



Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Wednesday 17 March 2010 at 10.00 am at Town Hall, Peckham Road, London SE5 8UB

PRESENT: Councillor David Hubber (Chair)
Councillor Abdul Mohamed
Councillor Althea Smith

OTHERS PRESENT: Councillor Robin Crookshank Hilton (Village Ward)
Mr Heaysman, local resident (The Ship York)
Mr Charalmbous, licensee (The Ship York)
Reverend Doyle, local resident (The Ship York)
Mr Lopez, legal representative (Hypnotik)
Ms Stewart, licensing agent (Hypnotik)
Mr L Smith, licensee (Hypnotik)
Mr S Thompson Smith (Hypnotik)
Mr Grant, barrister for the metropolitan police
PC Paul Compton
PC Ian Clements
PC Stephen Turnbull
Dr John Brunton, Herne Hill Society
Mr Adrian Hill, Stradella & Springfield Residents Association

OFFICER SUPPORT: Dave Swaby, licensing officer
Dave Franklin, licensing officer
Dorcas Mills, licensing officer
Felix Rechtman, legal officer
Sean Usher, constitutional officer

1. APOLOGIES

There were no apologies.

2. CONFIRMATION OF VOTING MEMBERS

The members present were confirmed as voting members.

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

There were none.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

Councillor David Hubber declared for item 5, that he is a ward councillor in Surrey Docks but has no personal or prejudicial interest in this premises.

5. LICENSING ACT 2003 - THE SHIP YORK, ROTHERHITHE STREET, LONDON SE16 5LJ

The licensing officer presented his report, there were no questions. Mr Heaysman, the applicant for the review, addressed the sub-committee. Members had questions for Mr Heaysman.

Mr Charalmbous, the licensee, spoke to the sub-committee. Members had questions. Mr Heaysman had questions for Mr Charalmbous. Reverend Doyle spoke to the sub-committee in support of the licensee, there were no questions.

At 10.50am the sub-committee went into closed session to consider the review application. At 11.15am the sub-committee came out of closed session and made the following decision.

RESOLVED:

The licensing sub-committee, having had regard to the application by Mr Heaysman and Ms Sharma for a review of the premises licence granted under the Licensing Act 2003 to Mr and Mrs Charalmbous in respect of the premises known as The Ship York situated at 375 Rotherhithe Street, London, SE16 5LJ, and having had regard also to all other relevant representations, decided to make no changes to the license or its conditions.

Reasons

Having considered the application for a review, the sub-committee considered that all the grounds for the complaint are insufficient to make amendments to existing conditions of the license or to add new conditions. In view of the above, the licence conditions remain the same as previously granted.

Appeal Rights

This decision is open to appeal by either:

- a) The applicant for the review;
- b) The premises licence holder; or
- c) Any other person who made relevant representations in relation to the application

Such appeal must be commenced by notice of appeal given by the appellant to the justices chief executive for the magistrates court for the area within the period of 21 days beginning with the day on which the appellant was notified by this licensing

authority of the decision. This decision does not have effect until either:

- a) The end of the period for appealing against this decision; or
- b) In the event of any notice of appeal being given, until the appeal is disposed of.

6. LICENSING ACT 2003 - HYPNOTIK (REVIEW)

The licensing officer presented his report. It was noted that warning letters had not been circulated with the agenda and would be circulated at the meeting with the agreement of all parties.

There were some anomalies in the version of the licence included in the agenda which was highlighted by the licensee's legal representative. It was agreed by all parties, that they were in agreement to go ahead with the review hearing and would not appeal based on this administrative error.

The licensee submitted a bundle of documents and witness statements which had been received in time and were accepted by the sub-committee. At 10.20am it was agreed to have a 15 minute adjournment for the members and all relevant parties to read the papers.

The chair had agreed to give all relevant parties 20 minutes to speak, this time was to include time for any witnesses to speak.

The sub-committee resumed at 10.35am after the 15 minute break and the police began the presentation of their review application. Members had questions for the police officers and their legal representative. The legal representative of the licensee also had questions for the police.

The local residents and ward councillor were then given 20 minutes each to address the sub-committee. Members had questions for the local residents and ward councillor. The legal representative of the licensee had questions for the local resident, the ward councillor and the local resident acting as a witness for the ward councillor.

The licensee and the local resident were then given 20 minutes to present their case against the review. The members had questions for the licensee and his representative. Local residents had questions for the licensee. The police representative had questions for the licensee.

All parties were given 5 minutes to sum up.

The meeting went into closed at 2.40pm. All parties were invited back into the meeting at 3.30pm. The sub-committee made the following decision.

RESOLVED:

That the application by Metropolitan Police Licensing Service for the review of the premises licence in respect of the premises known as Hypnotik 75-79 Norwood Road SE24 9AA is granted as follows:

The premises licence is suspended for 21 days.

Reasons

Having considered the evidence submitted by the Police, the Licensee and the interested parties, the sub-committee is satisfied that there have been repeated breaches of a number of license conditions in particular:

- The club-scan system was inoperative over a prolonged period of time;
- Failure to conduct physical searches on each and every occasion; and
- Admission beyond permitted hours.

The sub-committee was not satisfied on the police evidence that the premises are directly connected to crime and disorder incidents outside the premises and therefore find insufficient justification for a revocation of the licence. In addition the identified breaches of the conditions cannot be remedied by adding further conditions as the existing conditions on the licence are adequate to promote the licensing objectives when complied with.

The sub-committee views the breach of any condition seriously and in view of the above identified breaches the sub-committee decided to suspend the licence for a period of 21 days.

Appeal Rights.

This decision is open to appeal by either:

- a) The applicant for the review;
- b) The premises licence holder; or
- c) Any other person who made relevant representations in relation to the application

Such appeal must be commenced by notice of appeal given by the appellant to the justices chief executive for the magistrates court for the area within the period of 21 days beginning with the day on which the appellant was notified by this licensing authority of the decision. This decision does not have effect until either

- a) The end of the period for appealing against this decision; or
- b) In the event of any notice of appeal being given, until the appeal is disposed of.

7. LICENSING ACT 2003 - TEMPORARY EVENT NOTICE - ORIWU SPOT, 44 WANLEY ROAD, LONDON SE5 8AT

The licensing officer presented her report. It was noted that a second letter from the police regarding the events on 2, 3 and 4 of April had been left out of the agenda and were circulated at the meeting. Members had questions for the licensing officer.

The police presented their application for a counter notice against the temporary event notices. Members had questions for the police.

The licensee addressed the sub-committee. Members had questions. The police had

questions for the licensee.

All parties were given the opportunity to sum up.

At 4.00pm the sub-committee went into closed session to consider the application.

At 4.15pm the meeting resumed and the following decision was read out.

RESOLVED:

That the application for three temporary event notices on 20 March 2010, 2 April 2010 and 4 April 2010 by Mr Olarenwaju Jimoh for The Oriwu Spot, 44 Wanley Road, SE5 8AT be granted (no counter notice) and the application for a temporary event notice on 3 April 2010 be refused as this does not meet the statutory requirements as per the Licensing Act.

Reasons

The licensing sub-committee have considered the objection notice submitted by the metropolitan police licensing service on the temporary event notices on the above dates, under section 100 of the Licensing Act 2003 and as the police failed to produce sufficient evidence to show that the granting of a Temporary Event Notice on the above dates would have an adverse effect on the prevention of crime and disorder, the sub-committee have allowed the events on 20 March 2010, 2 April 2010 and 4 April 2010 to go ahead.

Appeal Rights

Where the relevant licensing authority gives a counter notice under section 105(3), the premises user may appeal against that decision. An appeal under this paragraph 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.

But no appeal may be brought later than five working days before the day on which the event period specified in the temporary event notice begins.

The meeting closed at 4.20pm.

CHAIR:

DATED: