Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Wednesday 2 April 2014 at 10.00 am at Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

PRESENT:	Councillor Renata Hamvas (Chair) Councillor Lorraine Lauder MBE Councillor Adele Morris
OFFICER SUPPORT:	Cynthia Barrientos, legal officer Mark Prickett, environmental protection officer Kristie Ashenden, licensing officer David Swaby, licensing officer representing the council as a responsible authority Andrew Weir, constitutional officer

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

The chair agreed to accept representations from the applicant for the review on fire safety at the venue as late and urgent.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003: RESTORATION POWER MINISTRY, 70 NEWINGTON CAUSEWAY, LONDON SE1 6DE - TEMPORARY EVENT NOTICE

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

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

The licensing officer representing the council as a responsible authority addressed the sub-committee. Members had questions for the licensing officer representing the council as a responsible authority.

All parties were given five minutes for summing up.

The licensing sub-committee went into closed session at 11.01am.

The licensing sub-committee resumed at 12.00pm and the chair read out the decision of the sub-committee.

RESOLVED:

That a counter notice be issued under section 105 of the Licensing Act 2003 in respect of the temporary event notice served by Mr Kofi Berchie regarding an event to be held at the Restoration Power Ministry, 70 Newington Causeway, London SE1 6DF between 5 April 2014 and 6 April 2014 from 18.00 to 02.00.

Reasons

This was temporary event notice served by Mr Kofi Berchie regarding an event to be held at the Restoration Power Ministry, 70 Newington Causeway, London SE1 6DF between 5 April 2014 and 6 April 2014 from 18.00 to 02.00.

The licensing sub-committee had been advised that the applicant had requested that the start of the meeting be delayed until 10.30am as he would have difficulty attending at 10am. The sub-committee, having waited till after 10.30am decided to proceed in the absence of the applicant. In doing so consideration was given to regulation 20 sub-section 2 and 3 of the Licensing Act 2003 (hearings) regulations 2005.

The licensing sub-committee heard evidence from the council's environmental protection team who raised objections to the temporary event notice on the basis of the prevention of public nuisance and primarily the promotion of public safety.

The officer advised that a fire risk assessment was undertaken in November 2013 which identified 24 issues relating to urgent works which would have to be carried out to ensure that the premises could operate safely. The report advised that unless the works were completed, the maximum capacity of the premises would be 60 people. However, on questioning, the environmental protection officer advised that the premises was not fit for use for any events at all.

The licensing officer and the health and safety officer attended the premises on 26 March 2014 to assess whether works had been completed. At this time the works had not been completed and an offer to re-inspect the works on 31 March 2014 was turned down by the applicant, who advised that they were unavailable to meet with the officers.

Following the visit, the health and safety officer identified ten items which had yet to be addressed. The applicant was notified of these works by email following the visit. The applicant provided photographs and documents to the officer showing their attempts to comply with the officer's recommendations.

The sub-committee considered the documents submitted by the applicant to the officer, which included blank fire safety log books, historic floor plans of the wrong floor of the building, and documentation of a fire evacuation drill showing that it had taken one hour to evacuate four people from the premises.

The sub-committee were not confident that any of the works had been completed to a satisfactory standard. The fire risk assessor had contacted the environmental protection officer to confirm that the applicant had now addressed and rectified the fire risks (email on 20 March 2014). However, the fire risk assessor later clarified that they had not physically inspected the premises since November 2013.

The sub-committee were of the view that the evidence supplied by the applicant via email was insufficient to show that the necessary works had been completed. The sub-committee noted that officers had not had the opportunity to inspect the premises to approve the necessary works allegedly carried out by the applicant. The sub-committee considered that significant risk to public safety remained and wish to remind the applicant that should the applicant not comply with the counter notice that they risk prosecution.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives.

Appeal rights

Where the relevant counter notice under Section 105(3) is given the premises user may appeal against the decision. The appeal must be made to the Magistrates' Court within a period of 21 days beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against. No appeal may be brought later than five working days before the day on which the event begins.

The meeting closed at 12.03pm.

CHAIR:

DATED: