

LICENSING SUB-COMMITTEE

MINUTES of the Licensing Sub-Committee held on Monday 28 June 2010 at 10.00 am at Town Hall, Peckham Road, London SE5 8UB

PRESENT: Councillor Lorraine Lauder MBE (Chair)
Councillor Jeff Hook
Councillor Sunil Chopra

OTHERS PRESENT: Councillor Michael Mitchell (Observing)
Councillor Catherine Bowman (Observing)

Mr Cole, applicant, Nivla
Mrs Cole, applicant, Nivla
Mr L Csutas, local resident
Mrs Csutas, local resident
Mr Bennetts, applicant, Wazobia
Mr Bolagun, applicant, Wazobia
Mr Nicholson, local resident
Mrs Nicholson, local resident

OFFICER SUPPORT: Alan Blissett, environmental protection officer
Dorcas Mills, licensing officer
Kate Heap, legal officer
Sean Usher, constitutional team

1. APOLOGIES

There were none.

2. CONFIRMATION OF VOTING MEMBERS

The members listed above were confirmed as the voting members.

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

There were no late items.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were no declarations of interest.

5. LICENSING ACT 2003 - NIVLA RESTAURANT, 51 CAMBERWELL ROAD, LONDON SE5 0EZ

The licensing officer presented her report. Members had questions for the officer.

When the applicant, Mr Cole began his presentation it was evident that Mrs Cole needed to be present as this was a joint application. The sub-committee sought legal advice from the legal officer and it was agreed to adjourn Item 5 for an hour to allow Mrs Cole to attend.

The members agreed to move on to Item 6 as all parties were present.

Item 5 resumed at 12.25.

The licensing officer circulated photos of the premises. The applicant confirmed that they had reduced the hours on their application. Members had questions for the applicants. The local resident had questions for the applicants.

It was confirmed that Mrs Cole will be the DPS and she is awaiting her personal licence certificate to be sent to her.

The environmental protection officer addressed the sub-committee. Members had questions for the officer.

The local resident addressed the sub-committee. Members had questions for the resident.

All parties were given 5 minutes to sum up.

The meeting went into closed session at 1.05pm. The meeting resumed at 1.36 and the decision was read out as follows.

RESOLVED:

That the application by Mr & Mrs Cole for grant of the premises licence issued under the Licensing Act 2003 in respect of Nivla Restaurant, 51 Camberwell Road, London SE5 0EZ is granted as follows:

The following licensable activities are allowed:

Licensable Activity	Monday to Thursday	Friday	Saturday	Sunday
Recorded Music	11:00 – 00:00	10:00 – 01:00	10:00 – 01:00	14.00-23.00
Performance of Dance	11:00 – 00:00	10:00 – 01:00	10:00 – 01:00	14.00-23.00
Late night refreshment	23:00 –	23:00 –	23:00 –	

	00:00	01:00	01:00	
Supply of alcohol	11:00 – 00:00	10:00 – 01:00	10:00 – 01:00	14.00- 23.00
Opening Hours	07:00 – 00:30	07:00 – 01:30	07:00 – 01:30	13.00- 23.30

Conditions

All appropriate mandatory conditions as defined by the Licensing Act 2003 (as amended); and

The following additional conditions are imposed.

1. Sound insulation and sound limitation equipment to be installed and maintained to the standard set by the council's environmental protection team and to be operated in full working order at all times that the premises are open to the public;
2. All speakers and amplification equipment to be installed at locations set by the council's environmental protection team and to be used only at those locations;
3. No more than 5 smokers to be permitted to remain outside the premises at any time and no drinks to be taken outside the premises.
4. Ventilation to be installed in the basement and maintained to the standard set out by the council's environmental protection team and to be operated in full working order at all times that the basement is open to the public;
5. A personal licensing holder is to be on the premises at all times that the premises are open for the supply of alcohol.

Reasons

The reasons for this decision are as follows:

In reaching its decision the licensing sub-committee heard representations from the applicants, Mr & Mrs Cole, Alan Blissett from environmental protection officer and local residents including written representations. The licensing sub-committee concluded that the conditions were both necessary and proportionate to address the licensing objectives, in particular, the prevention of public nuisance and the promotion of public safety.

Appeal Rights

The applicant may appeal against any decision to modify the conditions of the licence; and

Any person who made relevant representations in relation to the application who desire to contend that

- a) That 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

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.

6. LICENSING ACT 2003 - WAZOBIA RESTAURANT, 670 OLD KENT ROAD, LONDON SE15 1JF

It was agreed by the sub-committee to hear item 6 before Item 5 to allow for both applicants to appear at the meeting.

The licensing officer presented her report to the sub-committee. The sub-committee were notified that appendix D2 had been omitted in error and would be circulated at the hearing. Members had no questions for the officer.

The applicant, Mr Bennetts and his business partner, Mr Bolagun, addressed the sub-committee. Members had questions for the applicants. Local residents had questions for the applicants.

The environmental protection officer addressed the sub-committee but confirmed that they had withdrawn their representation.

The local residents addressed the sub-committee. Members had questions for the local residents. The applicants had questions for the local residents. The environmental protection officer had questions for the local residents.

All parties were given 5 minutes to sum up.

At 11.43 the sub-committee went into closed session. At 12.20 the sub-committee resumed and the following decision was read out.

RESOLVED:

That the application by Richard Bennetts for the variation of the Premises Licence issued under the Licensing Act 2003 in respect of Wazobia Restaurant, 670 Old Kent Road, London, SE15 1JF is granted as follows:

Licensable Activity	Monday to Thursday	Friday	Saturday	Sunday
Live Music	12:00 – 00:00	12:00 – 03:00	12:00 – 03:00	12:00 – 00:00
Recorded Music	12:00 –	12:00 –	12:00 –	12:00 –

	00:00	03:00	03:00	00:00
Provision of facilities for making music	12:00 – 00:00	12:00 – 03:00	12:00 – 03:00	12:00 – 00:00
Late night refreshment	23:00 – 00:00	23:00 – 03:00	23:00 – 03:00	23:00 – 00:00
(m) Supply of alcohol	12:00 – 00:00	12:00 – 03:00	12:00 – 03:00	12:00 – 00:00
(o) Opening Hours of premises	12:00 – 00:30	12:00 – 03:30	12:00 – 03:30	12:00 – 00:30

Conditions

All appropriate mandatory conditions as defined by the Licensing Act 2003 (as amended); and

All existing conditions including conditions, 315 and 424 are to remain on the licence.

Reasons

The reasons for this decision are as follows:

In reaching its decision the licensing sub-committee considered the representations made by the applicant and the local residents including written representations. The licensing sub-committee noted that there had been a complaint of public nuisance in November 2009. The licensing sub-committee noted that the applicant had stated he did not intend to operate the premises as a club and that when the restaurant was busy there was no room for dancing. The licensing sub-committee concluded that the variation as granted above was necessary and proportionate to address the licensing objectives, in particular the prevention of crime & disorder and the promotion of public safety and the prevention of public nuisance.

Appeal Rights

The applicant may appeal against any decision to modify the conditions of the licence; and

Any person who made relevant representations in relation to the application who desire to contend that;

- a) That variation ought not to have been made; or
- b) That, when varying 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

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 magistrate's 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 1.45pm.

CHAIR:

DATED:

[EXEC ONLY]

DEADLINE FOR NOTIFICATION OF CALL-IN UNDER SECTION 18 OF THE OVERVIEW AND SCRUTINY PROCEDURE RULES IS MIDNIGHT, [DATE].

THE ABOVE DECISIONS WILL NOT BE IMPLEMENTABLE UNTIL AFTER THAT DATE. SHOULD A DECISION OF THE EXECUTIVE BE CALLED-IN FOR SCRUTINY, THEN THE RELEVANT DECISION WILL BE HELD IN ABEYANCE PENDING THE OUTCOME OF SCRUTINY CONSIDERATION.