

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Monday 21 March 2011 at 10.00 am at Town Hall, Peckham Road, London SE5 8UB

PRESENT: Councillor Eliza Mann
Councillor Jeff Hook (Chair)
Councillor Wilma Nelson

**OTHERS
PRESENT:** Councillor Ian Wingfield, ward councillor Brunswick Park
PC Paul Compton, Southwark Police Licensing Service
Alan Blissett, Environmental Protection Team
Bill Masini, Trading Standards
Alex Cameron, Planning Enforcement

Ms R Stone, applicant for review, Nese Restaurant
Mr M Arif, licensee, Nese Restaurant
Mr Gutierrez Pardo, applicant, Las Delicias
Mr Rocha, agent for applicant, Las Delicias
Elsa Marques, local resident,
Miquel Pacheco, local resident
Steven Appleby, local resident

**OFFICER
SUPPORT:** Kristie Ashenden, Licensing Officer
Tracy McCarthy, Licensing Officer
David Perry, Legal Officer
Sean Usher, Constitutional Team

1. APOLOGIES

There were none.

2. CONFIRMATION OF VOTING MEMBERS

The 3 members present were confirmed as the voting members. In the absence of the chair or vice-chair, the members nominated Councillor Jeff Hook as chair for this sub-committee.

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 - NESE RESTAURANT (FORMERLY WABI SHEBELE), 189 - 191 NEW KENT ROAD, LONDON, SE1 4AG

The licensing officer presented her report and notified the sub-committee that the item had already been heard on 20 December 2010 and that the licensee had appealed the decision and the magistrates court had requested the item be re-heard.

Members had questions for the licensing officer.

The applicant for the review, Ms Stone, then addressed the sub-committee with her reasons for the review. She also noted that the premises had been operating with less disturbances since the review hearing in December 2010. Members had questions for the licensing officer.

The Environmental Protection officer addressed the sub-committee and raised the issue of sound limiting devices and noise nuisance concerns. Members had questions for the officer. The licensee had questions for the officer.

The licensee then addressed the sub-committee and informed them he had been operating with less disruption to his neighbours and that he had purchased a more up to date sound limiting system and was awaiting a sound engineer to install it. Members had questions for the licensee.

All parties were then given 5 minutes to sum up.

The meeting then went into closed session to discuss the application.

At 11.15am the meeting resumed and the chair read the following decision.

RESOLVED:

The Council's Licensing Sub-Committee, having had regard to the application by Rosalynde Stone for a review of the premises granted under the Licensing Act 2003 to Mustafa Arif in respect of the premises known as Nese Restaurant, 189 - 191 New Kent Road, London, SE1 and having had regard also to all other relevant representations has decided it necessary for the promotion of the licensing objectives to add additional conditions below whilst maintaining the hours as per the licence issued on 18 November 2005.

Conditions

- All electronically amplified sound shall be played through a compressor sound limiting device, the level of which shall be set by the operators sound engineer in consultation with the council's Environmental Protection Team and local residents and maintained to the agreed level thereafter.
- The licensee shall implement any additional sound-proofing works identified by the council's Environmental Protection Team within 28 days.
- No more than six people shall use the outside area at any one time.

Reasons

The reasons for the decision are, as follows:

The Licensing Sub Committee heard evidence from the applicant and her supporting witnesses, the Environmental Protection Team and the licensee, and all relevant representations. The sub-committee was satisfied that there had been a factual change in the way the premises is operated, namely that it is now operated as a restaurant and not a night club.

The sub-committee found that the premises does still adversely affect the prevention of public nuisance objective, in particular there is a problem with noise from the premises in neighbouring properties. The sub-committee therefore decided it was necessary and proportionate to prevent noise nuisance that the conditions and section 2 above be added to the license.

Appeal rights

This decision is open to appeal by either

- a) The applicant for the review;
- b) The premises licence holder; or
- c) Any other person who made relevant representations in relation to the application

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- d) The applicant for the review;
- e) The premises licence holder; or
- f) Any other person who made relevant representations in relation to the application

Such appeal must be commenced by notice of appeal given by the appellant to the justices chief executive for the magistrates court for the area within the period of 21 days beginning with the day on which the appellant was notified by this licensing authority of the decision. This decision does not have effect until either

- a) The end of the period for appealing against this decision; or
- b) In the event of any notice of appeal being given, until the appeal is disposed of.

6. LICENSING ACT 2003 - LAS DELICIAS, 99 SOUTHAMPTON WAY, LONDON SE5 07SX

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

The licensee and his representative addressed the sub-committee. The members had questions for the applicant. The ward councillor had questions for the applicant.

There were 4 responsible authorities present, the Police, Trading Standards, Environmental Protection and Planning Control, they each addressed the sub-committee in turn. Members had questions for the representatives. The ward councillor had

questions for the representatives as did the licensee's representative.

The ward councillor addressed the sub-committee and called upon the 3 local residents as witnesses. Members had questions for the ward councillor.

All parties were then given 5 minutes to sum up then the meeting went into closed session.

At 1.15pm the meeting resumed and the chair read out the following decision.

RESOLVED:

That the application by Nelson Gutierrez Pardo for a grant of a Premises Licence issued under the Licensing Act 2003 in respect of Las Delicias, 99 Southampton Way, London SE5 is granted in part as follows:

Licensable Activity	Sunday Thursday	to Friday	Saturday
Sale and supply of alcohol	09.00- 21.00	09.00- 23.00	09.00- 23.00
Opening hours	09.00- 21.30	09.00- 23.30	09.00- 23.30

Conditions

The following additional conditions are to be applied to the licence:

- Clearly legible notices shall be prominently displayed at all exits from the premises requesting people to leave the premises in a quiet and orderly manner so as not to disturb local residents.
- A contact telephone number for the Designated Premises Supervisor (DPS) be prominently displayed at the premises.
- Customers shall use no outside area after 22.00 other than those temporarily leaving the premises to smoke. Those leaving the premises should not be permitted to consume drinks whilst outside.
- The 4 conditions proposed by Trading Standards at page 115 of the Report.

Reasons

The reasons for the decision are as follows:

The licensing sub-committee heard from the applicant, his agent and his landlord. It also heard from the Police, Environmental Protection Team (EPT), Trading Standards and Planning Control. The sub-committee also heard from Councillor Ian Wingfield (local ward councillor) and 3 local residents.

Having heard about the unsuitability of the premises for loud music and dancing from the EPT and the problems already experienced in neighbouring properties, the sub-committee

was satisfied that the premises would cause a noise nuisance.

Having had regard to all relevant representations and the 4 licensing objective the sub-committee decided to grant the licence in part, as above with the only licensable activity permitted being the sale and supply of alcohol. The hours are detailed in the table above. In addition to the above conditions and hours the sub-committee also felt that it was necessary for the protection of children from harm that all conditions proposed by the Trading Standards department, be added to the licence.

Appeal rights

The applicant may appeal against any decision –

- a) to impose conditions on the licence
- b) to exclude a licensable activity or refuse to specify a person as premises supervisor

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

- a) That the licence ought not to be granted; or
- b) That on granting the licence, the Licensing Authority ought to have imposed different or additional conditions 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.

The meeting closed at 1.30pm.

CHAIR:

DATE: