

# APPENDIX E



## NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 19 APRIL 2016

**LICENSING ACT 2003: ARCH 144, EAGLE YARD, HAMPTON STREET, LONDON SE1 6SP**

### 1. Decision

That the application by Ponce's Corporation Limited for a grant of a Premises Licence issued under the Licensing Act 2003 in respect of Arch 144, Eagle Yard, Hampton Street, London, SE1 6SP is granted as follows:

Licensable Activity	Hours
Live music, Recorded Music	Friday to Saturday 14:00 to 23:30 Sunday 14:00 to 22:30
Late Night Refreshment	Friday and Saturday 23:00 to 23:30
Sale and supply of alcohol	Sunday to Thursday 14:00 to 22:30 Friday and Saturday 14:00 to 23:30
Opening hours	Sunday to Thursday 09:00 to 23:00 Friday and Saturday 09:00 to 00:00

### 2 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, the conditions conciliated with the environmental protection team and the following additional conditions:

1. That intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking a substantial table meal there and for consumption by such persons as ancillary to their meal.
2. That a comprehensive dispersal policy shall be produced and implemented at the premises, with all staff trained on the most up to date policy. A record of staff training on the dispersal policy shall be kept at the premises and made available to officers of the council or the police on request.
3. That the premises licence holder shall display a telephone number for local residents to contact management of the premises as and when necessary.
4. That on Fridays and Saturdays one SIA registered door supervisor shall patrol the outside the areas of the premises between the hours of 21:00 and 00:00 to monitor the patrons and number of smokers outside the premises.

### Reasons

The reasons for the decision are as follows:

The licensing sub-committee heard from the applicant who stated that the application was submitted following an incident which happened in December 2015 where the premises was found to be operating without a premises licence, for which he apologised.

He advised that this would be his first venture and it was a family run business primarily aimed at the Latin American community, serving South American food.

The applicant had originally applied for a late licence (until 02:00) but he accepted that these hours would only be required when the premises was used for parties. He anticipated that he would host approximately 15 parties per year and accepted that these could be covered by temporary event notices. Through discussion at the meeting he accepted the conditions listed above.

The licensing sub-committee heard from the representative of the Metropolitan Police Service who stated that the application had now substantially changed since he had made his representation (insofar as the conciliated conditions with the environmental protection team, compromising on the conditions above and the reduced hours). However, there remained concerns relating to the crime and disorder licensing objective.

The police representative referred to an incident from December 2015 where the police attended the premises and witnessed the sale of alcohol, provision of regulated entertainment and late night refreshment at the premises when there was no premises licence in place. The police said that the applicant had made dubious representations on that date.

The police called on the ward councillor and the chair of the residents' association for the neighbour Strata Building as witnesses who referred to two incidents that occurred on 16 June 2015 and 29 November 2015.

The licensing sub-committee members had received a number of emails from local residents and ward councillors prior to the hearing concerning the consultation process but stated that these would not be taken into account when making a decision. Having heard from the licensing officer presenting the report, the sub-committee was satisfied that the consultation had been carried out lawfully. Furthermore, the residents and ward councillor were given the opportunity to make oral representations to the sub-committee as witnesses for the police. However, because the environmental protection team had conciliated their concerns, the ward councillor and local resident's concerns had to be limited to the crime and disorder licensing objective as this was the basis for the police representation. They did raise issues relating to public nuisance which the sub-committee have been disregarded but did note the two incidents of disorder in June and November 2015.

During the course of the discussions in the meeting, the licensing sub-committee were pleased that the applicant agreed to the conditions detailed above in addition to reducing the hours applied for within the council's current statement of licensing policy. The licensing sub-committee are satisfied that the conciliated conditions with the environmental protection team with those imposed (above) will address the concerns of local residents and the public nuisance licensing objective. The local residents are reminded that if the applicant fails to comply with the conditions of the licence they may call this licence in for a review.

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.

#### **4 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) 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 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.

Issued by the Constitutional Team on behalf of the Director of Law and Democracy

Date: 19 April 2016