



LICENSING COMMITTEE

MINUTES of the **OPEN** section of the **LICENSING COMMITTEE** meeting held on **TUESDAY 14 JANUARY 2003** at 7.00p. m. in the Town Hall Peckham Road, London SE5 8UB

PRESENT: Councillor Dr. A. R. Olayiwola (Chair)
Councillor Norma Gibbes, (Vice-Chair)
Councillors Lorraine Lauder and Tony Ritchie.

ALSO PRESENT Mr J.R. Roderiguez – Applicant, El Unicio Viva Espana
Mr A Yilmaz – Applicant, Yilmaz Kebab House
P.C. McNally - Licensing Officer, Peckham Police Station

OFFICERS Lyn Meadows – Assistant Borough Solicitor
Kehinde Awojobi – Legal Officer
Diane Kraus – Licensing Officer
Tina Akumanyi – Constitutional Support Officer

APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillor Veronica Ward.

CONFIRMATION OF VOTING MEMBERS

The Members listed as present were confirmed as the Voting Members.

NOTIFICATION OF ANY OTHER ITEMS WHICH THE CHAIR DEEMED AS URGENT

There were none.

DISCLOSURE OF INTERESTS AND DISPENSATIONS

None were disclosed.

Council Procedure Rule 1.17 (5) allows a Member to record her/his vote in respect of any Motions and amendments. Such requests are detailed in the following Minutes. Should a Member's vote be recorded in respect to an amendment, a copy of the amendment may be found in the Minute File and is available for public inspection.

EXCLUSION OF PRESS AND PUBLIC

It was moved seconded and

RESOLVED: - That under Section 100A of the Local Government Act, 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 4 in Part 1 of Schedule 12A of the Act.

The two applicants and the objector from the Metropolitan Police withdrew from the meeting.

MINUTES

The Borough Solicitor's representative expressed concerns about the aspect of the minutes of the Licensing Committee of 21st October 2002 which indicated that members of the public had up to 31st March 2003 to lodge any objection against the renewal of the provisional licence granted to Los Arrieros.

In response, the Licensing Officer said that the minutes needed to be changed in view of the High Court decision in a case involving Croydon Council where it was decided that members of the public have no right to object to the conversion of a provisional Licence to a full one. The Licensing Officer explained that there had been an inherent discrepancy with the wording in respect of provisional licenses. The Officer indicated that an appeal against a decision of Croydon Council to refuse the renewal of a provisional licence had led to a ruling by the high court that meant that councils could not refuse to renew a provisional licence. They could however refuse to covert it to a full licence if the holder no longer remained to be "fit and proper". Members agreed that it was important to circulate the detail of the high court judgement to all members of the Licensing Committee, as the new community councils would be taking decisions on licensing. It was agreed that the Licensing Officer circulate a list detailing all premises where provisional licenses had been granted.

After taking advice from the Assistant Borough Solicitor, members agreed that the minutes should not be changed as they reflected what was agreed and read out at the committee meeting of 21/10/02. The amendments should be taken up in future minutes.

- RESOLVED:** -
1. That the minutes of the committee meeting held on 21st October 2002 be agreed and signed as a correct record of proceedings
 2. That in future minutes of provisional entertainment licences should be minuted so as to reflect the new legal advice.

The Chair raised the issue of serving refreshments at Licensing meetings. He insisted that there should always be refreshments at all future Licensing Committee meetings. During this discussion, Councillors Norma Gibbes, Lorraine Lauder and Tony Ritchie, decided to leave the meeting in view of the fact that Councillors from the Liberal/Democrat Group have not been attending Licensing Committee meetings.

Members of the public were recalled to the meeting and informed that the meeting has to be cancelled, as it was inquorate.

The meeting ended at 8.15pm as there was no quorum to continue

CHAIR:

DATE: