

Item No	Classification Open	Date 29 July 2003	Committee Licensing Committee
Title of Report		<b>SUMMARY OF LICENSING DECISIONS TAKEN BY OTHER THAN THE LICENSING COMMITTEE – JANUARY TO JUNE 2003</b>	
Wards or groups affected From		Director of Environment and Leisure	

**1 RECOMMENDATION**

2 That the Committee notes the content of this report.

**3 BACKGROUND INFORMATION**

4 In accordance with the directions of the Licensing Committee reports are provided at six monthly intervals updating members on the decisions reached by the Courts on licensing appeal cases and prosecution cases and also by the Council's Officer Licensing Panel. This report is the latest such report and covers the period from January to June 2003.

**5 KEY ISSUES FOR CONSIDERATION**

**6 Decisions Reached by the Courts On Appeals Lodged Against Decisions of the Licensing Committee**

- a) **New Hamlet, 31-33 Grove Vale, SE22** – Appeal against the decision of the Committee of 9 September 2002 to refuse an application by Mr G Cummins to vary and extend the licensed area and increase the permitted numbers under the premises existing annual public entertainment licence. The appeal was set down for hearing by Camberwell Green Magistrates Court on 3 March 2003. The appeal was withdrawn, however, by Mr Cummins shortly before the hearing date.
- b) **The Glow Rooms, 58a Camberwell Church Street, SE5** – Appeal against the decision of the Committee of 30 January 2003 to renew the public entertainment licence held by Mr Bilal in respect of the premises with reduced operating hours of 2.a.m. on Friday and Saturday nights, representing a reduction of 2 hours each night from 4.a.m. The appeal was considered by Tower Bridge Magistrates Court on 24 April 2003 and was part allowed with the Court setting the terminal hours at 3.a.m. No order for costs was made.
- c) **Aristocrat's, 294 Camberwell Road, SE5** - Appeal against the decision of the Committee of 25 November 2002 to grant an application by Mr Eyo Henshaw for an annual public entertainment licence with reduced operating hours from that originally sought. The appeal was set down for hearing on 11 June 2003 by

Camberwell Magistrates Court. Mr Henshaw failed to attend the hearing and the bench dismissed the appeal and awarded the Council £500 in costs.

7 Appeal cases currently awaiting determination are

- a) **Linh's, 720-722 Old Kent Road, SE15** – Appeal by Mr Ngoc Linh Le against the decision of the Licensing Committee of 28 January 2003 to revoke the annual public entertainment licence in respect of the premises following Mr Linh's conviction for breach of the conditions of the licence. At the time of writing of this report the matter is set down for a non-effective hearing at Camberwell Magistrates Court on 15 July 2003.
- b) **Chicago's, 43 Peckham High Street, SE15** – Appeal against the decision of the Licensing Committee of 28 June 2002 to refuse an application by Chicago's Night Club Ltd to vary the premises annual public entertainment licence by increasing the premises accommodation limit and extending the premises operating hours. At the time of writing of this report the matter is set down for hearing at Camberwell Magistrates Court on 21 July 2003.

8 **Outcomes of Prosecution Cases Taken by the Licensing Service**

- a) **LBS Vs KILCANNON** – On 14 April 2003 Mr Kilcannon pleaded guilty in writing to Camberwell Magistrates Court to the provision of unlicensed public music and dancing at the Pyrotechnists Arms at 39 Nunhead Green, SE15, on 30 August and 6 December 2002. Mr Kilcannon was fined a total of £2000 and ordered to pay a contribution to the Council's costs of £500.
- b) **LBS Vs YILMAZ** – On 1 July 2003 at Camberwell Magistrates Court Mr Ahmed Yilmaz pleaded guilty to nine charges of breaches of the conditions of the public entertainment and night café licences held in respect of the premises at 49-51 Lordship Lane, SE22 covering the nights of 12 and 20 October and 16 November 2002. District Judge Zani ordered fines totalling £4000. Mr Yilmaz was also ordered to pay costs amounting to £594. The charges related to Mr Yilmaz failure to provide a responsible person in charge of the premises and allowing the premises to operate beyond licensed hours. The matter will be reported to the Licensing Committee in full in due course.
- c) **LBS Vs BAKER** – On the same date Mrs Linda Baker was found guilty in her absence by Camberwell Magistrates Court of four breaches of the conditions of the annual public entertainment licence in respect of the Final Furlong at 162 Grange Road, SE1. The Magistrates decided Mrs Baker should be present for sentencing and adjourned. Mrs Baker did not appear at the reconvened date and a warrant for her arrest has been obtained. In the meantime Mrs Baker has not applied for renewal of her public entertainment licence for the Final Furlong and this has lapsed accordingly.

8 **Decisions Taken by the Head of Street Scene and Public Protection Upon the Recommendations of the Officer Licensing Panel**

- a) **Registration of Vincent John Charles as a Door Supervisor** – On 29 January 2003 the Panel considered observations made by the Commissioner of Police for the Metropolis concerning the application for a registration made by Vincent John Charles and decided to recommend the application be granted. The Head of Street Scene and Public Protection endorsed the decision.
- b) **Registration of Roslyn Coulthurst as a Door Supervisor** – On 20 March 2003 the Panel considered observations made by the Commissioner of Police for the Metropolis concerning the application for a registration made by Roslyn Coulthurst and decided to recommend the application be granted. The Head of Street Scene and Public Protection endorsed the decision.
- c) **Application for an Occasional Variation for The Brink, 148 Old Kent Road, SE1** - On 29 April 2003 the Panel considered applications for variation of the terminal hours of the annual public entertainment licence in respect of the premises from 10.30.p.m. on Sunday 4 May 2003 to 5.a.m. on the following day; from 1.a.m. to 3.a.m. on the night of Wednesday 21 May 2003; and from 10.30.p.m. on Sunday 25 May 2003 through to 5.a.m. on the following day. The Head of Street Scene and Public Protection endorsed the Panel's recommendation to grant the applications in respect of the Sunday hours but to refuse the application for the Wednesday night. The reason given for the refusal was the likely disturbance to residents as a normal working day followed this event.

## 9 **Update on Other Licensing Matters of Interest**

- a) **The Licensing Act 2003** – Although the Licensing Act 2003 has progressed according to the Government's timetable, with Royal Assent being received on 10 July 2003, considerable crucial details regarding such issues as fee levels, the licensing process to be followed and the extent of conditions that may be attached under licences remains currently unknown. These and other issues will be clarified by further guidance to be issued by the Department of Culture, Media and Sport (DCMS) and regulations to be made under secondary legislation. The final guidance will require Parliamentary approval. The DCMS aims to put this to Parliament, along with some secondary legislation, in September 2003. The first appointed day on which licences can be applied for under the new system is expected to be approximately six months after the guidance is made available to local authorities following Parliamentary approval. The second appointed day upon which the new system comes fully into force will be approximately ten months after the first appointed day. This provisional timetable appears to indicate that the Council's Licensing Policy Statement should now be agreed and published by March 2004. The Licensing Service has commenced its preparations for the Statement with the establishment of a Licensing Forum which met in June 2003. Work on the first draft of the Statement is currently on hold while we await the release of the further guidance and regulations. The eight Community Council meetings in September 2003 are currently earmarked for public consultation on the Statement though this date may slip depending on the progress of the further guidance and regulations.

- b) **The Securities Industry Association and Door Supervisors Registrations** – The Securities Industries Association (SIA) was launched on 1 April 2003 with a remit to regulate the various securities industries. One of the functions transferring across to the SIA from this Council will be Door Supervisors Licensing. This new licensing scheme is understood to be being launched on a regional basis commencing October this year. London (partly because it is perceived as one of the most complicated areas and partly because most London Local Authorities already have licensing schemes in place) is scheduled as the last area to be brought under the new scheme. All areas are expected to be covered by mid 2005 at the latest. In the meantime our own scheme remains in force and we are advised to licence door supervisors for a maximum of 3 years or to the time that the new SIA scheme becomes effective in Southwark (whichever is the shortest).
- c) **Gaming Review** – Some concerns surfaced earlier this year as to whether the intended gaming review was remaining on target to secure parliamentary time in 2004. Assurances have been issued that the review remains on track and will be within the Queen's Speech this November. The review is anticipated to provide local licensing authorities with new responsibility for licensing premises involved in gaming.
- d) **Establishment of Community Councils as Sub-Committees of the Licensing Committee** – Five sessions of licensing training have now been provided to Community Council Members by the Licensing Service in conjunction with Southwark Legal Services and David Chambers, Licensing Consultant. At this time no licensing applications have yet fed through for Community Council consideration.

## **10 EQUAL OPPORTUNITIES**

- 11 Each application for licences and registrations is considered upon its own merits with all relevant issues taken into account.

## **12 RESOURCE IMPLICATIONS**

- 13 There are no resource implications contained within this report.

## **14 CONSULTATION**

- 15 No consultation was undertaken in preparation of this report.

## **16 LEGAL IMPLICATIONS**

- 17 Contained in the body of the report.

Background Papers	Held at	Contact
Various licensing legislation & Various papers from each premises / applicant's case file	The Licensing Unit, C/O The Chaplin Centre, Thurlow Street, SE17 2DG	Mrs Kirty Read. Telephone 020 7525 5748

Lead Officer	Director of Environment & Leisure	
Report Author	Richard Parkins, Licensing Unit Manager	
Version	Final Version	
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Key Decision	No	
Consultation with other Officers / Directorates / Executive Member		
Officer Title	Comments Sought	Comments Included
Borough Solicitor & Secretary	Yes	None
Chief Finance Officer	No	No
Executive Member	No	No
Date final report sent to Constitutional Support Services	16 July 2003	