



## Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 17 September 2015 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

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**PRESENT:** Councillor Renata Hamvas (Chair)  
Councillor Jon Hartley  
Councillor Tom Flynn

**OTHER S  
PRESENT:** Nguyen Vo, applicant  
Mike Nickson, applicant's legal representative  
Local resident objecting

**OFFICER  
SUPPORT:** Joanne Devlin, legal officer  
Dorcas Mills, licensing officer  
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

There were none.

### 4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

### 5. LICENSING ACT 2003: UNION VIET RESTAURANT, 120 UNION STREET, LONDON SE1 0FR

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

The applicant and their representative addressed the sub-committee. Members had questions for the applicant and their representative.

A local resident objecting to the application addressed the sub-committee. Members had questions for the local resident.

All parties were given five minutes for summing up.

The meeting went into closed session at 11.15am.

The meeting resumed at 12.50pm and the chair read out the decision of the sub-committee.

**RESOLVED:**

That the application submitted by Union Viet Ltd for the grant of a premises licence issued under the Licensing Act 2003 in respect of Union Viet Restaurant, 120 Union Street, London SE1 be granted as follows:

<b>Licensable Activity</b>	<b>Monday to Sunday</b>
Sale and supply of alcohol (on and off the premises)	10.30 to 22.30
Hours premises are open to the public	08.00 to 23.00

**Conditions**

The operation of the premises under the licence shall be subject to relevant mandatory conditions, conditions derived from the operation schedule highlighted in Section M of the application form and conditions agreed by the applicant and the police during the conciliation process.

The following additional conditions as agreed by the licensing sub-committee shall also apply:

1. That clearly legible signage shall be prominently displayed in the designated outside licensable area prohibiting patrons from smoking within this area.
2. That a dedicated telephone number for a responsible person shall be on display and advertised at the premises for residents or members of the public to call with any concerns.
3. That all deliveries shall be made between the hours of 07.00 and 20.00 on Monday to Friday and 08.00 and 17.00 on Saturday and Sunday.

4. That the collection of waste and the depositing of waste, glass/earthenware into external waste receptacles shall take place between 08.00 and 20.00 on Monday to Friday and 09.00 and 17.00 on Saturday and Sunday.
5. That the use of the outside designated licensable area, for the sale and consumption of food and alcohol shall take place between 15 March and 15 October and will end no later than 21.00. Last orders for external consumption within this area shall take place by 20.30. The maximum capacity within this area will be limited to 16 at any one time.

## **Reasons**

This was a meeting to consider the application made by Union Viet Ltd for the grant of a premises licence issued under the Licensing Act 2003 in respect of Union Viet Restaurant, 120 Union Street, London SE1.

The sub-committee heard from the licensing officer who outlined the application and confirmed that the police representation had been withdrawn and conciliated with the applicant, incorporating conditions to the licence. They also highlighted that there had been no other representations from the other responsible authorities.

The sub-committee heard from the applicant who stated that they had given due consideration to the council's licensing policy and other relevant guidance. The applicant confirmed that the application had been amended following conciliation with the police. The applicant had also sought to conciliate with residents in the area. However they had not received responses to a letter sent to residents expressing their wish to operate as a responsible licensed premises. In addressing the residents' concerns, the applicant also highlighted that the premises would be operated as a restaurant and that the sale of alcohol would be ancillary to the service of food and that there would be no regulated entertainment.

The applicant also explained that the use of the outside area is subject to obtaining the requisite licence in respect of the outside furniture and that all relevant considerations would be made by the authority and the applicant when making the application. Furthermore, the applicant stated that the maximum capacity of the outside area would be limited to 16 people at any one time and would be non-smoking and limited to between 15 March and 15 October each year.

Furthermore, the applicant advised that they will not extend the business to deliver food to residents but instead anticipate a small number of food deliveries to local offices with ancillary alcohol off-sales.

The applicant expressed the desire to address residents' concerns and to work with the residents in order to ensure that the premises operates in a responsible manner.

The licensing sub-committee noted the five written representations from local residents objecting to the application and raising concerns in relation to potential public nuisance, public safety and crime and disorder due to the sale of alcohol and an increased number of people in the area.

One of the local resident objectors was in attendance and expressed their objection to the

application.

The local resident stated that they had concerns in respect of potential anti-social behaviour associated with alcohol consumption. The resident stated that she had not expected the unit to be used for these purposes and had concerns relating to privacy and security also. Furthermore, the resident expressed that there might be noise nuisance and considered that the operating hours were not acceptable.

The resident also stated that they objected to the use of the outside area for the reasons explained above.

Whilst expressing their objections above, the resident requested that in the event of the licence being granted the sub-committee impose conditions to restrict the delivery and collection times.

Having considered all of the information and evidence before it, the sub-committee was satisfied that the operating schedule and the additional conditions conciliated with the police and the conditions imposed by the sub-committee as above would ensure that the premises will not have a negative impact on the area.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives and considered that this decision was appropriate and proportionate in order to address the licensing objectives.

### **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 been granted or
- b) That on granting the licence, the licensing authority ought to have imposed different or additional conditions to the licence, or ought to have modified them in a different way

may appeal against the decision.

Any appeal must be made to the Magistrates' Court for the area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' clerk 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.

Meeting ended at 1.00 pm

**CHAIR:**

**DATED:**