



Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Monday November 2 2009 at 10.00 am at Ground Floor Meeting Room G02A, 160 Tooley Street, London SE1 2TZ

- PRESENT:** Councillor David Hubber
Councillor Lorraine Lauder MBE
Councillor Dominic Thorncroft
- OTHERS:** Mr. Glen Lake, applicant's agent
Mr. Carlos Naranjo, applicant's witness
Councillor Tim McNally, ward councillor
Matthew Cullen, planning officer
Debbie Lawless, environmental protection
Mr. Fred Sharrock, objector
Ms. Emma Beardmore, witness for objector
Mr. Darren Gillett, resident
- OFFICER SUPPORT:** David Franklin, licensing
Kate Heap, legal officer
Paula Thornton, constitutional team

1. APOLOGIES

There were none.

2. CONFIRMATION OF VOTING MEMBERS

Voting members were confirmed.

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 - SORRISO, 5-7 ROCKINGHAM ST, LONDON SE1 6PD

The licensing officer confirmed that Luis Naranjo was the licence holder for the premises. An opportunity was provided to all parties to ask questions of the officer.

The applicant's agent addressed the sub-committee, calling on Carlos Naranjo to give evidence. An opportunity was provided to all parties to ask questions of the agent and witness.

Representations were also heard from a council planning officer, Councillor McNally (ward councillor), Mr. Sharrock and his witness (Emma Beardmore). An opportunity was provided to all parties to ask questions.

All parties were offered the opportunity to have 5 minutes to sum up.

At 11.35am all parties were requested to leave the room while the meeting went into closed session. At 12 noon all parties were recalled to the meeting and the chair read out the sub-committee's decision as follows:

RESOLVED:

1. That the application made by Luis Naranjo to vary a Premises Licence granted under the Licensing Act 2003 in respect of the premises known as: Sorriso, 5 – 7 Rockingham Street, London SE1 6PD be refused.

Reasons

The reasons for the decision are as follows:

The sub-committee heard oral representations from Mr. Glen Lake (representing the applicant), Mr. Carlos Naranjo, Dave Franklin (licensing officer), Debbie Lawless (environmental protection team), Mr. Fred Sharrock (resident), Ms. Emma Beardmore (witness of Mr. Sharrock), Matthew Cullen (planning officer) and Councillor McNally (who had written authority to speak on behalf of the residents association).

The sub-committee noted that no satisfactory explanation was provided for the absence of the applicant.

The sub-committee also considered the written representations contained in the report, including those of Mr. Vassen and Mr. Holborow.

The sub-committee heard evidence (which was not disputed by Mr. Lake) that Mr. Carlos Naranjo had applied for a variation of the existing planning permission, which was granted on the 26th January 2009. Also that he and Luis Naranjo had been served with a Stop Notice and Planning Enforcement Notice on the 31st March 2009. The sub-committee also heard evidence that Carlos Naranjo and Luis Naranjo had been served

with a Noise Abatement Notice on the 11th August 2009 and that Carlos Naranjo had not appealed against that Notice. The sub-committee heard evidence from Matthew Cullen and Councillor McNally that Carlos Naranjo had been present on a number of occasions, specifically the 5th and 24th July 2009, when the premises remained open and music was playing after permitted hours. The sub-committee heard evidence from Mr. Sharrock that on the night of the 22nd/23rd August 2009 people were entering the premises between 12 midnight – 2.45am, some with musical instruments.

The sub-committee was accordingly not satisfied by the evidence of Carlos Naranjo that he had not been involved in, or had control over, the management of the premises prior to August 2009. The sub-committee was not satisfied by Carlos Naranjo's assurances that he would bring a new and responsible management ethos into being when the premises re-opened. The sub-committee noted the observations of Mr. Sharrock and Councillor McNally that, given the history of breaches, a new management team would need to establish a record of compliance.

The sub-committee concluded that it was necessary and proportionate to refuse the application having regard to the licensing objective of the prevention of public nuisance.

Appeal Rights

This decision is open to appeal by either:

The applicant and any person who made relevant representations in relation to the application may appeal against the decision.

Any appeal must be made to the magistrate court for the petty sessions area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' chief executive 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.

EXCLUSION OF PRESS AND PUBLIC

It was moved, seconded and

RESOLVED:

That the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in category 1 of paragraph 10.4 of the Access to Information Procedure Rules of the Southwark Constitution.

The following is a summary of the decisions taken in the closed section of the meeting.

6. LICENSING ACT 2003 - APPLICATION FOR A PERSONAL LICENCE

This application was refused.

The meeting ended at 12.30am.

CHAIR:

DATED: