



LICENSING SUB-COMMITTEE

MINUTES of the Licensing Sub-Committee held on Wednesday 7 July 2010 at 2.00 pm at Town Hall, Peckham Road, London SE5 8UB

PRESENT: Councillor Lorraine Lauder MBE (Chair)
Councillor Catherine Bowman
Councillor Norma Gibbes

**OTHERS
PRESENT:** Councillor Michael Mitchell (observing)
Ward councillor Adele Morris
Maria Sayers, local resident
Maxine Walker, local resident
Kamal Hussain, applicant, Blue Eyed Maid
Steve Charlton, applicant's witness, Blue Eyed Maid
Andrew Griffin, applicant's representative

Kate Heap, legal officer
Bill Legassick, environmental protection officer
Kristie Ashenden, licensing officer
Andrew Weir, constitutional officer

1. APOLOGIES

There were no apologies.

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 - RAFFAELLO, 202-206 UNION ST, LONDON, SE1 0LH

The meeting started at 10.25am, due to the fact that the applicant had not turned up and officers wanted to contact the applicant in order to find out if they intended to attend the meeting. Officers called the applicant and were advised that they would not be attending, nor would they be sending a representative.

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

The local resident objectors and ward councillor addressed the sub-committee. Members had questions for the local residents and ward councillor.

Each party was given 5 minutes to sum up.

The sub-committee went into closed session at 10.50am. The meeting resumed at 11.10am.

RESOLVED:

That the application by Silver Grapes Limited for the variation of the Premises Licence issued under the Licensing Act 2003 in respect of Raffaello, Unit 3, 202 Union Street, London, SE1 0LH is refused.

Reasons

In reaching its decision the licensing sub-committee heard that the applicant was aware of today's hearing but had not attended. The licensing sub-committee had regard to the written representations of local residents and the oral representations of Ward Councillor Morris on their behalf. The licensing sub-committee noted that the applicant had not specifically addressed the fact that the premises were subject to the special policy applicable to Borough and Bankside. The licensing sub-committee considered that refusing the application was a necessary and proportionate response to ensure that there was no detrimental impact on the licensing objectives, in particular the prevention of nuisance.

Appeal Rights

The applicant or any person who made relevant representations to the application may appeal against the decision of the sub-committee.

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 - BLUE EYED MAID, 173 BOROUGH HIGH STREET, LONDON, SE1 1HR

The licensing officer advised that there were some photographs of the premises to be circulated. All parties agreed to this.

The licensing officer presented her case. Members had no questions for the licensing officer.

The applicant's representative presented his case. Members had questions for the applicant's representative.

The environmental protection officer addressed the committee. He advised he had an email from the principal environmental officer, who was unable to attend that day, to circulate. All parties agreed to this.

The environmental protection presented his case. Members and the applicant's representative had questions for the environmental protection officer.

Each party was given 5 minutes to sum up.

The sub-committee went into closed session at 11.55am. The meeting resumed at 1.00pm.

RESOLVED:

That the application by Punch Taverns PLC for the variation of the Premises Licence issued under the Licensing Act 2003 in respect of Blue Eyed Maid, 173 Borough High Street, London, SE1 1HR is refused in so far as it relates to an application to extend permitted licensable and opening hours. The application is granted in part in so far as it relates to an application to remove certain conditions.

Conditions

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

Reasons

The licensing sub-committee considered the oral representations of Mr Griffin, solicitor on behalf of the applicant, of the council's environmental protection team and the written representations of one local resident. The licensing sub-committee noted that the police and trading standards representations had been conciliated in that the applicant had agreed to amend the operating schedule to incorporate the conditions sought to address primarily the licensing objective of the prevention of crime and disorder.

The licensing sub-committee heard that the environmental protection team had received four complaints in the past twelve months, one of which related to the positioning and use of a loudspeaker on an external wall. The licensing sub-committee was not satisfied that the applicant had adequately addressed the licensing objective of the prevention of nuisance having regard to the fact that the premises is situated within the special policy for Borough and Bankside and concluded that the refusal of the application to extend the hours of licensable activities was necessary and proportionate with regard to the licensing objectives, in particular the prevention of public nuisance.

The licensing sub-committee considered that it was appropriate to approve the removal of licence conditions which were no longer applicable, namely conditions 109, 110, 122, 127, 143, 144, 145, 147, 151, 152, 153, 154, 155, 157, 159, 162, 163, 164, 165, 166, 167, 168, 169, 174, 175, 177, 178, 179 and 182. All other conditions will remain in force.

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.

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.
May appeal against the decision.

The meeting ended at 1.07pm

CHAIR:

DATED: