

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Monday 26 April 2010 at 10.00 am at Town Hall, Peckham Road, London SE5 8UB

PRESENT: Councillor David Hubber (Chair)
Councillor Wilma Nelson
Councillor Ian Wingfield

OTHERS PRESENT: Mrs Justina Ogunbiyi (applicant)
Mr Joseph Ogunbiyi (applicant)
Ms Cécile Azzola (local resident)
Ms [name] (local resident)
Dorcas Mills (licensing officer)
Felix Rechtman (legal services)
Virginia Wynn-Jones (constitutional team)

1. APOLOGIES

There were none.

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

There were none.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003 - MOYO.MA, 347 WALWORTH ROAD, LONDON SE17 2AL

The licensing officer presented her report. There were no questions. The applicants presented their case to the sub-committee. Members had questions for the applicant.

The objector presented her case to the sub-committee. Members had questions for the objector.

At 10.35am the sub-committee went into closed session to consider the review application. At 10.58am the sub-committee came out of closed session and made the following

decision.

RESOLVED:

That the application by Moyo Ma Ltd for a grant of a premises licence in respect of the premises known as Moyo Ma, Ground floor and Basement 347 Walworth Road, London SE17 be approved in so far as:

1. The following licensable activities will be permitted under the licence during the times shown.

	Mon	Tues	Weds	Thur	Fri	Sat	Sun
Recorded music (basement only)	18.00- 23.00	18.00- 23.00	18.00- 23.00	18.00- 23.00	18.00- 00.00	12.00- 00.00	12.00- 23.00
Late night refreshments (ground floor takeaway only)					23.00- 02.00	23.00- 02.00	
Supply of alcohol (both floors)	12.00- 23.00	12.00- 23.00	12.00- 23.00	10.00- 00.00	12.00- 00.00	12.00- 00.00	12.00- 00.00
Hours premises open to the public	12.00- 23.30	12.00- 23.30	12.00- 23.30	12.00- 00.00	12.00- 02.00 (ground floor takeawa y)	12.00- 02.00 (ground floor takeawa y)	12.00- 00.30

2. The operation of the premises under the licence shall be subject to compliance with the operation schedule highlighted in Section Q of the application form and the following conditions:

a) All mandatory conditions set out in the Licensing Act 2003 relating to

- (i) Authorisation of the retail sale of alcohol; and
- (ii) The provision of door supervision

b) The following additional special conditions developed through discussion from the original operating schedule attached to the application as follows:

That recorded music will only be played at a level that does not exceed background level within the ground floor.

The reasons for this decision are as follows.

In view of the fact that there are residential flats in the immediate vicinity of the premises, in order to prevent public nuisance, the sub-committee considers it necessary to limit the hours for late night refreshments to 2am on Friday and Saturday.

The Council expects that all terms, conditions and restriction of the premises licence

will be complied with at all times that the premises are used under the licence. The failure to comply with terms, conditions and restrictions of the premises of the premises licence is a matter to which the Licensing Sub-Committee may have regard in the event that any request is made for the review of the licence.

Appeal Rights

1. The applicant may appeal against any decision to modify the conditions of the licence; and
2. Any person who made relevant representations in relation to the application who desire to contend that:
 - a) That the grant ought not to have been made; or
 - b) That, when granting the licence, the Licensing Authority ought not to have modified the conditions of the licence, or ought to have modified them in a different way,may appeal against the decision.
3. 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.

The meeting closed at 11.00am.

CHAIR:

DATED: