

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Monday 1 March 2010 at 10.00 am at Town Hall, Peckham Road, London SE5 8UB

- PRESENT:** Councillor David Hubber (Chair)
Councillor Mackie Sheik
Councillor Sandra Rhule
- OTHERS PRESENT:** Mr M Arif, applicant
Ms Awet Ghebreslassie, manager
Mr E Tsegsye, associate
Stephen Hewson, local resident
Mr Alex Horbige, local resident
Jasper Tomlinson, local resident
Rosalynde Culling, local resident
Marie Stone, local resident
PC Paul Compton, Metropolitan Police
Debbie Lawless, environmental health
- OFFICER SUPPORT:** Kristie Ashenden, licensing officer
Dave Swaby, licensing officer
Felix Rechtman, legal services
Virginia Wynn-Jones, constitutional officer

1. APOLOGIES

There were no apologies.

2. CONFIRMATION OF VOTING MEMBERS

The members present were confirmed as the voting members.

3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

The chair agreed to accept the following in relation to Wabe Shebele Restaurant – colour photos provided by the licensing officer.

The chair agreed to accept a minor variation application in relation to The Wishing Well, 77-79 Choumert St, SE15, as a late and urgent item.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003 - BUILDER'S CAFE, 16 ELEPHANT AND CASTLE, LONDON SE1 6TH

This item was withdrawn from the agenda.

6. LICENSING ACT 2003 - WABE SHEBELE RESTAURANT, 189 NEW KENT ROAD, LONDON SE1 4AG

The licensing officer highlighted the main points of the report.

The applicant presented his case. Members of the sub-committee questioned the applicant. Objectors questioned the applicant.

The police representative presented his case. Members of the sub-committee questioned the representative. The applicant questioned the representative.

The environmental health team representative presented her case. Members of the sub-committee questioned the representative. The applicant questioned the representative.

Local residents objecting to the application outlined their case. The sub-committee and the applicant then questioned the local residents.

The applicant and other interested parties then summarised their cases.

At 11.10 all parties were requested to leave the room while the meeting went into closed session. At 11.25 all parties were recalled to the meeting and the chair read out the sub-committee's decision:

RESOLVED:

That the licensing sub-committee having considered the written representations contained in the report and oral representations of those present decided that the application be refused.

Reasons for the decision

The sub-committee considers that extending the hours will have adverse effect on the prevention of nuisance objective as the premises are in the immediate vicinity of residential properties and the premises has a history of noise nuisance and a history of non-compliance with their existing license conditions.

Appeal rights

That the licensee 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.

7. LATE ITEM: LICENSING ACT 2003 - THE WISHING WELL, 77-79 CHOUMERT ROAD SE15

The chair decided to accept this item of business onto the agenda as urgent because the timescale for minor variations is set out in the legislation at 15 working days, and this meeting was the last available within the timescale.

The licensing officer highlighted the main points of the report. Members of the sub-committee questioned the officer.

RESOLVED:

That the licensing sub-committee having considered the written representations contained in the report and oral representations of those present decided that the application be refused.

Reasons for the decision

The application for a minor variation is refused under the prevention of nuisance objective based on an objection from environmental protection team on the basis that granting such minor variation could lead to noise nuisance. Therefore this application should be made under section 34 of the Act.

Appeal rights

There is no appeal rights under Section 41A (1) of the Licensing Act 2003. The applicant can submit a variation application under section 34 of the Licensing Act 2003.

The meeting closed at 11.45am.

CHAIR:

DATED: