing)
Beverley Olamijulo, constitutional officer (observing)
Andrew Weir, constitutional officer

1. APPOINTMENT OF CHAIR

In the absence of the chair, Councillor Sunny Lambe was nominated by Councillor Charlie Smith to chair the meeting. This was seconded by Councillor Sandra Rhule.

2. APOLOGIES

There were none.

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: PAYLESS FOOD & WINE, 4 - 5 BADMINTON HOUSE, DOG KENNEL HILL, LONDON SE22 8BH

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

The trading standards officer, the applicant for the review addressed the sub-committee. Members had questions for the trading standards officer.

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

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

The representative from the premises and the legal representative for the premises addressed the sub-committee. Members had questions for the representative from the premises and their legal representative.

All parties were given five minutes for summing up.

The meeting went into closed session at 11.51am.

During this time the licensing officer discovered that due to the fact that premises licence transfers had not been carried out neither the legal representative nor the representatives present from the premises had the authority to represent the premises at this hearing.

The meeting resumed at 12.53pm and the chair read out the decision of the sub-committee.

RESOLVED:

That the meeting be aborted and that this application for the review of the premises licence shall be heard on a future date, to be arranged.

Reasons

Due to the fact that neither the premises licence holder nor a representative for the premises licence holder, namely Select and Save Foodstore Ltd, was in attendance, nor have they been notified of today's sub-committee meeting, the licensing sub-committee have decided to abort this meeting. This application shall be heard on a future date, to be arranged.

7. LICENSING ACT 2003: COOL AND COZZY, GROUND FLOOR AND BASEMENT, 101 SOUTHAMPTON WAY, LONDON SE5 7SX.

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.

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

A local resident and a ward councillor objecting to the application addressed the sub-committee.

All parties were given five minutes for summing up.

The meeting went into closed session at 1.55pm.

The meeting resumed at 2.48pm and the chair read out the decision of the sub-committee.

RESOLVED:

That the application by Cool & Cozzy Ltd for a grant of a Premises Licence issued under the Licensing Act 2003 in respect of Cool & Cozzy Ltd, ground floor and basement, 101 Southampton Way, London, SE5 7SX is granted as follows:

Licensable Activity	Monday to Thursday	Friday and Saturday	Sunday
Late night refreshment		23.00 to 00.00	
Sale and supply of alcohol (on the premises)	10.00 to 23.00	10.00 to 00.00	11.00 to 22.30
Hours premises are open to the public	10.00 to 23.30	10.00 to 00.30	11.00 to 23.00

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 the conditions conciliated between the applicant and the responsible authorities prior to the meeting.

The following additional condition agreed by the sub-committee shall also apply:

1. That the licence holder shall display a dedicated telephone number in order for local residents to be able to contact the management should the need arise.

Reasons

This was an application submitted by Cool & Cozy Limited for a grant of a premises licence issued under the Licensing Act 2003 in respect of Cool & Cozy, ground floor and basement, 101 Southampton Way, London, SE5 7SX.

The licensing sub-committee heard evidence from the applicant who informed the sub-committee that he had been in the restaurant business for seven years, four of these as a manager. They now wished to build on this experience and to open their own family restaurant. He advised that on receipt of the objections to the application he had considered these very carefully and had conciliated on a number of points in order to address these concerns. In relation to the local resident's outstanding concerns regarding noise nuisance, he gave assurances that he would erect signage for patrons to leave quietly and respect the neighbours. He also stated that he would patrol the premises inside and out to ensure that patrons dispersed quietly.

The licensing sub-committee noted that both the police and the environmental protection team had conciliated with the applicant.

The licensing sub-committee heard from the licensing officer representing the council as a responsible authority who advised that they were broadly satisfied with the conditions agreed during the conciliation process. However, they had an outstanding concern relating to the potential for noise nuisance and the dispersal of patrons on weekday nights. Although there are no set closing times for restaurants, they would recommend a further reduction in the proposed hours in order to ensure that local residents were not disturbed.

The licensing sub-committee heard from a local resident and a ward councillor who had submitted written objections in respect of the application. Both welcomed the new venture and recognised that the applicant had been accommodating during the conciliation process. However, both remained concerned about the impact the operating hours and noise from patrons leaving the premises would have on local residents.

The sub-committee noted the other ten written objections from local residents and a ward councillor.

The sub-committee welcomed the applicant's approach to conciliate with the authorities and the local residents. However, this part of Southampton Way is a highly populated residential area and patrons leaving the premises, having consumed alcohol, would be likely to cause a public nuisance and would wake up residents and their children with

raised voices as they disperse from the premises. It is for this reason that the terminal hour for licensable activities and the operating hours have been reduced to take this into account.

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

8. LICENSING ACT 2003: BRICK HOUSE ARTISAN BREAD AND PASTRY LTD, 1 ZENORIA STREET, LONDON SE22 8HP

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 applicants.

The environmental protection officer addressed the sub-committee. Members had no questions for the environmental protection officer.

All parties were given five minutes for summing up.

The meeting went into closed session at 3.28pm.

The meeting resumed at 4.05pm and the chair read out the decision of the sub-committee.

RESOLVED:

That the application by Brick House Artisan Bread and Pastry Ltd for a grant of a Premises Licence issued under the Licensing Act 2003 in respect of Brick House Artisan Bread and Pastry Ltd, 1 Zenoria Street, London, SE22 8HP is granted as follows:

Licensable Activity	Monday	Tuesday to Friday	Saturday	Sunday
Sale and supply of alcohol on the premises		11.00 to 16.00	11.00 to 17.30	11.00 to 16.30
Hours premises are open to the public		08.00 to 16.30	08.00 to 18.00	09.00 to 17.00

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 the conditions agreed between the responsible authorities and the applicant during the conciliation process prior to this meeting.

Reasons

This was an application submitted by Brick House Artisan Bread and Pastry Limited for a grant of a Premises Licence issued under the Licensing Act 2003 in respect of Brick house Artisan Bread and Pastry Limited, 1 Zenoria St, London SE22 8HD.

The licensing sub-committee heard evidence from the applicant who informed the sub-committee that they were a small local independent business who focussed on high quality home baked breads and other quality foods. They had been in business for three years but had been at the current premises since March 2015. Their business had grown and they wanted to expand their offering to include breakfast and lunch menus with a small wine and beer list to compliment the food. They advised that there were seven bars or pubs in the near vicinity and they were not competing with these premises. They confirmed that alcohol would only be served ancillary to a meal, as agreed with the licensing authority during the conciliation process.

The licensing sub-committee heard from the environmental protection officer who confirmed that she had conciliated with the applicant.

The sub-committee noted that the police and the licensing authority had both conciliated with the applicant.

The sub-committee noted the written representations from four local residents who objected to the application.

The licensing sub-committee welcomed the attitude of the applicant to engage with the conciliation process and were of the opinion that the conditions agreed between the responsible authorities and the applicant would address the concerns raised by the local residents.

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 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 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 magistrate 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 4.08 pm

CHAIR:

DATED: